

In the Senate of the United States,*December 22, 2022.*

Resolved, That the bill from the House of Representatives (H.R. 2617) entitled “An Act to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, and for other purposes.”, do pass with the following

**SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE AMENDMENT:**

In lieu of the matter proposed to be inserted by the House in Senate amendment 4, insert the following:

1 *SECTION 1. SHORT TITLE.*

2 *This Act may be cited as the “Consolidated Appropria-*
3 *tions Act, 2023”.*

4 *SEC. 2. TABLE OF CONTENTS.*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

Sec. 4. Explanatory statement.

Sec. 5. Statement of appropriations.

2

Sec. 6. Adjustments to compensation.

*DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIA-
TIONS ACT, 2023*

Title I—Agricultural Programs

Title II—Farm Production and Conservation Programs

Title III—Rural Development Programs

Title IV—Domestic Food Programs

Title V—Foreign Assistance and Related Programs

Title VI—Related Agency and Food and Drug Administration

Title VII—General Provisions

*DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2023*

Title I—Department of Commerce

Title II—Department of Justice

Title III—Science

Title IV—Related Agencies

Title V—General Provisions

*DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,
2023*

Title I—Military Personnel

Title II—Operation and Maintenance

Title III—Procurement

Title IV—Research, Development, Test and Evaluation

Title V—Revolving and Management Funds

Title VI—Other Department of Defense Programs

Title VII—Related Agencies

Title VIII—General Provisions

*DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED
AGENCIES APPROPRIATIONS ACT, 2023*

Title I—Corps of Engineers—Civil

Title II—Department of the Interior

Title III—Department of Energy

Title IV—Independent Agencies

Title V—General Provisions

*DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT
APPROPRIATIONS ACT, 2023*

Title I—Department of the Treasury

*Title II—Executive Office of the President and Funds Appropriated to the Presi-
dent*

Title III—The Judiciary

Title IV—District of Columbia

Title V—Independent Agencies

Title VI—General Provisions—This Act

Title VII—General Provisions—Government-wide

Title VIII—General Provisions—District of Columbia

3

*DIVISION F—DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2023**Title I—Departmental Management, Intelligence, Situational Awareness, and Oversight**Title II—Security, Enforcement, and Investigations**Title III—Protection, Preparedness, Response, and Recovery**Title IV—Research, Development, Training, and Services**Title V—General Provisions**DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2023**Title I—Department of the Interior**Title II—Environmental Protection Agency**Title III—Related Agencies**Title IV—General Provisions**DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN
SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023**Title I—Department of Labor**Title II—Department of Health and Human Services**Title III—Department of Education**Title IV—Related Agencies**Title V—General Provisions**DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2023**Title I—Legislative Branch**Title II—General Provisions**DIVISION J—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2023**Title I—Department of Defense**Title II—Department of Veterans Affairs**Title III—Related Agencies**Title IV—General Provisions**DIVISION K—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND
RELATED PROGRAMS APPROPRIATIONS ACT, 2023**Title I—Department of State and Related Agency**Title II—United States Agency for International Development**Title III—Bilateral Economic Assistance**Title IV—International Security Assistance**Title V—Multilateral Assistance**Title VI—Export and Investment Assistance**Title VII—General Provisions**DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOP-
MENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023**Title I—Department of Transportation**Title II—Department of Housing and Urban Development**Title III—Related Agencies*

4

Title IV—General Provisions—This Act

*DIVISION M—ADDITIONAL UKRAINE SUPPLEMENTAL
APPROPRIATIONS ACT, 2023*

*DIVISION N—DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS
ACT, 2023*

DIVISION O—EXTENDERS AND TECHNICAL CORRECTIONS

Title I—National Cybersecurity Protection System Authorization Extension

Title II—NDAA Technical Corrections

Title III—Immigration Extensions

Title IV—Environment and Public Works Matters

Title V—Safety Enhancements

Title VI—Extension of Temporary Order for Fentanyl-Related Substances

*Title VII—Federal Trade Commission Oversight of Horseracing Integrity and
Safety Authority*

Title VIII—United States Parole Commission Extension

Title IX—Extension of FCC Auction Authority

Title X—Budgetary Effects

5

*DIVISION P—ELECTORAL COUNT REFORM AND PRESIDENTIAL
TRANSITION IMPROVEMENT*

DIVISION Q—AVIATION RELATED MATTERS

DIVISION R—NO TIKTOK ON GOVERNMENT DEVICES

DIVISION S—OCEANS RELATED MATTERS

DIVISION T—SECURE 2.0 ACT OF 2022

*DIVISION U—JOSEPH MAXWELL CLELAND AND ROBERT JOSEPH
DOLE MEMORIAL VETERANS BENEFITS AND HEALTH CARE IM-
PROVEMENT ACT OF 2022*

DIVISION V—STRONG VETERANS ACT OF 2022

DIVISION W—UNLEASHING AMERICAN INNOVATORS ACT OF 2022

*DIVISION X—EXTENSION OF AUTHORIZATION FOR SPECIAL
ASSESSMENT FOR DOMESTIC TRAFFICKING VICTIMS' FUND*

DIVISION Y—CONTRACT ACT OF 2022

DIVISION Z—COVS ACT

DIVISION AA—FINANCIAL SERVICES MATTERS

DIVISION BB—CONSUMER PROTECTION AND COMMERCE

DIVISION CC—WATER RELATED MATTERS

DIVISION DD—PUBLIC LAND MANAGEMENT

DIVISION EE—POST OFFICE DESIGNATIONS

DIVISION FF—HEALTH AND HUMAN SERVICES

DIVISION GG—MERGER FILING FEE MODERNIZATION

DIVISION HH—AGRICULTURE

DIVISION II—PREGNANT WORKERS

DIVISION JJ—NORTH ATLANTIC RIGHT WHALES

DIVISION KK—PUMP FOR NURSING MOTHERS ACT

*DIVISION LL—STATE, LOCAL, TRIBAL, AND TERRITORIAL FISCAL RECOVERY,
INFRASTRUCTURE, AND DISASTER RELIEF FLEXIBILITY*

DIVISION MM—FAIRNESS FOR 9/11 FAMILIES ACT

1 SEC. 3. REFERENCES.

2 *Except as expressly provided otherwise, any reference*
3 *to “this Act” contained in any division of this Act shall*

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

3 **SEC. 4. EXPLANATORY STATEMENT.**

4 *The explanatory statement regarding this Act, printed*
5 *in the Senate section of the Congressional Record on or*
6 *about December 19, 2022, and submitted by the chair of*
7 *the Committee on Appropriations of the Senate, shall have*
8 *the same effect with respect to the allocation of funds and*
9 *implementation of divisions A through L of this Act as if*
10 *it were a joint explanatory statement of a committee of con-*
11 *ference.*

12 **SEC. 5. STATEMENT OF APPROPRIATIONS.**

13 *The following sums in this Act are appropriated, out*
14 *of any money in the Treasury not otherwise appropriated,*
15 *for the fiscal year ending September 30, 2023.*

16 **SEC. 6. ADJUSTMENTS TO COMPENSATION.**

17 *Notwithstanding any other provision of law, no adjust-*
18 *ment shall be made under section 601(a) of the Legislative*
19 *Reorganization Act of 1946 (2 U.S.C. 4501) (relating to*
20 *cost of living adjustments for Members of Congress) during*
21 *fiscal year 2023.*

1 ***DIVISION A—AGRICULTURE, RURAL DE-***
2 ***VELOPMENT, FOOD AND DRUG ADMIN-***
3 ***ISTRATION, AND RELATED AGENCIES***
4 ***APPROPRIATIONS ACT, 2023***

5 ***TITLE I***

6 ***AGRICULTURAL PROGRAMS***

7 ***PROCESSING, RESEARCH, AND MARKETING***

8 ***OFFICE OF THE SECRETARY***

9 ***(INCLUDING TRANSFERS OF FUNDS)***

10 *For necessary expenses of the Office of the Secretary,*
11 *\$65,067,000 of which not to exceed \$7,432,000 shall be*
12 *available for the immediate Office of the Secretary; not to*
13 *exceed \$1,396,000 shall be available for the Office of Home-*
14 *land Security; not to exceed \$5,190,000 shall be available*
15 *for the Office of Tribal Relations, of which \$1,000,000 shall*
16 *be to establish a Tribal Public Health Resource Center at*
17 *a land grant university with existing indigenous public*
18 *health expertise to expand current partnerships and collabo-*
19 *rative efforts with indigenous groups, including but not*
20 *limited to, tribal organizations and institutions such as*
21 *tribal colleges, tribal technical colleges, tribal community*
22 *colleges and tribal universities, to improve the delivery of*
23 *culturally appropriate public health services and functions*
24 *in American Indian communities focusing on indigenous*
25 *food sovereignty; not to exceed \$9,280,000 shall be available*

1 *for the Office of Partnerships and Public Engagement, of*
2 *which \$1,500,000 shall be for 7 U.S.C. 2279(c)(5); not to*
3 *exceed \$28,422,000 shall be available for the Office of the*
4 *Assistant Secretary for Administration, of which*
5 *\$26,716,000 shall be available for Departmental Adminis-*
6 *tration to provide for necessary expenses for management*
7 *support services to offices of the Department and for general*
8 *administration, security, repairs and alterations, and other*
9 *miscellaneous supplies and expenses not otherwise provided*
10 *for and necessary for the practical and efficient work of the*
11 *Department: Provided, That funds made available by this*
12 *Act to an agency in the Administration mission area for*
13 *salaries and expenses are available to fund up to one ad-*
14 *ministrative support staff for the Office; not to exceed*
15 *\$4,609,000 shall be available for the Office of Assistant Sec-*
16 *retary for Congressional Relations and Intergovernmental*
17 *Affairs to carry out the programs funded by this Act, in-*
18 *cluding programs involving intergovernmental affairs and*
19 *liaison within the executive branch; and not to exceed*
20 *\$8,738,000 shall be available for the Office of Communica-*
21 *tions: Provided further, That the Secretary of Agriculture*
22 *is authorized to transfer funds appropriated for any office*
23 *of the Office of the Secretary to any other office of the Office*
24 *of the Secretary: Provided further, That no appropriation*
25 *for any office shall be increased or decreased by more than*

1 5 percent: *Provided further, That not to exceed \$22,000 of*
2 *the amount made available under this paragraph for the*
3 *immediate Office of the Secretary shall be available for offi-*
4 *cial reception and representation expenses, not otherwise*
5 *provided for, as determined by the Secretary: Provided fur-*
6 *ther, That the amount made available under this heading*
7 *for Departmental Administration shall be reimbursed from*
8 *applicable appropriations in this Act for travel expenses in-*
9 *cident to the holding of hearings as required by 5 U.S.C.*
10 *551–558: Provided further, That funds made available*
11 *under this heading for the Office of the Assistant Secretary*
12 *for Congressional Relations and Intergovernmental Affairs*
13 *shall be transferred to agencies of the Department of Agri-*
14 *culture funded by this Act to maintain personnel at the*
15 *agency level: Provided further, That no funds made avail-*
16 *able under this heading for the Office of Assistant Secretary*
17 *for Congressional Relations may be obligated after 30 days*
18 *from the date of enactment of this Act, unless the Secretary*
19 *has notified the Committees on Appropriations of both*
20 *Houses of Congress on the allocation of these funds by*
21 *USDA agency: Provided further, That during any 30 day*
22 *notification period referenced in section 716 of this Act, the*
23 *Secretary of Agriculture shall take no action to begin imple-*
24 *mentation of the action that is subject to section 716 of this*

10

1 *Act or make any public announcement of such action in*
2 *any form.*

3 *EXECUTIVE OPERATIONS*4 *OFFICE OF THE CHIEF ECONOMIST*

5 *For necessary expenses of the Office of the Chief Econo-*
6 *mist, \$28,181,000, of which \$8,000,000 shall be for grants*
7 *or cooperative agreements for policy research under*
8 *U.S.C. 3155: Provided, That of the amounts made available*
9 *under this heading, \$500,000 shall be available to carry out*
10 *section 224 of subtitle A of the Department of Agriculture*
11 *Reorganization Act of 1994 (7 U.S.C. 6924), as amended*
12 *by section 12504 of Public Law 115–334.*

13 *OFFICE OF HEARINGS AND APPEALS*

14 *For necessary expenses of the Office of Hearings and*
15 *Appeals, \$16,703,000.*

16 *OFFICE OF BUDGET AND PROGRAM ANALYSIS*

17 *For necessary expenses of the Office of Budget and Pro-*
18 *gram Analysis, \$14,967,000.*

19 *OFFICE OF THE CHIEF INFORMATION OFFICER*

20 *For necessary expenses of the Office of the Chief Infor-*
21 *mation Officer, \$92,284,000, of which not less than*
22 *\$77,428,000 is for cybersecurity requirements of the depart-*
23 *ment.*

11

1 *OFFICE OF THE CHIEF FINANCIAL OFFICER*

2 *For necessary expenses of the Office of the Chief Finan-*
3 *cial Officer, \$7,367,000.*

4 *OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL*5 *RIGHTS*

6 *For necessary expenses of the Office of the Assistant*
7 *Secretary for Civil Rights, \$1,466,000: Provided, That*
8 *funds made available by this Act to an agency in the Civil*
9 *Rights mission area for salaries and expenses are available*
10 *to fund up to one administrative support staff for the Office.*

11 *OFFICE OF CIVIL RIGHTS*

12 *For necessary expenses of the Office of Civil Rights,*
13 *\$37,595,000.*

14 *AGRICULTURE BUILDINGS AND FACILITIES*15 *(INCLUDING TRANSFERS OF FUNDS)*

16 *For payment of space rental and related costs pursu-*
17 *ant to Public Law 92–313, including authorities pursuant*
18 *to the 1984 delegation of authority from the Administrator*
19 *of General Services to the Department of Agriculture under*
20 *40 U.S.C. 121, for programs and activities of the Depart-*
21 *ment which are included in this Act, and for alterations*
22 *and other actions needed for the Department and its agen-*
23 *cies to consolidate unneeded space into configurations suit-*
24 *able for release to the Administrator of General Services,*
25 *and for the operation, maintenance, improvement, and re-*

12

1 *pair of Agriculture buildings and facilities, and for related*
2 *costs, \$40,581,000, to remain available until expended.*

3 *HAZARDOUS MATERIALS MANAGEMENT*

4 *(INCLUDING TRANSFERS OF FUNDS)*

5 *For necessary expenses of the Department of Agri-*
6 *culture, to comply with the Comprehensive Environmental*
7 *Response, Compensation, and Liability Act (42 U.S.C.*
8 *9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C.*
9 *6901 et seq.), \$7,581,000, to remain available until ex-*
10 *pended: Provided, That appropriations and funds available*
11 *herein to the Department for Hazardous Materials Manage-*
12 *ment may be transferred to any agency of the Department*
13 *for its use in meeting all requirements pursuant to the*
14 *above Acts on Federal and non-Federal lands.*

15 *OFFICE OF SAFETY, SECURITY, AND PROTECTION*

16 *For necessary expenses of the Office of Safety, Security,*
17 *and Protection, \$21,800,000.*

18 *OFFICE OF INSPECTOR GENERAL*

19 *For necessary expenses of the Office of Inspector Gen-*
20 *eral, including employment pursuant to the Inspector Gen-*
21 *eral Act of 1978 (Public Law 95–452; 5 U.S.C. App.),*
22 *\$111,561,000, including such sums as may be necessary for*
23 *contracting and other arrangements with public agencies*
24 *and private persons pursuant to section 6(a)(9) of the In-*
25 *spector General Act of 1978 (Public Law 95–452; 5 U.S.C.*

13

1 *App.), and including not to exceed \$125,000 for certain con-*
2 *fidential operational expenses, including the payment of in-*
3 *formants, to be expended under the direction of the Inspec-*
4 *tor General pursuant to the Inspector General Act of 1978*
5 *(Public Law 95–452; 5 U.S.C. App.) and section 1337 of*
6 *the Agriculture and Food Act of 1981 (Public Law 97–98).*

7 *OFFICE OF THE GENERAL COUNSEL*

8 *For necessary expenses of the Office of the General*
9 *Counsel, \$60,537,000.*

10 *OFFICE OF ETHICS*

11 *For necessary expenses of the Office of Ethics,*
12 *\$5,556,000.*

13 *OFFICE OF THE UNDER SECRETARY FOR RESEARCH,*14 *EDUCATION, AND ECONOMICS*

15 *For necessary expenses of the Office of the Under Sec-*
16 *retary for Research, Education, and Economics,*
17 *\$2,384,000: Provided, That funds made available by this*
18 *Act to an agency in the Research, Education, and Econom-*
19 *ics mission area for salaries and expenses are available to*
20 *fund up to one administrative support staff for the Office:*
21 *Provided further, That of the amounts made available*
22 *under this heading, \$1,000,000 shall be made available for*
23 *the Office of the Chief Scientist.*

14

1 *ECONOMIC RESEARCH SERVICE*

2 *For necessary expenses of the Economic Research Serv-*
3 *ice, \$92,612,000.*

4 *NATIONAL AGRICULTURAL STATISTICS SERVICE*

5 *For necessary expenses of the National Agricultural*
6 *Statistics Service, \$211,076,000, of which up to \$66,413,000*
7 *shall be available until expended for the Census of Agri-*
8 *culture: Provided, That amounts made available for the*
9 *Census of Agriculture may be used to conduct Current In-*
10 *dustrial Report surveys subject to 7 U.S.C. 2204g(d) and*
11 *(f).*

12 *AGRICULTURAL RESEARCH SERVICE*13 *SALARIES AND EXPENSES*

14 *For necessary expenses of the Agricultural Research*
15 *Service and for acquisition of lands by donation, exchange,*
16 *or purchase at a nominal cost not to exceed \$100, and for*
17 *land exchanges where the lands exchanged shall be of equal*
18 *value or shall be equalized by a payment of money to the*
19 *grantor which shall not exceed 25 percent of the total value*
20 *of the land or interests transferred out of Federal ownership,*
21 *\$1,744,279,000: Provided, That appropriations hereunder*
22 *shall be available for the operation and maintenance of air-*
23 *craft and the purchase of not to exceed one for replacement*
24 *only: Provided further, That appropriations hereunder shall*
25 *be available pursuant to 7 U.S.C. 2250 for the construction,*

15

1 *alteration, and repair of buildings and improvements, but*
2 *unless otherwise provided, the cost of constructing any one*
3 *building shall not exceed \$500,000, except for headhouses*
4 *or greenhouses which shall each be limited to \$1,800,000,*
5 *except for 10 buildings to be constructed or improved at*
6 *a cost not to exceed \$1,100,000 each, and except for four*
7 *buildings to be constructed at a cost not to exceed*
8 *\$5,000,000 each, and the cost of altering any one building*
9 *during the fiscal year shall not exceed 10 percent of the cur-*
10 *rent replacement value of the building or \$500,000, which-*
11 *ever is greater: Provided further, That appropriations here-*
12 *under shall be available for entering into lease agreements*
13 *at any Agricultural Research Service location for the con-*
14 *struction of a research facility by a non-Federal entity for*
15 *use by the Agricultural Research Service and a condition*
16 *of the lease shall be that any facility shall be owned, oper-*
17 *ated, and maintained by the non-Federal entity and shall*
18 *be removed upon the expiration or termination of the lease*
19 *agreement: Provided further, That the limitations on alter-*
20 *ations contained in this Act shall not apply to moderniza-*
21 *tion or replacement of existing facilities at Beltsville, Mary-*
22 *land: Provided further, That appropriations hereunder*
23 *shall be available for granting easements at the Beltsville*
24 *Agricultural Research Center: Provided further, That the*
25 *foregoing limitations shall not apply to replacement of*

16

1 *buildings needed to carry out the Act of April 24, 1948 (21*
2 *U.S.C. 113a): Provided further, That appropriations here-*
3 *under shall be available for granting easements at any Ag-*
4 *ricultural Research Service location for the construction of*
5 *a research facility by a non-Federal entity for use by, and*
6 *acceptable to, the Agricultural Research Service and a con-*
7 *dition of the easements shall be that upon completion the*
8 *facility shall be accepted by the Secretary, subject to the*
9 *availability of funds herein, if the Secretary finds that ac-*
10 *ceptance of the facility is in the interest of the United*
11 *States: Provided further, That funds may be received from*
12 *any State, other political subdivision, organization, or in-*
13 *dividual for the purpose of establishing or operating any*
14 *research facility or research project of the Agricultural Re-*
15 *search Service, as authorized by law.*

16 *BUILDINGS AND FACILITIES*

17 *For the acquisition of land, construction, repair, im-*
18 *provement, extension, alteration, and purchase of fixed*
19 *equipment or facilities as necessary to carry out the agricul-*
20 *tural research programs of the Department of Agriculture,*
21 *where not otherwise provided, \$74,297,000 to remain avail-*
22 *able until expended, of which \$56,697,000 shall be for the*
23 *purposes, and in the amounts, specified for this account in*
24 *the table titled “Community Project Funding/Congression-*
25 *ally Directed Spending” in the explanatory statement de-*

1 scribed in section 4 (in the matter preceding division A of
2 this consolidated Act).

3 NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

4 RESEARCH AND EDUCATION ACTIVITIES

5 For payments to agricultural experiment stations, for
6 cooperative forestry and other research, for facilities, and
7 for other expenses, \$1,094,121,000 which shall be for the
8 purposes, and in the amounts, specified in the table titled
9 “National Institute of Food and Agriculture, Research and
10 Education Activities” in the explanatory statement de-
11 scribed in section 4 (in the matter preceding division A of
12 this consolidated Act): Provided, That funds for research
13 grants for 1994 institutions, education grants for 1890 in-
14 stitutions, Hispanic serving institutions education grants,
15 capacity building for non-land-grant colleges of agriculture,
16 the agriculture and food research initiative, veterinary
17 medicine loan repayment, multicultural scholars, graduate
18 fellowship and institution challenge grants, grants manage-
19 ment systems, tribal colleges education equity grants, and
20 scholarships at 1890 institutions shall remain available
21 until expended: Provided further, That each institution eli-
22 gible to receive funds under the Evans-Allen program re-
23 ceives no less than \$1,000,000: Provided further, That funds
24 for education grants for Alaska Native and Native Hawai-
25 ian-serving institutions be made available to individual eli-

1 *gible institutions or consortia of eligible institutions with*
2 *funds awarded equally to each of the States of Alaska and*
3 *Hawaii: Provided further, That funds for providing grants*
4 *for food and agricultural sciences for Alaska Native and*
5 *Native Hawaiian-Serving institutions and for Insular*
6 *Areas shall remain available until September 30, 2024:*
7 *Provided further, That funds for education grants for 1890*
8 *institutions shall be made available to institutions eligible*
9 *to receive funds under 7 U.S.C. 3221 and 3222: Provided*
10 *further, That not more than 5 percent of the amounts made*
11 *available by this or any other Act to carry out the Agri-*
12 *culture and Food Research Initiative under 7 U.S.C. 3157*
13 *may be retained by the Secretary of Agriculture to pay ad-*
14 *ministrative costs incurred by the Secretary in carrying out*
15 *that authority.*

16 *NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND*

17 *For the Native American Institutions Endowment*
18 *Fund authorized by Public Law 103–382 (7 U.S.C. 301*
19 *note), \$11,880,000, to remain available until expended.*

20 *EXTENSION ACTIVITIES*

21 *For payments to States, the District of Columbia,*
22 *Puerto Rico, Guam, the Virgin Islands, Micronesia, the*
23 *Northern Marianas, and American Samoa, \$565,410,000*
24 *which shall be for the purposes, and in the amounts, speci-*
25 *fied in the table titled “National Institute of Food and Agri-*

1 *culture, Extension Activities” in the explanatory statement*
2 *described in section 4 (in the matter preceding division A*
3 *of this consolidated Act): Provided, That funds for extension*
4 *services at 1994 institutions and for facility improvements*
5 *at 1890 institutions shall remain available until expended:*
6 *Provided further, That institutions eligible to receive funds*
7 *under 7 U.S.C. 3221 for cooperative extension receive no*
8 *less than \$1,000,000: Provided further, That funds for coop-*
9 *erative extension under sections 3(b) and (c) of the Smith-*
10 *Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of*
11 *Public Law 93–471 shall be available for retirement and*
12 *employees’ compensation costs for extension agents.*

13 *INTEGRATED ACTIVITIES*

14 *For the integrated research, education, and extension*
15 *grants programs, including necessary administrative ex-*
16 *penses, \$41,500,000, which shall be for the purposes, and*
17 *in the amounts, specified in the table titled “National Insti-*
18 *tute of Food and Agriculture, Integrated Activities” in the*
19 *explanatory statement described in section 4 (in the matter*
20 *preceding division A of this consolidated Act): Provided,*
21 *That funds for the Food and Agriculture Defense Initiative*
22 *shall remain available until September 30, 2024: Provided*
23 *further, That notwithstanding any other provision of law,*
24 *indirect costs shall not be charged against any Extension*
25 *Implementation Program Area grant awarded under the*

20

1 *Crop Protection/Pest Management Program (7 U.S.C.*
2 *7626).*

3 *OFFICE OF THE UNDER SECRETARY FOR MARKETING AND*
4 *REGULATORY PROGRAMS*

5 *For necessary expenses of the Office of the Under Sec-*
6 *retary for Marketing and Regulatory Programs, \$1,617,000:*
7 *Provided, That funds made available by this Act to an*
8 *agency in the Marketing and Regulatory Programs mission*
9 *area for salaries and expenses are available to fund up to*
10 *one administrative support staff for the Office.*

11 *ANIMAL AND PLANT HEALTH INSPECTION SERVICE*

12 *SALARIES AND EXPENSES*

13 *(INCLUDING TRANSFERS OF FUNDS)*

14 *For necessary expenses of the Animal and Plant*
15 *Health Inspection Service, including up to \$30,000 for rep-*
16 *resentation allowances and for expenses pursuant to the*
17 *Foreign Service Act of 1980 (22 U.S.C. 4085),*
18 *\$1,171,071,000 of which up to \$9,552,000 shall be for the*
19 *purposes, and in the amounts, specified for this account in*
20 *the table titled “Community Project Funding/Congression-*
21 *ally Directed Spending” in the explanatory statement de-*
22 *scribed in section 4 (in the matter preceding division A of*
23 *this consolidated Act); of which \$514,000, to remain avail-*
24 *able until expended, shall be available for the control of out-*
25 *breaks of insects, plant diseases, animal diseases and for*

21

1 *control of pest animals and birds (“contingency fund”) to*
2 *the extent necessary to meet emergency conditions; of which*
3 *\$15,450,000, to remain available until expended, shall be*
4 *used for the cotton pests program, including for cost share*
5 *purposes or for debt retirement for active eradication zones;*
6 *of which \$39,183,000, to remain available until expended,*
7 *shall be for Animal Health Technical Services; of which*
8 *\$4,096,000 shall be for activities under the authority of the*
9 *Horse Protection Act of 1970, as amended (15 U.S.C. 1831);*
10 *of which \$64,930,000, to remain available until expended,*
11 *shall be used to support avian health; of which \$4,251,000,*
12 *to remain available until expended, shall be for information*
13 *technology infrastructure; of which \$216,117,000, to remain*
14 *available until expended, shall be for specialty crop pests,*
15 *of which \$8,500,000, to remain available until September*
16 *30, 2024, shall be for one-time control and management and*
17 *associated activities directly related to the multiple-agency*
18 *response to citrus greening; of which, \$14,986,000, to re-*
19 *main available until expended, shall be for field crop and*
20 *rangeland ecosystem pests; of which \$21,567,000, to remain*
21 *available until expended, shall be for zoonotic disease man-*
22 *agement; of which \$44,067,000, to remain available until*
23 *expended, shall be for emergency preparedness and response;*
24 *of which \$62,562,000, to remain available until expended,*
25 *shall be for tree and wood pests; of which \$6,500,000, to*

22

1 *remain available until expended, shall be for the National*
2 *Veterinary Stockpile; of which up to \$1,500,000, to remain*
3 *available until expended, shall be for the scrapie program*
4 *for indemnities; of which \$2,500,000, to remain available*
5 *until expended, shall be for the wildlife damage manage-*
6 *ment program for aviation safety: Provided, That of*
7 *amounts available under this heading for wildlife services*
8 *methods development, \$1,000,000 shall remain available*
9 *until expended: Provided further, That of amounts available*
10 *under this heading for the screwworm program, \$4,990,000*
11 *shall remain available until expended; of which*
12 *\$24,527,000, to remain available until expended, shall be*
13 *used to carry out the science program and transition activi-*
14 *ties for the National Bio and Agro-defense Facility located*
15 *in Manhattan, Kansas: Provided further, That no funds*
16 *shall be used to formulate or administer a brucellosis eradi-*
17 *cation program for the current fiscal year that does not re-*
18 *quire minimum matching by the States of at least 40 per-*
19 *cent: Provided further, That this appropriation shall be*
20 *available for the purchase, replacement, operation, and*
21 *maintenance of aircraft: Provided further, That in addi-*
22 *tion, in emergencies which threaten any segment of the agri-*
23 *cultural production industry of the United States, the Sec-*
24 *retary may transfer from other appropriations or funds*
25 *available to the agencies or corporations of the Department*

23

1 *such sums as may be deemed necessary, to be available only*
2 *in such emergencies for the arrest and eradication of con-*
3 *tagious or infectious disease or pests of animals, poultry,*
4 *or plants, and for expenses in accordance with sections*
5 *10411 and 10417 of the Animal Health Protection Act (7*
6 *U.S.C. 8310 and 8316) and sections 431 and 442 of the*
7 *Plant Protection Act (7 U.S.C. 7751 and 7772), and any*
8 *unexpended balances of funds transferred for such emer-*
9 *gency purposes in the preceding fiscal year shall be merged*
10 *with such transferred amounts: Provided further, That ap-*
11 *propriations hereunder shall be available pursuant to law*
12 *(7 U.S.C. 2250) for the repair and alteration of leased*
13 *buildings and improvements, but unless otherwise provided*
14 *the cost of altering any one building during the fiscal year*
15 *shall not exceed 10 percent of the current replacement value*
16 *of the building.*

17 *In fiscal year 2023, the agency is authorized to collect*
18 *fees to cover the total costs of providing technical assistance,*
19 *goods, or services requested by States, other political sub-*
20 *divisions, domestic and international organizations, foreign*
21 *governments, or individuals, provided that such fees are*
22 *structured such that any entity's liability for such fees is*
23 *reasonably based on the technical assistance, goods, or serv-*
24 *ices provided to the entity by the agency, and such fees shall*
25 *be reimbursed to this account, to remain available until ex-*

24

1 *pending, without further appropriation, for providing such*
2 *assistance, goods, or services.*

3 *BUILDINGS AND FACILITIES*

4 *For plans, construction, repair, preventive mainte-*
5 *nance, environmental support, improvement, extension, al-*
6 *teration, and purchase of fixed equipment or facilities, as*
7 *authorized by 7 U.S.C. 2250, and acquisition of land as*
8 *authorized by 7 U.S.C. 2268a, \$3,175,000, to remain avail-*
9 *able until expended.*

10 *AGRICULTURAL MARKETING SERVICE*

11 *MARKETING SERVICES*

12 *For necessary expenses of the Agricultural Marketing*
13 *Service, \$237,695,000, of which \$7,504,000 shall be avail-*
14 *able for the purposes of section 12306 of Public Law 113–*
15 *79, and of which \$1,000,000 shall be available for the pur-*
16 *poses of section 779 of division A of Public Law 117–103:*
17 *Provided, That of the amounts made available under this*
18 *heading, \$25,000,000, to remain available until expended,*
19 *shall be to carry out section 12513 of Public Law 115–334,*
20 *of which \$23,000,000 shall be for dairy business innovation*
21 *initiatives established in Public Law 116–6 and the Sec-*
22 *retary shall take measures to ensure an equal distribution*
23 *of funds between these three regional innovation initiatives:*
24 *Provided further, That this appropriation shall be available*
25 *pursuant to law (7 U.S.C. 2250) for the alteration and re-*

25

1 *pair of buildings and improvements, but the cost of altering*
2 *any one building during the fiscal year shall not exceed 10*
3 *percent of the current replacement value of the building.*

4 *Fees may be collected for the cost of standardization*
5 *activities, as established by regulation pursuant to law (31*
6 *U.S.C. 9701), except for the cost of activities relating to the*
7 *development or maintenance of grain standards under the*
8 *United States Grain Standards Act, 7 U.S.C. 71 et seq.*

9 *LIMITATION ON ADMINISTRATIVE EXPENSES*

10 *Not to exceed \$62,596,000 (from fees collected) shall be*
11 *obligated during the current fiscal year for administrative*
12 *expenses: Provided, That if crop size is understated and/*
13 *or other uncontrollable events occur, the agency may exceed*
14 *this limitation by up to 10 percent with notification to the*
15 *Committees on Appropriations of both Houses of Congress.*

16 *FUNDS FOR STRENGTHENING MARKETS, INCOME, AND*

17 *SUPPLY (SECTION 32)*

18 *(INCLUDING TRANSFERS OF FUNDS)*

19 *Funds available under section 32 of the Act of August*
20 *24, 1935 (7 U.S.C. 612c), shall be used only for commodity*
21 *program expenses as authorized therein, and other related*
22 *operating expenses, except for: (1) transfers to the Depart-*
23 *ment of Commerce as authorized by the Fish and Wildlife*
24 *Act of 1956 (16 U.S.C. 742a et seq.); (2) transfers otherwise*
25 *provided in this Act; and (3) not more than \$21,501,000*

26

1 *for formulation and administration of marketing agree-*
2 *ments and orders pursuant to the Agricultural Marketing*
3 *Agreement Act of 1937 and the Agricultural Act of 1961*
4 *(Public Law 87–128).*

5 *PAYMENTS TO STATES AND POSSESSIONS*

6 *For payments to departments of agriculture, bureaus*
7 *and departments of markets, and similar agencies for mar-*
8 *keting activities under section 204(b) of the Agricultural*
9 *Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,235,000.*

10 *LIMITATION ON INSPECTION AND WEIGHING SERVICES*11 *EXPENSES*

12 *Not to exceed \$55,000,000 (from fees collected) shall be*
13 *obligated during the current fiscal year for inspection and*
14 *weighing services: Provided, That if grain export activities*
15 *require additional supervision and oversight, or other un-*
16 *controllable factors occur, this limitation may be exceeded*
17 *by up to 10 percent with notification to the Committees*
18 *on Appropriations of both Houses of Congress.*

19 *OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY*

20 *For necessary expenses of the Office of the Under Sec-*
21 *retary for Food Safety, \$1,117,000: Provided, That funds*
22 *made available by this Act to an agency in the Food Safety*
23 *mission area for salaries and expenses are available to fund*
24 *up to one administrative support staff for the Office.*

1 *FOOD SAFETY AND INSPECTION SERVICE*

2 *For necessary expenses to carry out services authorized*
3 *by the Federal Meat Inspection Act, the Poultry Products*
4 *Inspection Act, and the Egg Products Inspection Act, in-*
5 *cluding not to exceed \$10,000 for representation allowances*
6 *and for expenses pursuant to section 8 of the Act approved*
7 *August 3, 1956 (7 U.S.C. 1766), \$1,158,266,000; and in*
8 *addition, \$1,000,000 may be credited to this account from*
9 *fees collected for the cost of laboratory accreditation as au-*
10 *thorized by section 1327 of the Food, Agriculture, Conserva-*
11 *tion and Trade Act of 1990 (7 U.S.C. 138f): Provided, That*
12 *funds provided for the Public Health Data Communication*
13 *Infrastructure system shall remain available until ex-*
14 *pended: Provided further, That no fewer than 148 full-time*
15 *equivalent positions shall be employed during fiscal year*
16 *2023 for purposes dedicated solely to inspections and en-*
17 *forcement related to the Humane Methods of Slaughter Act*
18 *(7 U.S.C. 1901 et seq.): Provided further, That the Food*
19 *Safety and Inspection Service shall continue implementa-*
20 *tion of section 11016 of Public Law 110–246 as further*
21 *clarified by the amendments made in section 12106 of Pub-*
22 *lic Law 113–79: Provided further, That this appropriation*
23 *shall be available pursuant to law (7 U.S.C. 2250) for the*
24 *alteration and repair of buildings and improvements, but*
25 *the cost of altering any one building during the fiscal year*

28

- 1 *shall not exceed 10 percent of the current replacement value*
- 2 *of the building.*

29

1 *TITLE II*2 *FARM PRODUCTION AND CONSERVATION*3 *PROGRAMS*4 *OFFICE OF THE UNDER SECRETARY FOR FARM*5 *PRODUCTION AND CONSERVATION*

6 *For necessary expenses of the Office of the Under Sec-*
7 *retary for Farm Production and Conservation, \$1,727,000:*
8 *Provided, That funds made available by this Act to an*
9 *agency in the Farm Production and Conservation mission*
10 *area for salaries and expenses are available to fund up to*
11 *one administrative support staff for the Office.*

12 *FARM PRODUCTION AND CONSERVATION BUSINESS*13 *CENTER*14 *SALARIES AND EXPENSES*15 *(INCLUDING TRANSFERS OF FUNDS)*

16 *For necessary expenses of the Farm Production and*
17 *Conservation Business Center, \$248,684,000: Provided,*
18 *That \$60,228,000 of amounts appropriated for the current*
19 *fiscal year pursuant to section 1241(a) of the Farm Secu-*
20 *rity and Rural Investment Act of 1985 (16 U.S.C. 3841(a))*
21 *shall be transferred to and merged with this account.*

30

1 *FARM SERVICE AGENCY*2 *SALARIES AND EXPENSES*3 *(INCLUDING TRANSFERS OF FUNDS)*

4 *For necessary expenses of the Farm Service Agency,*
5 *\$1,215,307,000, of which not less than \$15,000,000 shall be*
6 *for the hiring of new employees to fill vacancies and antici-*
7 *pated vacancies at Farm Service Agency county offices and*
8 *farm loan officers and shall be available until September*
9 *30, 2024: Provided, That not more than 50 percent of the*
10 *funding made available under this heading for information*
11 *technology related to farm program delivery may be obli-*
12 *gated until the Secretary submits to the Committees on Ap-*
13 *propriations of both Houses of Congress, and receives writ-*
14 *ten or electronic notification of receipt from such Commit-*
15 *tees of, a plan for expenditure that (1) identifies for each*
16 *project/investment over \$25,000 (a) the functional and per-*
17 *formance capabilities to be delivered and the mission bene-*
18 *fits to be realized, (b) the estimated lifecycle cost for the*
19 *entirety of the project/investment, including estimates for*
20 *development as well as maintenance and operations, and*
21 *(c) key milestones to be met; (2) demonstrates that each*
22 *project/investment is, (a) consistent with the Farm Service*
23 *Agency Information Technology Roadmap, (b) being man-*
24 *aged in accordance with applicable lifecycle management*
25 *policies and guidance, and (c) subject to the applicable De-*

1 *partment's capital planning and investment control re-*
2 *quirements; and (3) has been reviewed by the Government*
3 *Accountability Office and approved by the Committees on*
4 *Appropriations of both Houses of Congress: Provided fur-*
5 *ther, That the agency shall submit a report by the end of*
6 *the fourth quarter of fiscal year 2023 to the Committees on*
7 *Appropriations and the Government Accountability Office,*
8 *that identifies for each project/investment that is oper-*
9 *ational (a) current performance against key indicators of*
10 *customer satisfaction, (b) current performance of service*
11 *level agreements or other technical metrics, (c) current per-*
12 *formance against a pre-established cost baseline, (d) a de-*
13 *tailed breakdown of current and planned spending on oper-*
14 *ational enhancements or upgrades, and (e) an assessment*
15 *of whether the investment continues to meet business needs*
16 *as intended as well as alternatives to the investment: Pro-*
17 *vided further, That the Secretary is authorized to use the*
18 *services, facilities, and authorities (but not the funds) of*
19 *the Commodity Credit Corporation to make program pay-*
20 *ments for all programs administered by the Agency: Pro-*
21 *vided further, That other funds made available to the Agen-*
22 *cy for authorized activities may be advanced to and merged*
23 *with this account: Provided further, That of the amount ap-*
24 *propriated under this heading, \$696,594,000 shall be made*
25 *available to county committees, to remain available until*

1 *expended: Provided further, That, notwithstanding the pre-*
2 *ceding proviso, any funds made available to county com-*
3 *mittees in the current fiscal year that the Administrator*
4 *of the Farm Service Agency deems to exceed or not meet*
5 *the amount needed for the county committees may be trans-*
6 *ferred to or from the Farm Service Agency for necessary*
7 *expenses: Provided further, That none of the funds available*
8 *to the Farm Service Agency shall be used to close Farm*
9 *Service Agency county offices: Provided further, That none*
10 *of the funds available to the Farm Service Agency shall be*
11 *used to permanently relocate county based employees that*
12 *would result in an office with two or fewer employees with-*
13 *out prior notification and approval of the Committees on*
14 *Appropriations of both Houses of Congress.*

15 *STATE MEDIATION GRANTS*

16 *For grants pursuant to section 502(b) of the Agricul-*
17 *tural Credit Act of 1987, as amended (7 U.S.C. 5101–5106),*
18 *\$7,000,000.*

19 *GRASSROOTS SOURCE WATER PROTECTION PROGRAM*

20 *For necessary expenses to carry out wellhead or*
21 *groundwater protection activities under section 1240O of*
22 *the Food Security Act of 1985 (16 U.S.C. 3839bb–2),*
23 *\$7,500,000, to remain available until expended.*

33

1 *DAIRY INDEMNITY PROGRAM*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For necessary expenses involved in making indemnity*
4 *payments to dairy farmers and manufacturers of dairy*
5 *products under a dairy indemnity program, such sums as*
6 *may be necessary, to remain available until expended: Pro-*
7 *vided, That such program is carried out by the Secretary*
8 *in the same manner as the dairy indemnity program de-*
9 *scribed in the Agriculture, Rural Development, Food and*
10 *Drug Administration, and Related Agencies Appropria-*
11 *tions Act, 2001 (Public Law 106–387, 114 Stat. 1549A–*
12 *12).*

13 *GEOGRAPHICALLY DISADVANTAGED FARMERS AND*
14 *RANCHERS*

15 *For necessary expenses to carry out direct reimburse-*
16 *ment payments to geographically disadvantaged farmers*
17 *and ranchers under section 1621 of the Food Conservation,*
18 *and Energy Act of 2008 (7 U.S.C. 8792), \$4,000,000, to*
19 *remain available until expended.*

20 *AGRICULTURAL CREDIT INSURANCE FUND PROGRAM*21 *ACCOUNT*22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *For gross obligations for the principal amount of di-*
24 *rect and guaranteed farm ownership (7 U.S.C. 1922 et seq.)*
25 *and operating (7 U.S.C. 1941 et seq.) loans, emergency*

34

1 *loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition*
2 *loans (25 U.S.C. 5136), boll weevil loans (7 U.S.C. 1989),*
3 *guaranteed conservation loans (7 U.S.C. 1924 et seq.), re-*
4 *lending program (7 U.S.C. 1936c), and Indian highly*
5 *fractionated land loans (25 U.S.C. 5136) to be available*
6 *from funds in the Agricultural Credit Insurance Fund, as*
7 *follows: \$3,500,000,000 for guaranteed farm ownership*
8 *loans and \$3,100,000,000 for farm ownership direct loans;*
9 *\$2,118,491,000 for unsubsidized guaranteed operating loans*
10 *and \$1,633,333,000 for direct operating loans; emergency*
11 *loans, \$4,062,000; Indian tribe land acquisition loans,*
12 *\$20,000,000; guaranteed conservation loans, \$150,000,000;*
13 *relending program, \$61,426,000; Indian highly fractionated*
14 *land loans, \$5,000,000; and for boll weevil eradication pro-*
15 *gram loans, \$60,000,000: Provided, That the Secretary shall*
16 *deem the pink bollworm to be a boll weevil for the purpose*
17 *of boll weevil eradication program loans.*

18 *For the cost of direct and guaranteed loans and grants,*
19 *including the cost of modifying loans as defined in section*
20 *502 of the Congressional Budget Act of 1974, as follows:*
21 *\$249,000 for emergency loans, to remain available until ex-*
22 *pendent; and \$23,520,000 for direct farm operating loans,*
23 *\$11,228,000 for unsubsidized guaranteed farm operating*
24 *loans, \$10,983,000 for the relending program, and \$894,000*
25 *for Indian highly fractionated land loans.*

35

1 *In addition, for administrative expenses necessary to*
2 *carry out the direct and guaranteed loan programs,*
3 *\$326,461,000: Provided, That of this amount, \$305,803,000*
4 *shall be transferred to and merged with the appropriation*
5 *for “Farm Service Agency, Salaries and Expenses”.*

6 *Funds appropriated by this Act to the Agricultural*
7 *Credit Insurance Program Account for farm ownership, op-*
8 *erating and conservation direct loans and guaranteed loans*
9 *may be transferred among these programs: Provided, That*
10 *the Committees on Appropriations of both Houses of Con-*
11 *gress are notified at least 15 days in advance of any trans-*
12 *fer.*

13 *RISK MANAGEMENT AGENCY*14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Risk Management Agen-*
16 *cy, \$66,870,000: Provided, That \$1,000,000 of the amount*
17 *appropriated under this heading in this Act shall be avail-*
18 *able for compliance and integrity activities required under*
19 *section 516(b)(2)(C) of the Federal Crop Insurance Act of*
20 *1938 (7 U.S.C. 1516(b)(2)(C)), and shall be in addition to*
21 *amounts otherwise provided for such purpose: Provided fur-*
22 *ther, That not to exceed \$1,000 shall be available for official*
23 *reception and representation expenses, as authorized by 7*
24 *U.S.C. 1506(i).*

36

1 *NATURAL RESOURCES CONSERVATION SERVICE*2 *CONSERVATION OPERATIONS*

3 *For necessary expenses for carrying out the provisions*
4 *of the Act of April 27, 1935 (16 U.S.C. 590a–f), including*
5 *preparation of conservation plans and establishment of*
6 *measures to conserve soil and water (including farm irriga-*
7 *tion and land drainage and such special measures for soil*
8 *and water management as may be necessary to prevent*
9 *floods and the siltation of reservoirs and to control agricul-*
10 *tural related pollutants); operation of conservation plant*
11 *materials centers; classification and mapping of soil; dis-*
12 *semination of information; acquisition of lands, water, and*
13 *interests therein for use in the plant materials program by*
14 *donation, exchange, or purchase at a nominal cost not to*
15 *exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C.*
16 *2268a); purchase and erection or alteration or improvement*
17 *of permanent and temporary buildings; and operation and*
18 *maintenance of aircraft, \$941,124,000, to remain available*
19 *until September 30, 2024, of which up to \$22,973,000 shall*
20 *be for the purposes, and in the amounts, specified for this*
21 *account in the table titled “Community Project Funding/*
22 *Congressionally Directed Spending” in the explanatory*
23 *statement described in section 4 (in the matter preceding*
24 *division A of this consolidated Act): Provided further, That*
25 *appropriations hereunder shall be available pursuant to 7*

1 *U.S.C. 2250 for construction and improvement of buildings*
2 *and public improvements at plant materials centers, except*
3 *that the cost of alterations and improvements to other build-*
4 *ings and other public improvements shall not exceed*
5 *\$250,000: Provided further, That when buildings or other*
6 *structures are erected on non-Federal land, that the right*
7 *to use such land is obtained as provided in 7 U.S.C. 2250a.*

8 *WATERSHED AND FLOOD PREVENTION OPERATIONS*

9 *For necessary expenses to carry out preventive meas-*
10 *ures, including but not limited to surveys and investiga-*
11 *tions, engineering operations, works of improvement, and*
12 *changes in use of land, in accordance with the Watershed*
13 *Protection and Flood Prevention Act (16 U.S.C. 1001–1005*
14 *and 1007–1009) and in accordance with the provisions of*
15 *laws relating to the activities of the Department,*
16 *\$75,000,000, to remain available until expended, of which*
17 *up to \$20,591,000 shall be for the purposes, and in the*
18 *amounts, specified for this account in the table titled “Com-*
19 *munity Project Funding/Congressionally Directed Spend-*
20 *ing” in the explanatory statement described in section 4*
21 *(in the matter preceding division A of this consolidated*
22 *Act): Provided, That for funds provided by this Act or any*
23 *other prior Act, the limitation regarding the size of the wa-*
24 *tershed or subwatershed exceeding two hundred and fifty*
25 *thousand acres in which such activities can be undertaken*

1 *shall only apply for activities undertaken for the primary*
2 *purpose of flood prevention (including structural and land*
3 *treatment measures): Provided further, That of the amounts*
4 *made available under this heading, \$10,000,000 shall be al-*
5 *located to projects and activities that can commence*
6 *promptly following enactment; that address regional prior-*
7 *ities for flood prevention, agricultural water management,*
8 *inefficient irrigation systems, fish and wildlife habitat, or*
9 *watershed protection; or that address authorized ongoing*
10 *projects under the authorities of section 13 of the Flood Con-*
11 *trol Act of December 22, 1944 (Public Law 78–534) with*
12 *a primary purpose of watershed protection by preventing*
13 *floodwater damage and stabilizing stream channels, tribu-*
14 *taries, and banks to reduce erosion and sediment transport:*
15 *Provided further, That of the amounts made available*
16 *under this heading, \$10,000,000 shall remain available*
17 *until expended for the authorities under 16 U.S.C. 1001–*
18 *1005 and 1007–1009 for authorized ongoing watershed*
19 *projects with a primary purpose of providing water to rural*
20 *communities.*

21 **WATERSHED REHABILITATION PROGRAM**

22 *Under the authorities of section 14 of the Watershed*
23 *Protection and Flood Prevention Act, \$2,000,000 is pro-*
24 *vided.*

39

1 *HEALTHY FORESTS RESERVE PROGRAM*

2 *For necessary expenses to carry out the Healthy For-*
3 *ests Reserve Program under the Healthy Forests Restora-*
4 *tion Act of 2003 (16 U.S.C. 6571–6578), \$7,000,000, to re-*
5 *main available until expended.*

6 *URBAN AGRICULTURE AND INNOVATIVE PRODUCTION*

7 *For necessary expenses to carry out the Urban Agri-*
8 *culture and Innovative Production Program under section*
9 *222 of subtitle A of the Department of Agriculture Reorga-*
10 *nization Act of 1994 (7 U.S.C. 6923), as added by section*
11 *12302 of Public Law 115–334, \$8,500,000.*

12 *CORPORATIONS*

13 *The following corporations and agencies are hereby au-*
14 *thorized to make expenditures, within the limits of funds*
15 *and borrowing authority available to each such corporation*
16 *or agency and in accord with law, and to make contracts*
17 *and commitments without regard to fiscal year limitations*
18 *as provided by section 104 of the Government Corporation*
19 *Control Act as may be necessary in carrying out the pro-*
20 *grams set forth in the budget for the current fiscal year for*
21 *such corporation or agency, except as hereinafter provided.*

22 *FEDERAL CROP INSURANCE CORPORATION FUND*

23 *For payments as authorized by section 516 of the Fed-*
24 *eral Crop Insurance Act (7 U.S.C. 1516), such sums as may*
25 *be necessary, to remain available until expended.*

1 *COMMODITY CREDIT CORPORATION FUND*2 *REIMBURSEMENT FOR NET REALIZED LOSSES*3 *(INCLUDING TRANSFERS OF FUNDS)*

4 *For the current fiscal year, such sums as may be nec-*
5 *essary to reimburse the Commodity Credit Corporation for*
6 *net realized losses sustained, but not previously reimbursed,*
7 *pursuant to section 2 of the Act of August 17, 1961 (15*
8 *U.S.C. 713a–11): Provided, That of the funds available to*
9 *the Commodity Credit Corporation under section 11 of the*
10 *Commodity Credit Corporation Charter Act (15 U.S.C.*
11 *714i) for the conduct of its business with the Foreign Agri-*
12 *cultural Service, up to \$5,000,000 may be transferred to*
13 *and used by the Foreign Agricultural Service for informa-*
14 *tion resource management activities of the Foreign Agricul-*
15 *tural Service that are not related to Commodity Credit Cor-*
16 *poration business: Provided further, That the Secretary*
17 *shall notify the Committees on Appropriations of the House*
18 *and Senate in writing 15 days prior to the obligation or*
19 *commitment of any emergency funds from the Commodity*
20 *Credit Corporation.*

21 *HAZARDOUS WASTE MANAGEMENT*22 *(LIMITATION ON EXPENSES)*

23 *For the current fiscal year, the Commodity Credit Cor-*
24 *poration shall not expend more than \$15,000,000 for site*
25 *investigation and cleanup expenses, and operations and*

41

1 *maintenance expenses to comply with the requirement of*
2 *section 107(g) of the Comprehensive Environmental Re-*
3 *sponse, Compensation, and Liability Act (42 U.S.C.*
4 *9607(g)), and section 6001 of the Solid Waste Disposal Act*
5 *(42 U.S.C. 6961).*

1 *TITLE III*
2 *RURAL DEVELOPMENT PROGRAMS*
3 *OFFICE OF THE UNDER SECRETARY FOR RURAL*
4 *DEVELOPMENT*

5 *For necessary expenses of the Office of the Under Sec-*
6 *retary for Rural Development, \$1,620,000: Provided, That*
7 *funds made available by this Act to an agency in the Rural*
8 *Development mission area for salaries and expenses are*
9 *available to fund up to one administrative support staff for*
10 *the Office.*

11 *RURAL DEVELOPMENT*
12 *SALARIES AND EXPENSES*
13 *(INCLUDING TRANSFERS OF FUNDS)*

14 *For necessary expenses for carrying out the adminis-*
15 *tration and implementation of Rural Development pro-*
16 *grams, including activities with institutions concerning the*
17 *development and operation of agricultural cooperatives; and*
18 *for cooperative agreements; \$351,087,000: Provided, That of*
19 *the amount made available under this heading, up to*
20 *\$5,000,000, to remain available until September 30, 2024,*
21 *shall be for the Rural Partners Network activities of the*
22 *Department of Agriculture, and may be transferred to other*
23 *agencies of the Department for such purpose, consistent*
24 *with the missions and authorities of such agencies: Provided*
25 *further, That of the amount made available under this head-*

1 *ing, no less than \$135,000,000, to remain available until*
2 *expended, shall be used for information technology expenses:*
3 *Provided further, That notwithstanding any other provision*
4 *of law, funds appropriated under this heading may be used*
5 *for advertising and promotional activities that support*
6 *Rural Development programs: Provided further, That in*
7 *addition to any other funds appropriated for purposes au-*
8 *thorized by section 502(i) of the Housing Act of 1949 (42*
9 *U.S.C. 1472(i)), any amounts collected under such section,*
10 *as amended by this Act, will immediately be credited to*
11 *this account and will remain available until expended for*
12 *such purposes.*

13 *RURAL HOUSING SERVICE*

14 *RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT*

15 *(INCLUDING TRANSFERS OF FUNDS)*

16 *For gross obligations for the principal amount of di-*
17 *rect and guaranteed loans as authorized by title V of the*
18 *Housing Act of 1949, to be available from funds in the rural*
19 *housing insurance fund, as follows: \$1,250,000,000 shall be*
20 *for direct loans, \$7,500,000 shall be for a Single Family*
21 *Housing Relending demonstration program for Native*
22 *American Tribes, and \$30,000,000,000 shall be for unsub-*
23 *sidized guaranteed loans; \$28,000,000 for section 504 hous-*
24 *ing repair loans; \$70,000,000 for section 515 rental hous-*
25 *ing; \$400,000,000 for section 538 guaranteed multi-family*

1 *housing loans; \$10,000,000 for credit sales of single family*
2 *housing acquired property; \$5,000,000 for section 523 self-*
3 *help housing land development loans; and \$5,000,000 for*
4 *section 524 site development loans.*

5 *For the cost of direct and guaranteed loans, including*
6 *the cost of modifying loans, as defined in section 502 of*
7 *the Congressional Budget Act of 1974, as follows: section*
8 *502 loans, \$46,375,000 shall be for direct loans; Single*
9 *Family Housing Relending demonstration program for Na-*
10 *tive American Tribes, \$2,468,000; section 504 housing re-*
11 *pair loans, \$2,324,000; section 523 self-help housing land*
12 *development loans, \$267,000; section 524 site development*
13 *loans, \$208,000; and repair, rehabilitation, and new con-*
14 *struction of section 515 rental housing, \$13,377,000: Pro-*
15 *vided, That to support the loan program level for section*
16 *538 guaranteed loans made available under this heading*
17 *the Secretary may charge or adjust any fees to cover the*
18 *projected cost of such loan guarantees pursuant to the provi-*
19 *sions of the Credit Reform Act of 1990 (2 U.S.C. 661 et*
20 *seq.), and the interest on such loans may not be subsidized:*
21 *Provided further, That applicants in communities that have*
22 *a current rural area waiver under section 541 of the Hous-*
23 *ing Act of 1949 (42 U.S.C. 1490q) shall be treated as living*
24 *in a rural area for purposes of section 502 guaranteed loans*
25 *provided under this heading: Provided further, That of the*

1 *amounts available under this paragraph for section 502 di-*
2 *rect loans, no less than \$5,000,000 shall be available for*
3 *direct loans for individuals whose homes will be built pur-*
4 *suant to a program funded with a mutual and self-help*
5 *housing grant authorized by section 523 of the Housing Act*
6 *of 1949 until June 1, 2023: Provided further, That the Sec-*
7 *retary shall implement provisions to provide incentives to*
8 *nonprofit organizations and public housing authorities to*
9 *facilitate the acquisition of Rural Housing Service (RHS)*
10 *multifamily housing properties by such nonprofit organiza-*
11 *tions and public housing authorities that commit to keep*
12 *such properties in the RHS multifamily housing program*
13 *for a period of time as determined by the Secretary, with*
14 *such incentives to include, but not be limited to, the fol-*
15 *lowing: allow such nonprofit entities and public housing*
16 *authorities to earn a Return on Investment on their own*
17 *resources to include proceeds from low income housing tax*
18 *credit syndication, own contributions, grants, and developer*
19 *loans at favorable rates and terms, invested in a deal; and*
20 *allow reimbursement of organizational costs associated with*
21 *owner's oversight of asset referred to as "Asset Management*
22 *Fee" of up to \$7,500 per property.*

23 *In addition, for the cost of direct loans and grants,*
24 *including the cost of modifying loans, as defined in section*
25 *502 of the Congressional Budget Act of 1974, \$36,000,000,*

1 *to remain available until expended, for a demonstration*
2 *program for the preservation and revitalization of the sec-*
3 *tions 514, 515, and 516 multi-family rental housing prop-*
4 *erties to restructure existing USDA multi-family housing*
5 *loans, as the Secretary deems appropriate, expressly for the*
6 *purposes of ensuring the project has sufficient resources to*
7 *preserve the project for the purpose of providing safe and*
8 *affordable housing for low-income residents and farm labor-*
9 *ers including reducing or eliminating interest; deferring*
10 *loan payments, subordinating, reducing or re-amortizing*
11 *loan debt; and other financial assistance including ad-*
12 *vances, payments and incentives (including the ability of*
13 *owners to obtain reasonable returns on investment) required*
14 *by the Secretary: Provided, That the Secretary shall, as*
15 *part of the preservation and revitalization agreement, ob-*
16 *tain a restrictive use agreement consistent with the terms*
17 *of the restructuring.*

18 *In addition, for the cost of direct loans, grants, and*
19 *contracts, as authorized by sections 514 and 516 of the*
20 *Housing Act of 1949 (42 U.S.C. 1484, 1486), \$14,084,000,*
21 *to remain available until expended, for direct farm labor*
22 *housing loans and domestic farm labor housing grants and*
23 *contracts.*

24 *In addition, for administrative expenses necessary to*
25 *carry out the direct and guaranteed loan programs,*

1 \$412,254,000 shall be paid to the appropriation for “Rural
2 Development, Salaries and Expenses”.

3 *RENTAL ASSISTANCE PROGRAM*

4 *For rental assistance agreements entered into or re-*
5 *newed pursuant to the authority under section 521(a)(2)*
6 *of the Housing Act of 1949 or agreements entered into in*
7 *lieu of debt forgiveness or payments for eligible households*
8 *as authorized by section 502(c)(5)(D) of the Housing Act*
9 *of 1949, \$1,487,926,000, and in addition such sums as may*
10 *be necessary, as authorized by section 521(c) of the Act, to*
11 *liquidate debt incurred prior to fiscal year 1992 to carry*
12 *out the rental assistance program under section 521(a)(2)*
13 *of the Act: Provided, That rental assistance agreements en-*
14 *tered into or renewed during the current fiscal year shall*
15 *be funded for a one-year period: Provided further, That*
16 *upon request by an owner of a project financed by an exist-*
17 *ing loan under section 514 or 515 of the Act, the Secretary*
18 *may renew the rental assistance agreement for a period of*
19 *20 years or until the term of such loan has expired, subject*
20 *to annual appropriations: Provided further, That any un-*
21 *expended balances remaining at the end of such one-year*
22 *agreements may be transferred and used for purposes of any*
23 *debt reduction, maintenance, repair, or rehabilitation of*
24 *any existing projects; preservation; and rental assistance*
25 *activities authorized under title V of the Act: Provided fur-*

1 *ther, That rental assistance provided under agreements en-*
2 *tered into prior to fiscal year 2023 for a farm labor multi-*
3 *family housing project financed under section 514 or 516*
4 *of the Act may not be recaptured for use in another project*
5 *until such assistance has remained unused for a period of*
6 *12 consecutive months, if such project has a waiting list*
7 *of tenants seeking such assistance or the project has rental*
8 *assistance eligible tenants who are not receiving such assist-*
9 *ance: Provided further, That such recaptured rental assist-*
10 *ance shall, to the extent practicable, be applied to another*
11 *farm labor multi-family housing project financed under sec-*
12 *tion 514 or 516 of the Act: Provided further, That except*
13 *as provided in the fourth proviso under this heading and*
14 *notwithstanding any other provision of the Act, the Sec-*
15 *retary may recapture rental assistance provided under*
16 *agreements entered into prior to fiscal year 2023 for a*
17 *project that the Secretary determines no longer needs rental*
18 *assistance and use such recaptured funds for current needs.*

19 *RURAL HOUSING VOUCHER ACCOUNT*

20 *For the rural housing voucher program as authorized*
21 *under section 542 of the Housing Act of 1949, but notwith-*
22 *standing subsection (b) of such section, \$48,000,000, to re-*
23 *main available until expended: Provided, That the funds*
24 *made available under this heading shall be available for*
25 *rural housing vouchers to any low-income household (in-*

1 *cluding those not receiving rental assistance) residing in*
2 *a property financed with a section 515 loan which has been*
3 *prepaid or otherwise paid off after September 30, 2005:*
4 *Provided further, That the amount of such voucher shall be*
5 *the difference between comparable market rent for the sec-*
6 *tion 515 unit and the tenant paid rent for such unit: Pro-*
7 *vided further, That funds made available for such vouchers*
8 *shall be subject to the availability of annual appropriations:*
9 *Provided further, That the Secretary shall, to the maximum*
10 *extent practicable, administer such vouchers with current*
11 *regulations and administrative guidance applicable to sec-*
12 *tion 8 housing vouchers administered by the Secretary of*
13 *the Department of Housing and Urban Development: Pro-*
14 *vided further, That in addition to any other available*
15 *funds, the Secretary may expend not more than \$1,000,000*
16 *total, from the program funds made available under this*
17 *heading, for administrative expenses for activities funded*
18 *under this heading.*

19 *MUTUAL AND SELF-HELP HOUSING GRANTS*

20 *For grants and contracts pursuant to section*
21 *523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c),*
22 *\$32,000,000, to remain available until expended.*

23 *RURAL HOUSING ASSISTANCE GRANTS*

24 *For grants for very low-income housing repair and*
25 *rural housing preservation made by the Rural Housing*

1 *Service, as authorized by 42 U.S.C. 1474, and 1490m,*
2 *\$48,000,000, to remain available until expended.*

3 *RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT*
4 *(INCLUDING TRANSFERS OF FUNDS)*

5 *For gross obligations for the principal amount of di-*
6 *rect and guaranteed loans as authorized by section 306 and*
7 *described in section 381E(d)(1) of the Consolidated Farm*
8 *and Rural Development Act, \$2,800,000,000 for direct loans*
9 *and \$650,000,000 for guaranteed loans.*

10 *For the cost of direct loans, loan guarantees and*
11 *grants, including the cost of modifying loans, as defined*
12 *in section 502 of the Congressional Budget Act of 1974, for*
13 *rural community facilities programs as authorized by sec-*
14 *tion 306 and described in section 381E(d)(1) of the Consoli-*
15 *dated Farm and Rural Development Act, \$341,490,328, to*
16 *remain available until expended, of which up to*
17 *\$325,490,328 shall be for the purposes, and in the amounts,*
18 *specified for this account in the table titled “Community*
19 *Project Funding/Congressionally Directed Spending” in the*
20 *explanatory statement described in section 4 (in the matter*
21 *preceding division A of this consolidated Act): Provided,*
22 *That \$6,000,000 of the amount appropriated under this*
23 *heading shall be available for a Rural Community Develop-*
24 *ment Initiative: Provided further, That such funds shall be*
25 *used solely to develop the capacity and ability of private,*

1 *nonprofit community-based housing and community devel-*
2 *opment organizations, low-income rural communities, and*
3 *Federally Recognized Native American Tribes to undertake*
4 *projects to improve housing, community facilities, commu-*
5 *nity and economic development projects in rural areas: Pro-*
6 *vided further, That such funds shall be made available to*
7 *qualified private, nonprofit and public intermediary orga-*
8 *nizations proposing to carry out a program of financial*
9 *and technical assistance: Provided further, That such inter-*
10 *mediary organizations shall provide matching funds from*
11 *other sources, including Federal funds for related activities,*
12 *in an amount not less than funds provided: Provided fur-*
13 *ther, That any unobligated balances from prior year appro-*
14 *priations under this heading for the cost of direct loans,*
15 *loan guarantees and grants, including amounts deobligated*
16 *or cancelled, may be made available to cover the subsidy*
17 *costs for direct loans and or loan guarantees under this*
18 *heading in this fiscal year: Provided further, That no*
19 *amounts may be made available pursuant to the preceding*
20 *proviso from amounts that were designated by the Congress*
21 *as an emergency requirement pursuant to a Concurrent*
22 *Resolution on the Budget or the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985, or that were speci-*
24 *fied in the table titled “Community Project Funding/Con-*
25 *gressionally Directed Spending” in the explanatory state-*

1 *ment for division A of Public Law 117-103 described in*
2 *section 4 in the matter preceding such division A: Provided*
3 *further, That \$10,000,000 of the amount appropriated*
4 *under this heading shall be available for community facili-*
5 *ties grants to tribal colleges, as authorized by section*
6 *306(a)(19) of such Act: Provided further, That sections*
7 *381E–H and 381N of the Consolidated Farm and Rural*
8 *Development Act are not applicable to the funds made*
9 *available under this heading.*

10 *RURAL BUSINESS—COOPERATIVE SERVICE*

11 *RURAL BUSINESS PROGRAM ACCOUNT*

12 *For the cost of loan guarantees and grants, for the*
13 *rural business development programs authorized by section*
14 *310B and described in subsections (a), (c), (f) and (g) of*
15 *section 310B of the Consolidated Farm and Rural Develop-*
16 *ment Act, \$86,520,000, to remain available until expended:*
17 *Provided, That of the amount appropriated under this*
18 *heading, not to exceed \$500,000 shall be made available for*
19 *one grant to a qualified national organization to provide*
20 *technical assistance for rural transportation in order to*
21 *promote economic development and \$9,000,000 shall be for*
22 *grants to the Delta Regional Authority (7 U.S.C. 2009aa*
23 *et seq.), the Northern Border Regional Commission (40*
24 *U.S.C. 15101 et seq.), and the Appalachian Regional Com-*
25 *mission (40 U.S.C. 14101 et seq.) for any Rural Commu-*

1 *nity Advancement Program purpose as described in section*
2 *381E(d) of the Consolidated Farm and Rural Development*
3 *Act, of which not more than 5 percent may be used for ad-*
4 *ministrative expenses: Provided further, That \$4,000,000 of*
5 *the amount appropriated under this heading shall be for*
6 *business grants to benefit Federally Recognized Native*
7 *American Tribes, including \$250,000 for a grant to a quali-*
8 *fied national organization to provide technical assistance*
9 *for rural transportation in order to promote economic de-*
10 *velopment: Provided further, That of the amount appro-*
11 *priated under this heading, \$2,000,000 shall be for the*
12 *Rural Innovation Stronger Economy Grant Program (7*
13 *U.S.C. 2008w): Provided further, That sections 381E–H*
14 *and 381N of the Consolidated Farm and Rural Develop-*
15 *ment Act are not applicable to funds made available under*
16 *this heading.*

17 *INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT*
18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For the principal amount of direct loans, as authorized*
20 *by the Intermediary Relending Program Fund Account (7*
21 *U.S.C. 1936b), \$18,889,000.*

22 *For the cost of direct loans, \$3,313,000, as authorized*
23 *by the Intermediary Relending Program Fund Account (7*
24 *U.S.C. 1936b), of which \$331,000 shall be available through*
25 *June 30, 2023, for Federally Recognized Native American*

1 *Tribes; and of which \$663,000 shall be available through*
2 *June 30, 2023, for Mississippi Delta Region counties (as*
3 *determined in accordance with Public Law 100–460): Pro-*
4 *vided, That such costs, including the cost of modifying such*
5 *loans, shall be as defined in section 502 of the Congressional*
6 *Budget Act of 1974.*

7 *In addition, for administrative expenses to carry out*
8 *the direct loan programs, \$4,468,000 shall be paid to the*
9 *appropriation for “Rural Development, Salaries and Ex-*
10 *penses”.*

11 *RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM*

12 *ACCOUNT*

13 *For the principal amount of direct loans, as authorized*
14 *under section 313B(a) of the Rural Electrification Act, for*
15 *the purpose of promoting rural economic development and*
16 *job creation projects, \$75,000,000.*

17 *The cost of grants authorized under section 313B(a)*
18 *of the Rural Electrification Act, for the purpose of pro-*
19 *moting rural economic development and job creation*
20 *projects shall not exceed \$15,000,000.*

21 *RURAL COOPERATIVE DEVELOPMENT GRANTS*

22 *For rural cooperative development grants authorized*
23 *under section 310B(e) of the Consolidated Farm and Rural*
24 *Development Act (7 U.S.C. 1932), \$28,300,000, of which*
25 *\$3,500,000 shall be for cooperative agreements for the ap-*

1 *propriate technology transfer for rural areas program: Pro-*
2 *vided, That not to exceed \$3,000,000 shall be for grants for*
3 *cooperative development centers, individual cooperatives, or*
4 *groups of cooperatives that serve socially disadvantaged*
5 *groups and a majority of the boards of directors or gov-*
6 *erning boards of which are comprised of individuals who*
7 *are members of socially disadvantaged groups; and of which*
8 *\$16,000,000, to remain available until expended, shall be*
9 *for value-added agricultural product market development*
10 *grants, as authorized by section 210A of the Agricultural*
11 *Marketing Act of 1946, of which \$3,000,000, to remain*
12 *available until expended, shall be for Agriculture Innova-*
13 *tion Centers authorized pursuant to section 6402 of Public*
14 *Law 107–171.*

15 *RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM*

16 *For the principal amount of direct loans as authorized*
17 *by section 379E of the Consolidated Farm and Rural Devel-*
18 *opment Act (7 U.S.C. 2008s), \$25,000,000.*

19 *For the cost of loans and grants, \$6,000,000 under the*
20 *same terms and conditions as authorized by section 379E*
21 *of the Consolidated Farm and Rural Development Act (7*
22 *U.S.C. 2008s).*

23 *RURAL ENERGY FOR AMERICA PROGRAM*

24 *For the principal amount of loan guarantees, under*
25 *the same terms and conditions as authorized by section*

56

1 *9007 of the Farm Security and Rural Investment Act of*
2 *2002 (7 U.S.C. 8107), \$20,000,000.*

3 *For the cost of a program of loan guarantees, under*
4 *the same terms and conditions as authorized by section*
5 *9007 of the Farm Security and Rural Investment Act of*
6 *2002 (7 U.S.C. 8107), \$18,000: Provided, That the cost of*
7 *loan guarantees, including the cost of modifying such loans,*
8 *shall be as defined in section 502 of the Congressional Budg-*
9 *et Act of 1974.*

10 *HEALTHY FOOD FINANCING INITIATIVE*

11 *For the cost of loans and grants that is consistent with*
12 *section 243 of subtitle D of title II of the Department of*
13 *Agriculture Reorganization Act of 1994 (7 U.S.C. 6953),*
14 *as added by section 4206 of the Agricultural Act of 2014,*
15 *for necessary expenses of the Secretary to support projects*
16 *that provide access to healthy food in underserved areas,*
17 *to create and preserve quality jobs, and to revitalize low-*
18 *income communities, \$3,000,000, to remain available until*
19 *expended: Provided, That such costs of loans, including the*
20 *cost of modifying such loans, shall be as defined in section*
21 *502 of the Congressional Budget Act of 1974.*

1 *RURAL UTILITIES SERVICE*2 *RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT*3 *(INCLUDING TRANSFERS OF FUNDS)*

4 *For gross obligations for the principal amount of di-*
5 *rect and guaranteed loans as authorized by section 306 and*
6 *described in section 381E(d)(2) of the Consolidated Farm*
7 *and Rural Development Act, as follows: \$1,420,000,000 for*
8 *direct loans; and \$50,000,000 for guaranteed loans.*

9 *For the cost of loan guarantees and grants, including*
10 *the cost of modifying loans, as defined in section 502 of*
11 *the Congressional Budget Act of 1974, for rural water,*
12 *waste water, waste disposal, and solid waste management*
13 *programs authorized by sections 306, 306A, 306C, 306D,*
14 *306E, and 310B and described in sections 306C(a)(2),*
15 *306D, 306E, and 381E(d)(2) of the Consolidated Farm and*
16 *Rural Development Act, \$596,404,000, to remain available*
17 *until expended, of which not to exceed \$1,000,000 shall be*
18 *available for the rural utilities program described in section*
19 *306(a)(2)(B) of such Act, and of which not to exceed*
20 *\$5,000,000 shall be available for the rural utilities program*
21 *described in section 306E of such Act: Provided, That not*
22 *to exceed \$15,000,000 of the amount appropriated under*
23 *this heading shall be for grants authorized by section*
24 *306A(i)(2) of the Consolidated Farm and Rural Develop-*
25 *ment Act in addition to funding authorized by section*

1 306A(i)(1) of such Act: Provided further, That \$70,000,000
2 of the amount appropriated under this heading shall be for
3 loans and grants including water and waste disposal sys-
4 tems grants authorized by section 306C(a)(2)(B) and sec-
5 tion 306D of the Consolidated Farm and Rural Develop-
6 ment Act, and Federally Recognized Native American
7 Tribes authorized by 306C(a)(1) of such Act: Provided fur-
8 ther, That funding provided for section 306D of the Consoli-
9 dated Farm and Rural Development Act may be provided
10 to a consortium formed pursuant to section 325 of Public
11 Law 105–83: Provided further, That not more than 2 per-
12 cent of the funding provided for section 306D of the Consoli-
13 dated Farm and Rural Development Act may be used by
14 the State of Alaska for training and technical assistance
15 programs and not more than 2 percent of the funding pro-
16 vided for section 306D of the Consolidated Farm and Rural
17 Development Act may be used by a consortium formed pur-
18 suant to section 325 of Public Law 105–83 for training and
19 technical assistance programs: Provided further, That not
20 to exceed \$37,500,000 of the amount appropriated under
21 this heading shall be for technical assistance grants for
22 rural water and waste systems pursuant to section
23 306(a)(14) of such Act, unless the Secretary makes a deter-
24 mination of extreme need, of which \$8,500,000 shall be
25 made available for a grant to a qualified nonprofit multi-

1 *State regional technical assistance organization, with expe-*
2 *rience in working with small communities on water and*
3 *waste water problems, the principal purpose of such grant*
4 *shall be to assist rural communities with populations of*
5 *3,300 or less, in improving the planning, financing, devel-*
6 *opment, operation, and management of water and waste*
7 *water systems, and of which not less than \$800,000 shall*
8 *be for a qualified national Native American organization*
9 *to provide technical assistance for rural water systems for*
10 *tribal communities: Provided further, That not to exceed*
11 *\$21,180,000 of the amount appropriated under this heading*
12 *shall be for contracting with qualified national organiza-*
13 *tions for a circuit rider program to provide technical assist-*
14 *ance for rural water systems: Provided further, That not*
15 *to exceed \$4,000,000 of the amounts made available under*
16 *this heading shall be for solid waste management grants:*
17 *Provided further, That not to exceed \$2,724,000 of the*
18 *amounts appropriated under this heading shall be available*
19 *as the Secretary deems appropriate for water and waste di-*
20 *rect one percent loans for distressed communities: Provided*
21 *further, That if the Secretary determines that any portion*
22 *of the amount made available for one percent loans is not*
23 *needed for such loans, the Secretary may use such amounts*
24 *for grants authorized by section 306(a)(2) of the Consoli-*
25 *dated Farm and Rural Development Act: Provided further,*

1 *That if any funds made available for the direct loan subsidy*
2 *costs remain unobligated after July 31, 2024, such unobli-*
3 *gated balances may be used for grant programs funded*
4 *under this heading: Provided further, That \$10,000,000 of*
5 *the amount appropriated under this heading shall be trans-*
6 *ferred to, and merged with, the Rural Utilities Service,*
7 *High Energy Cost Grants Account to provide grants au-*
8 *thorized under section 19 of the Rural Electrification Act*
9 *of 1936 (7 U.S.C. 918a): Provided further, That sections*
10 *381E–H and 381N of the Consolidated Farm and Rural*
11 *Development Act are not applicable to the funds made*
12 *available under this heading.*

13 *RURAL ELECTRIFICATION AND TELECOMMUNICATIONS*

14 *LOANS PROGRAM ACCOUNT*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *The principal amount of loans and loan guarantees*
17 *as authorized by sections 4, 305, 306, 313A, and 317 of*
18 *the Rural Electrification Act of 1936 (7 U.S.C. 904, 935,*
19 *936, 940c–1, and 940g) shall be made as follows: guaranteed*
20 *rural electric loans made pursuant to section 306 of that*
21 *Act, \$2,167,000,000; cost of money direct loans made pursu-*
22 *ant to sections 4, notwithstanding the one-eighth of one per-*
23 *cent in 4(c)(2), and 317, notwithstanding 317(c), of that*
24 *Act, \$4,333,000,000; guaranteed underwriting loans pursu-*
25 *ant to section 313A of that Act, \$900,000,000; and for cost-*

1 *of-money rural telecommunications loans made pursuant to*
2 *section 305(d)(2) of that Act, \$690,000,000: Provided, That*
3 *up to \$2,000,000,000 shall be used for the construction, ac-*
4 *quisition, design, engineering or improvement of fossil-*
5 *fueled electric generating plants (whether new or existing)*
6 *that utilize carbon subsurface utilization and storage sys-*
7 *tems.*

8 *For the cost of direct loans as authorized by section*
9 *305(d)(2) of the Rural Electrification Act of 1936 (7 U.S.C.*
10 *935(d)(2)), including the cost of modifying loans, as defined*
11 *in section 502 of the Congressional Budget Act of 1974, cost*
12 *of money rural telecommunications loans, \$3,726,000.*

13 *In addition, \$11,500,000 to remain available until ex-*
14 *pended, to carry out section 6407 of the Farm Security and*
15 *Rural Investment Act of 2002 (7 U.S.C. 8107a): Provided,*
16 *That the energy efficiency measures supported by the fund-*
17 *ing in this paragraph shall contribute in a demonstrable*
18 *way to the reduction of greenhouse gases.*

19 *In addition, for administrative expenses necessary to*
20 *carry out the direct and guaranteed loan programs,*
21 *\$33,270,000, which shall be paid to the appropriation for*
22 *“Rural Development, Salaries and Expenses”.*

62

1 *DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND*

2 *PROGRAM*

3 *For grants for telemedicine and distance learning serv-*
4 *ices in rural areas, as authorized by 7 U.S.C. 950aaa et*
5 *seq., \$64,991,000, to remain available until expended, of*
6 *which up to \$4,991,000 shall be for the purposes, and in*
7 *the amounts, specified for this account in the table titled*
8 *“Community Project Funding/Congressionally Directed*
9 *Spending” in the explanatory statement described in sec-*
10 *tion 4 (in the matter preceding division A of this consoli-*
11 *dated Act): Provided, That \$3,000,000 shall be made avail-*
12 *able for grants authorized by section 379G of the Consoli-*
13 *dated Farm and Rural Development Act: Provided further,*
14 *That funding provided under this heading for grants under*
15 *section 379G of the Consolidated Farm and Rural Develop-*
16 *ment Act may only be provided to entities that meet all*
17 *of the eligibility criteria for a consortium as established by*
18 *this section.*

19 *For the cost of broadband loans, as authorized by sec-*
20 *tions 601 and 602 of the Rural Electrification Act,*
21 *\$3,000,000, to remain available until expended: Provided,*
22 *That the cost of direct loans shall be as defined in section*
23 *502 of the Congressional Budget Act of 1974.*

24 *For the cost to continue a broadband loan and grant*
25 *pilot program established by section 779 of division A of*

1 *the Consolidated Appropriations Act, 2018 (Public Law*
2 *115–141) under the Rural Electrification Act of 1936, as*
3 *amended (7 U.S.C. 901 et seq.), \$363,512,317, to remain*
4 *available until expended, of which up to \$15,512,317 shall*
5 *be for the purposes, and in the amounts, specified for this*
6 *account in the table titled “Community Project Funding/*
7 *Congressionally Directed Spending” in the explanatory*
8 *statement described in section 4 (in the matter preceding*
9 *division A of this consolidated Act): Provided, That the Sec-*
10 *retary may award grants described in section 601(a) of the*
11 *Rural Electrification Act of 1936, as amended (7 U.S.C.*
12 *950bb(a)) for the purposes of carrying out such pilot pro-*
13 *gram: Provided further, That the cost of direct loans shall*
14 *be defined in section 502 of the Congressional Budget Act*
15 *of 1974: Provided further, That at least 90 percent of the*
16 *households to be served by a project receiving a loan or*
17 *grant under the pilot program shall be in a rural area with-*
18 *out sufficient access to broadband: Provided further, That*
19 *for purposes of such pilot program, a rural area without*
20 *sufficient access to broadband shall be defined as twenty-*
21 *five megabits per second downstream and three megabits*
22 *per second upstream: Provided further, That to the extent*
23 *possible, projects receiving funds provided under the pilot*
24 *program must build out service to at least one hundred*
25 *megabits per second downstream, and twenty megabits per*

1 *second upstream: Provided further, That an entity to which*
2 *a loan or grant is made under the pilot program shall not*
3 *use the loan or grant to overbuild or duplicate broadband*
4 *service in a service area by any entity that has received*
5 *a broadband loan from the Rural Utilities Service unless*
6 *such service is not provided sufficient access to broadband*
7 *at the minimum service threshold: Provided further, That*
8 *not more than four percent of the funds made available in*
9 *this paragraph can be used for administrative costs to carry*
10 *out the pilot program and up to three percent of funds made*
11 *available in this paragraph may be available for technical*
12 *assistance and pre-development planning activities to sup-*
13 *port the most rural communities: Provided further, That*
14 *the Rural Utilities Service is directed to expedite program*
15 *delivery methods that would implement this paragraph:*
16 *Provided further, That for purposes of this paragraph, the*
17 *Secretary shall adhere to the notice, reporting and service*
18 *area assessment requirements set forth in section 701 of the*
19 *Rural Electrification Act (7 U.S.C. 950cc).*

20 *In addition, \$35,000,000, to remain available until ex-*
21 *pended, for the Community Connect Grant Program au-*
22 *thorized by 7 U.S.C. 950bb–3.*

65

1 *TITLE IV*2 *DOMESTIC FOOD PROGRAMS*3 *OFFICE OF THE UNDER SECRETARY FOR FOOD,*4 *NUTRITION, AND CONSUMER SERVICES*

5 *For necessary expenses of the Office of the Under Sec-*
6 *retary for Food, Nutrition, and Consumer Services,*
7 *\$1,376,000: Provided, That funds made available by this*
8 *Act to an agency in the Food, Nutrition and Consumer*
9 *Services mission area for salaries and expenses are avail-*
10 *able to fund up to one administrative support staff for the*
11 *Office.*

12 *FOOD AND NUTRITION SERVICE*13 *CHILD NUTRITION PROGRAMS*14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *For necessary expenses to carry out the Richard B.*
16 *Russell National School Lunch Act (42 U.S.C. 1751 et seq.),*
17 *except section 21, and the Child Nutrition Act of 1966 (42*
18 *U.S.C. 1771 et seq.), except sections 17 and 21;*
19 *\$28,545,432,000 to remain available through September 30,*
20 *2024, of which such sums as are made available under sec-*
21 *tion 14222(b)(1) of the Food, Conservation, and Energy Act*
22 *of 2008 (Public Law 110–246), as amended by this Act,*
23 *shall be merged with and available for the same time period*
24 *and purposes as provided herein: Provided, That of the total*
25 *amount available, \$20,162,000 shall be available to carry*

1 out section 19 of the Child Nutrition Act of 1966 (42 U.S.C.
2 1771 et seq.): Provided further, That of the total amount
3 available, \$21,005,000 shall be available to carry out stud-
4 ies and evaluations and shall remain available until ex-
5 pended: Provided further, That of the total amount avail-
6 able, \$14,000,000 shall remain available until expended to
7 carry out section 18(g) of the Richard B. Russell National
8 School Lunch Act (42 U.S.C. 1769(g)): Provided further,
9 That notwithstanding section 18(g)(3)(C) of the Richard B.
10 Russell National School Lunch Act (42 U.S.C.
11 1769(g)(3)(c)), the total grant amount provided to a farm
12 to school grant recipient in fiscal year 2023 shall not exceed
13 \$500,000: Provided further, That of the total amount avail-
14 able, \$30,000,000 shall be available to provide competitive
15 grants to State agencies for subgrants to local educational
16 agencies and schools to purchase the equipment, with a
17 value of greater than \$1,000, needed to serve healthier
18 meals, improve food safety, and to help support the estab-
19 lishment, maintenance, or expansion of the school breakfast
20 program: Provided further, That of the total amount avail-
21 able, \$40,000,000 shall remain available until expended to
22 carry out section 749(g) of the Agriculture Appropriations
23 Act of 2010 (Public Law 111–80): Provided further, That
24 of the total amount available, \$2,000,000 shall remain
25 available until expended to carry out activities authorized

1 *under subsections (a)(2) and (e)(2) of section 21 of the Rich-*
2 *ard B. Russell National School Lunch Act (42 U.S.C.*
3 *1769b–1(a)(2) and (e)(2)): Provided further, That of the*
4 *total amount available, \$3,000,000 shall be available until*
5 *September 30, 2024 to carry out section 23 of the Child*
6 *Nutrition Act of 1966 (42 U.S.C. 1793), of which*
7 *\$1,000,000 shall be for grants under such section to the*
8 *Commonwealth of Puerto Rico, the Commonwealth of the*
9 *Northern Mariana Islands, the United States Virgin Is-*
10 *lands, Guam, and American Samoa: Provided further, That*
11 *section 26(d) of the Richard B. Russell National School*
12 *Lunch Act (42 U.S.C. 1769g(d)) is amended in the first*
13 *sentence by striking “2010 through 2023” and inserting*
14 *“2010 through 2024”: Provided further, That section*
15 *9(h)(3) of the Richard B. Russell National School Lunch*
16 *Act (42 U.S.C. 1758(h)(3)) is amended in the first sentence*
17 *by striking “For fiscal year 2022” and inserting “For fiscal*
18 *year 2023”: Provided further, That section 9(h)(4) of the*
19 *Richard B. Russell National School Lunch Act (42 U.S.C.*
20 *1758(h)(4)) is amended in the first sentence by striking*
21 *“For fiscal year 2022” and inserting “For fiscal year*
22 *2023”.*

1 *SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR*
2 *WOMEN, INFANTS, AND CHILDREN (WIC)*

3 *For necessary expenses to carry out the special supple-*
4 *mental nutrition program as authorized by section 17 of*
5 *the Child Nutrition Act of 1966 (42 U.S.C. 1786),*
6 *\$6,000,000,000, to remain available through September 30,*
7 *2024: Provided, That notwithstanding section 17(h)(10) of*
8 *the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)),*
9 *not less than \$90,000,000 shall be used for breastfeeding*
10 *peer counselors and other related activities, and*
11 *\$14,000,000 shall be used for infrastructure: Provided fur-*
12 *ther, That the Secretary shall use funds made available*
13 *under this heading to increase the amount of a cash-value*
14 *voucher for women and children participants to an amount*
15 *recommended by the National Academies of Science, Engi-*
16 *neering and Medicine and adjusted for inflation: Provided*
17 *further, That none of the funds provided in this account*
18 *shall be available for the purchase of infant formula except*
19 *in accordance with the cost containment and competitive*
20 *bidding requirements specified in section 17 of such Act:*
21 *Provided further, That none of the funds provided shall be*
22 *available for activities that are not fully reimbursed by*
23 *other Federal Government departments or agencies unless*
24 *authorized by section 17 of such Act: Provided further, That*
25 *upon termination of a federally mandated vendor morato-*

1 *rium and subject to terms and conditions established by the*
2 *Secretary, the Secretary may waive the requirement at 7*
3 *CFR 246.12(g)(6) at the request of a State agency.*

4 *SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM*

5 *For necessary expenses to carry out the Food and Nu-*
6 *trition Act of 2008 (7 U.S.C. 2011 et seq.),*
7 *\$153,863,723,000, of which \$3,000,000,000, to remain*
8 *available through September 30, 2025, shall be placed in*
9 *reserve for use only in such amounts and at such times as*
10 *may become necessary to carry out program operations:*
11 *Provided, That funds provided herein shall be expended in*
12 *accordance with section 16 of the Food and Nutrition Act*
13 *of 2008: Provided further, That of the funds made available*
14 *under this heading, \$998,000 may be used to provide nutri-*
15 *tion education services to State agencies and Federally Rec-*
16 *ognized Tribes participating in the Food Distribution Pro-*
17 *gram on Indian Reservations: Provided further, That of the*
18 *funds made available under this heading, \$3,000,000, to re-*
19 *main available until September 30, 2024, shall be used to*
20 *carry out section 4003(b) of Public Law 115–334 relating*
21 *to demonstration projects for tribal organizations: Provided*
22 *further, That this appropriation shall be subject to any*
23 *work registration or workfare requirements as may be re-*
24 *quired by law: Provided further, That funds made available*
25 *for Employment and Training under this heading shall re-*

1 *main available through September 30, 2024: Provided fur-*
2 *ther, That funds made available under this heading for sec-*
3 *tion 28(d)(1), section 4(b), and section 27(a) of the Food*
4 *and Nutrition Act of 2008 shall remain available through*
5 *September 30, 2024: Provided further, That none of the*
6 *funds made available under this heading may be obligated*
7 *or expended in contravention of section 213A of the Immi-*
8 *gration and Nationality Act (8 U.S.C. 1183A): Provided*
9 *further, That funds made available under this heading may*
10 *be used to enter into contracts and employ staff to conduct*
11 *studies, evaluations, or to conduct activities related to pro-*
12 *gram integrity provided that such activities are authorized*
13 *by the Food and Nutrition Act of 2008.*

14 *COMMODITY ASSISTANCE PROGRAM*

15 *For necessary expenses to carry out disaster assistance*
16 *and the Commodity Supplemental Food Program as au-*
17 *thorized by section 4(a) of the Agriculture and Consumer*
18 *Protection Act of 1973 (7 U.S.C. 612c note); the Emergency*
19 *Food Assistance Act of 1983; special assistance for the nu-*
20 *clear affected islands, as authorized by section 103(f)(2) of*
21 *the Compact of Free Association Amendments Act of 2003*
22 *(Public Law 108–188); and the Farmers’ Market Nutrition*
23 *Program, as authorized by section 17(m) of the Child Nutri-*
24 *tion Act of 1966, \$457,710,000, to remain available through*
25 *September 30, 2024: Provided, That none of these funds*

1 *shall be available to reimburse the Commodity Credit Cor-*
2 *poration for commodities donated to the program: Provided*
3 *further, That notwithstanding any other provision of law,*
4 *effective with funds made available in fiscal year 2023 to*
5 *support the Seniors Farmers' Market Nutrition Program,*
6 *as authorized by section 4402 of the Farm Security and*
7 *Rural Investment Act of 2002, such funds shall remain*
8 *available through September 30, 2024: Provided further,*
9 *That of the funds made available under section 27(a) of*
10 *the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)),*
11 *the Secretary may use up to 20 percent for costs associated*
12 *with the distribution of commodities.*

13 *NUTRITION PROGRAMS ADMINISTRATION*

14 *For necessary administrative expenses of the Food and*
15 *Nutrition Service for carrying out any domestic nutrition*
16 *assistance program, \$189,348,000: Provided, That of the*
17 *funds provided herein, \$2,000,000 shall be used for the pur-*
18 *poses of section 4404 of Public Law 107–171, as amended*
19 *by section 4401 of Public Law 110–246.*

72

1 *TITLE V*2 *FOREIGN ASSISTANCE AND RELATED PROGRAMS*3 *OFFICE OF THE UNDER SECRETARY FOR TRADE AND*4 *FOREIGN AGRICULTURAL AFFAIRS*

5 *For necessary expenses of the Office of the Under Sec-*
6 *retary for Trade and Foreign Agricultural Affairs,*
7 *\$932,000: Provided, That funds made available by this Act*
8 *to any agency in the Trade and Foreign Agricultural Af-*
9 *fairs mission area for salaries and expenses are available*
10 *to fund up to one administrative support staff for the Office.*

11 *OFFICE OF CODEX ALIMENTARIUS*

12 *For necessary expenses of the Office of Codex*
13 *Alimentarius, \$4,922,000, including not to exceed \$40,000*
14 *for official reception and representation expenses.*

15 *FOREIGN AGRICULTURAL SERVICE*16 *SALARIES AND EXPENSES*17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *For necessary expenses of the Foreign Agricultural*
19 *Service, including not to exceed \$250,000 for representation*
20 *allowances and for expenses pursuant to section 8 of the*
21 *Act approved August 3, 1956 (7 U.S.C. 1766),*
22 *\$237,330,000, of which no more than 6 percent shall remain*
23 *available until September 30, 2024, for overseas operations*
24 *to include the payment of locally employed staff: Provided,*
25 *That the Service may utilize advances of funds, or reim-*

73

1 *burse this appropriation for expenditures made on behalf*
2 *of Federal agencies, public and private organizations and*
3 *institutions under agreements executed pursuant to the ag-*
4 *ricultural food production assistance programs (7 U.S.C.*
5 *1737) and the foreign assistance programs of the United*
6 *States Agency for International Development: Provided fur-*
7 *ther, That funds made available for middle-income country*
8 *training programs, funds made available for the Borlaug*
9 *International Agricultural Science and Technology Fellow-*
10 *ship program, and up to \$2,000,000 of the Foreign Agricul-*
11 *tural Service appropriation solely for the purpose of offset-*
12 *ting fluctuations in international currency exchange rates,*
13 *subject to documentation by the Foreign Agricultural Serv-*
14 *ice, shall remain available until expended.*

15 *FOOD FOR PEACE TITLE II GRANTS*

16 *For expenses during the current fiscal year, not other-*
17 *wise recoverable, and unrecovered prior years' costs, includ-*
18 *ing interest thereon, under the Food for Peace Act (Public*
19 *Law 83-480), for commodities supplied in connection with*
20 *dispositions abroad under title II of said Act,*
21 *\$1,750,000,000, to remain available until expended.*

22 *MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION*23 *AND CHILD NUTRITION PROGRAM GRANTS*

24 *For necessary expenses to carry out the provisions of*
25 *section 3107 of the Farm Security and Rural Investment*

1 *Act of 2002 (7 U.S.C. 1736o–1), \$243,331,000, to remain*
2 *available until expended: Provided, That the Commodity*
3 *Credit Corporation is authorized to provide the services, fa-*
4 *cilities, and authorities for the purpose of implementing*
5 *such section, subject to reimbursement from amounts pro-*
6 *vided herein: Provided further, That of the amount made*
7 *available under this heading, not more than 10 percent, but*
8 *not less than \$24,300,000, shall remain available until ex-*
9 *pended to purchase agricultural commodities as described*
10 *in subsection 3107(a)(2) of the Farm Security and Rural*
11 *Investment Act of 2002 (7 U.S.C. 1736o–1(a)(2)).*

12 *COMMODITY CREDIT CORPORATION EXPORT (LOANS)*

13 *CREDIT GUARANTEE PROGRAM ACCOUNT*

14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *For administrative expenses to carry out the Com-*
16 *modity Credit Corporation’s Export Guarantee Program,*
17 *GSM 102 and GSM 103, \$6,063,000, to cover common over-*
18 *head expenses as permitted by section 11 of the Commodity*
19 *Credit Corporation Charter Act and in conformity with the*
20 *Federal Credit Reform Act of 1990, which shall be trans-*
21 *ferred to and merged with the appropriation for “Foreign*
22 *Agricultural Service, Salaries and Expenses”.*

75

1 *TITLE VI*
2 *RELATED AGENCY AND FOOD AND DRUG*
3 *ADMINISTRATION*
4 *DEPARTMENT OF HEALTH AND HUMAN SERVICES*
5 *FOOD AND DRUG ADMINISTRATION*
6 *SALARIES AND EXPENSES*
7 *(INCLUDING TRANSFERS OF FUNDS)*

8 *For necessary expenses of the Food and Drug Adminis-*
9 *tration, including hire and purchase of passenger motor ve-*
10 *hicles; for payment of space rental and related costs pursu-*
11 *ant to Public Law 92–313 for programs and activities of*
12 *the Food and Drug Administration which are included in*
13 *this Act; for rental of special purpose space in the District*
14 *of Columbia or elsewhere; in addition to amounts appro-*
15 *priated to the FDA Innovation Account, for carrying out*
16 *the activities described in section 1002(b)(4) of the 21st*
17 *Century Cures Act (Public Law 114–255); for miscellaneous*
18 *and emergency expenses of enforcement activities, author-*
19 *ized and approved by the Secretary and to be accounted*
20 *for solely on the Secretary’s certificate, not to exceed*
21 *\$25,000; and notwithstanding section 521 of Public Law*
22 *107–188; \$6,562,793,000: Provided, That of the amount*
23 *provided under this heading, \$1,310,319,000 shall be de-*
24 *rived from prescription drug user fees authorized by 21*
25 *U.S.C. 379h, and shall be credited to this account and re-*

76

1 *main available until expended; \$324,777,000 shall be de-*
2 *rived from medical device user fees authorized by 21 U.S.C.*
3 *379j, and shall be credited to this account and remain*
4 *available until expended; \$582,500,000 shall be derived*
5 *from human generic drug user fees authorized by 21 U.S.C.*
6 *379j–42, and shall be credited to this account and remain*
7 *available until expended; \$41,600,000 shall be derived from*
8 *biosimilar biological product user fees authorized by 21*
9 *U.S.C. 379j–52, and shall be credited to this account and*
10 *remain available until expended; \$32,144,000 shall be de-*
11 *rived from animal drug user fees authorized by 21 U.S.C.*
12 *379j–12, and shall be credited to this account and remain*
13 *available until expended; \$29,303,000 shall be derived from*
14 *generic new animal drug user fees authorized by 21 U.S.C.*
15 *379j–21, and shall be credited to this account and remain*
16 *available until expended; \$712,000,000 shall be derived*
17 *from tobacco product user fees authorized by 21 U.S.C.*
18 *387s, and shall be credited to this account and remain*
19 *available until expended: Provided further, That in addi-*
20 *tion to and notwithstanding any other provision under this*
21 *heading, amounts collected for prescription drug user fees,*
22 *medical device user fees, human generic drug user fees, bio-*
23 *similar biological product user fees, animal drug user fees,*
24 *and generic new animal drug user fees that exceed the re-*
25 *spective fiscal year 2023 limitations are appropriated and*

1 *shall be credited to this account and remain available until*
2 *expended: Provided further, That fees derived from prescrip-*
3 *tion drug, medical device, human generic drug, biosimilar*
4 *biological product, animal drug, and generic new animal*
5 *drug assessments for fiscal year 2023, including any such*
6 *fees collected prior to fiscal year 2023 but credited for fiscal*
7 *year 2023, shall be subject to the fiscal year 2023 limita-*
8 *tions: Provided further, That the Secretary may accept pay-*
9 *ment during fiscal year 2023 of user fees specified under*
10 *this heading and authorized for fiscal year 2024, prior to*
11 *the due date for such fees, and that amounts of such fees*
12 *assessed for fiscal year 2024 for which the Secretary accepts*
13 *payment in fiscal year 2023 shall not be included in*
14 *amounts under this heading: Provided further, That none*
15 *of these funds shall be used to develop, establish, or operate*
16 *any program of user fees authorized by 31 U.S.C. 9701:*
17 *Provided further, That of the total amount appropriated:*
18 *(1) \$1,196,097,000 shall be for the Center for Food Safety*
19 *and Applied Nutrition and related field activities in the*
20 *Office of Regulatory Affairs, of which no less than*
21 *\$15,000,000 shall be used for inspections of foreign seafood*
22 *manufacturers and field examinations of imported seafood;*
23 *(2) \$2,289,290,000 shall be for the Center for Drug Evalua-*
24 *tion and Research and related field activities in the Office*
25 *of Regulatory Affairs, of which no less than \$10,000,000*

1 *shall be for pilots to increase unannounced foreign inspec-*
2 *tions and shall remain available until expended; (3)*
3 *\$489,594,000 shall be for the Center for Biologics Evalua-*
4 *tion and Research and for related field activities in the Of-*
5 *fice of Regulatory Affairs; (4) \$287,339,000 shall be for the*
6 *Center for Veterinary Medicine and for related field activi-*
7 *ties in the Office of Regulatory Affairs; (5) \$736,359,000*
8 *shall be for the Center for Devices and Radiological Health*
9 *and for related field activities in the Office of Regulatory*
10 *Affairs; (6) \$76,919,000 shall be for the National Center for*
11 *Toxicological Research; (7) \$677,165,000 shall be for the*
12 *Center for Tobacco Products and for related field activities*
13 *in the Office of Regulatory Affairs; (8) \$214,082,000 shall*
14 *be for Rent and Related activities, of which \$55,893,000*
15 *is for White Oak Consolidation, other than the amounts*
16 *paid to the General Services Administration for rent; (9)*
17 *\$236,166,000 shall be for payments to the General Services*
18 *Administration for rent; and (10) \$359,782,000 shall be for*
19 *other activities, including the Office of the Commissioner*
20 *of Food and Drugs, the Office of Food Policy and Response,*
21 *the Office of Operations, the Office of the Chief Scientist,*
22 *and central services for these offices: Provided further, That*
23 *not to exceed \$25,000 of this amount shall be for official*
24 *reception and representation expenses, not otherwise pro-*
25 *vided for, as determined by the Commissioner: Provided*

1 *further, That any transfer of funds pursuant to, and for*
2 *the administration of, section 770(n) of the Federal Food,*
3 *Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only*
4 *be from amounts made available under this heading for*
5 *other activities and shall not exceed \$2,000,000: Provided*
6 *further, That of the amounts that are made available under*
7 *this heading for “other activities”, and that are not derived*
8 *from user fees, \$1,500,000 shall be transferred to and*
9 *merged with the appropriation for “Department of Health*
10 *and Human Services—Office of Inspector General” for*
11 *oversight of the programs and operations of the Food and*
12 *Drug Administration and shall be in addition to funds oth-*
13 *erwise made available for oversight of the Food and Drug*
14 *Administration: Provided further, That funds may be*
15 *transferred from one specified activity to another with the*
16 *prior approval of the Committees on Appropriations of both*
17 *Houses of Congress.*

18 *In addition, mammography user fees authorized by 42*
19 *U.S.C. 263b, export certification user fees authorized by 21*
20 *U.S.C. 381, priority review user fees authorized by 21*
21 *U.S.C. 360n and 360ff, food and feed recall fees, food rein-*
22 *spection fees, and voluntary qualified importer program*
23 *fees authorized by 21 U.S.C. 379j–31, outsourcing facility*
24 *fees authorized by 21 U.S.C. 379j–62, prescription drug*
25 *wholesale distributor licensing and inspection fees author-*

1 ized by 21 U.S.C. 353(e)(3), third-party logistics provider
2 licensing and inspection fees authorized by 21 U.S.C.
3 360eee-3(c)(1), third-party auditor fees authorized by 21
4 U.S.C. 384d(c)(8), medical countermeasure priority review
5 voucher user fees authorized by 21 U.S.C. 360bbb-4a, and
6 fees relating to over-the-counter monograph drugs author-
7 ized by 21 U.S.C. 379j-72 shall be credited to this account,
8 to remain available until expended.

9 BUILDINGS AND FACILITIES

10 For plans, construction, repair, improvement, exten-
11 sion, alteration, demolition, and purchase of fixed equip-
12 ment or facilities of or used by the Food and Drug Adminis-
13 tration, where not otherwise provided, \$12,788,000, to re-
14 main available until expended.

15 FDA INNOVATION ACCOUNT, CURES ACT

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses to carry out the purposes de-
18 scribed under section 1002(b)(4) of the 21st Century Cures
19 Act, in addition to amounts available for such purposes
20 under the heading “Salaries and Expenses”, \$50,000,000,
21 to remain available until expended: Provided, That
22 amounts appropriated in this paragraph are appropriated
23 pursuant to section 1002(b)(3) of the 21st Century Cures
24 Act, are to be derived from amounts transferred under sec-
25 tion 1002(b)(2)(A) of such Act, and may be transferred by

1 *the Commissioner of Food and Drugs to the appropriation*
2 *for “Department of Health and Human Services Food and*
3 *Drug Administration Salaries and Expenses” solely for the*
4 *purposes provided in such Act: Provided further, That upon*
5 *a determination by the Commissioner that funds trans-*
6 *ferred pursuant to the previous proviso are not necessary*
7 *for the purposes provided, such amounts may be transferred*
8 *back to the account: Provided further, That such transfer*
9 *authority is in addition to any other transfer authority*
10 *provided by law.*

11 *INDEPENDENT AGENCY*

12 *FARM CREDIT ADMINISTRATION*

13 *LIMITATION ON ADMINISTRATIVE EXPENSES*

14 *Not to exceed \$88,500,000 (from assessments collected*
15 *from farm credit institutions, including the Federal Agri-*
16 *cultural Mortgage Corporation) shall be obligated during*
17 *the current fiscal year for administrative expenses as au-*
18 *thorized under 12 U.S.C. 2249: Provided, That this limita-*
19 *tion shall not apply to expenses associated with receiver-*
20 *ships: Provided further, That the agency may exceed this*
21 *limitation by up to 10 percent with notification to the Com-*
22 *mittees on Appropriations of both Houses of Congress: Pro-*
23 *vided further, That the purposes of section 3.7(b)(2)(A)(i)*
24 *of the Farm Credit Act of 1971 (12 U.S.C.*
25 *2128(b)(2)(A)(i)), the Farm Credit Administration may ex-*

- 1 *empt, an amount in its sole discretion, from the application*
- 2 *of the limitation provided in that clause of export loans*
- 3 *described in the clause guaranteed or insured in a manner*
- 4 *other than described in subclause (II) of the clause.*

1 *TITLE VII*2 *GENERAL PROVISIONS*3 *(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)*

4 *SEC. 701. The Secretary may use any appropriations*
5 *made available to the Department of Agriculture in this*
6 *Act to purchase new passenger motor vehicles, in addition*
7 *to specific appropriations for this purpose, so long as the*
8 *total number of vehicles purchased in fiscal year 2023 does*
9 *not exceed the number of vehicles owned or leased in fiscal*
10 *year 2018: Provided, That, prior to purchasing additional*
11 *motor vehicles, the Secretary must determine that such vehi-*
12 *cles are necessary for transportation safety, to reduce oper-*
13 *ational costs, and for the protection of life, property, and*
14 *public safety: Provided further, That the Secretary may not*
15 *increase the Department of Agriculture's fleet above the*
16 *2018 level unless the Secretary notifies in writing, and re-*
17 *ceives approval from, the Committees on Appropriations of*
18 *both Houses of Congress within 30 days of the notification.*

19 *SEC. 702. Notwithstanding any other provision of this*
20 *Act, the Secretary of Agriculture may transfer unobligated*
21 *balances of discretionary funds appropriated by this Act*
22 *or any other available unobligated discretionary balances*
23 *that are remaining available of the Department of Agri-*
24 *culture to the Working Capital Fund for the acquisition of*
25 *property, plant and equipment and for the improvement,*

1 *delivery, and implementation of Department financial, and*
2 *administrative information technology services, and other*
3 *support systems necessary for the delivery of financial, ad-*
4 *ministrative, and information technology services, includ-*
5 *ing cloud adoption and migration, of primary benefit to*
6 *the agencies of the Department of Agriculture, such trans-*
7 *ferred funds to remain available until expended: Provided,*
8 *That none of the funds made available by this Act or any*
9 *other Act shall be transferred to the Working Capital Fund*
10 *without the prior approval of the agency administrator:*
11 *Provided further, That none of the funds transferred to the*
12 *Working Capital Fund pursuant to this section shall be*
13 *available for obligation without written notification to and*
14 *the prior approval of the Committees on Appropriations of*
15 *both Houses of Congress: Provided further, That none of the*
16 *funds appropriated by this Act or made available to the*
17 *Department's Working Capital Fund shall be available for*
18 *obligation or expenditure to make any changes to the De-*
19 *partment's National Finance Center without written notifi-*
20 *cation to and prior approval of the Committees on Appro-*
21 *priations of both Houses of Congress as required by section*
22 *716 of this Act: Provided further, That none of the funds*
23 *appropriated by this Act or made available to the Depart-*
24 *ment's Working Capital Fund shall be available for obliga-*
25 *tion or expenditure to initiate, plan, develop, implement,*

1 *or make any changes to remove or relocate any systems,*
2 *missions, personnel, or functions of the offices of the Chief*
3 *Financial Officer and the Chief Information Officer, co-lo-*
4 *cated with or from the National Finance Center prior to*
5 *written notification to and prior approval of the Committee*
6 *on Appropriations of both Houses of Congress and in ac-*
7 *cordance with the requirements of section 716 of this Act:*
8 *Provided further, That the National Finance Center Infor-*
9 *mation Technology Services Division personnel and data*
10 *center management responsibilities, and control of any*
11 *functions, missions, and systems for current and future*
12 *human resources management and integrated personnel and*
13 *payroll systems (PPS) and functions provided by the Chief*
14 *Financial Officer and the Chief Information Officer shall*
15 *remain in the National Finance Center and under the man-*
16 *agement responsibility and administrative control of the*
17 *National Finance Center: Provided further, That the Sec-*
18 *retary of Agriculture and the offices of the Chief Financial*
19 *Officer shall actively market to existing and new Depart-*
20 *ments and other government agencies National Finance*
21 *Center shared services including, but not limited to, payroll,*
22 *financial management, and human capital shared services*
23 *and allow the National Finance Center to perform tech-*
24 *nology upgrades: Provided further, That of annual income*
25 *amounts in the Working Capital Fund of the Department*

1 *of Agriculture attributable to the amounts in excess of the*
2 *true costs of the shared services provided by the National*
3 *Finance Center and budgeted for the National Finance Cen-*
4 *ter, the Secretary shall reserve not more than 4 percent for*
5 *the replacement or acquisition of capital equipment, includ-*
6 *ing equipment for the improvement, delivery, and imple-*
7 *mentation of financial, administrative, and information*
8 *technology services, and other systems of the National Fi-*
9 *nance Center or to pay any unforeseen, extraordinary cost*
10 *of the National Finance Center: Provided further, That*
11 *none of the amounts reserved shall be available for obliga-*
12 *tion unless the Secretary submits written notification of the*
13 *obligation to the Committees on Appropriations of both*
14 *Houses of Congress: Provided further, That the limitations*
15 *on the obligation of funds pending notification to Congres-*
16 *sional Committees shall not apply to any obligation that,*
17 *as determined by the Secretary, is necessary to respond to*
18 *a declared state of emergency that significantly impacts the*
19 *operations of the National Finance Center; or to evacuate*
20 *employees of the National Finance Center to a safe haven*
21 *to continue operations of the National Finance Center.*

22 *SEC. 703. No part of any appropriation contained in*
23 *this Act shall remain available for obligation beyond the*
24 *current fiscal year unless expressly so provided herein.*

1 *SEC. 704. No funds appropriated by this Act may be*
2 *used to pay negotiated indirect cost rates on cooperative*
3 *agreements or similar arrangements between the United*
4 *States Department of Agriculture and nonprofit institu-*
5 *tions in excess of 10 percent of the total direct cost of the*
6 *agreement when the purpose of such cooperative arrange-*
7 *ments is to carry out programs of mutual interest between*
8 *the two parties. This does not preclude appropriate pay-*
9 *ment of indirect costs on grants and contracts with such*
10 *institutions when such indirect costs are computed on a*
11 *similar basis for all agencies for which appropriations are*
12 *provided in this Act.*

13 *SEC. 705. Appropriations to the Department of Agri-*
14 *culture for the cost of direct and guaranteed loans made*
15 *available in the current fiscal year shall remain available*
16 *until expended to disburse obligations made in the current*
17 *fiscal year for the following accounts: the Rural Develop-*
18 *ment Loan Fund program account, the Rural Electrifica-*
19 *tion and Telecommunication Loans program account, and*
20 *the Rural Housing Insurance Fund program account.*

21 *SEC. 706. None of the funds made available to the De-*
22 *partment of Agriculture by this Act may be used to acquire*
23 *new information technology systems or significant up-*
24 *grades, as determined by the Office of the Chief Information*
25 *Officer, without the approval of the Chief Information Offi-*

1 *cer and the concurrence of the Executive Information Tech-*
2 *nology Investment Review Board: Provided, That notwith-*
3 *standing any other provision of law, none of the funds ap-*
4 *propriated or otherwise made available by this Act may be*
5 *transferred to the Office of the Chief Information Officer*
6 *without written notification to and the prior approval of*
7 *the Committees on Appropriations of both Houses of Con-*
8 *gress: Provided further, That notwithstanding section 11319*
9 *of title 40, United States Code, none of the funds available*
10 *to the Department of Agriculture for information technology*
11 *shall be obligated for projects, contracts, or other agreements*
12 *over \$25,000 prior to receipt of written approval by the*
13 *Chief Information Officer: Provided further, That the Chief*
14 *Information Officer may authorize an agency to obligate*
15 *funds without written approval from the Chief Information*
16 *Officer for projects, contracts, or other agreements up to*
17 *\$250,000 based upon the performance of an agency meas-*
18 *ured against the performance plan requirements described*
19 *in the explanatory statement accompanying Public Law*
20 *113–235.*

21 *SEC. 707. Funds made available under section 524(b)*
22 *of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in*
23 *the current fiscal year shall remain available until ex-*
24 *pendent to disburse obligations made in the current fiscal*
25 *year.*

1 *SEC. 708. Notwithstanding any other provision of law,*
2 *any former Rural Utilities Service borrower that has repaid*
3 *or prepaid an insured, direct or guaranteed loan under the*
4 *Rural Electrification Act of 1936, or any not-for-profit util-*
5 *ity that is eligible to receive an insured or direct loan under*
6 *such Act, shall be eligible for assistance under section*
7 *313B(a) of such Act in the same manner as a borrower*
8 *under such Act.*

9 *SEC. 709. Except as otherwise specifically provided by*
10 *law, not more than \$20,000,000 in unobligated balances*
11 *from appropriations made available for salaries and ex-*
12 *penses in this Act for the Farm Service Agency shall remain*
13 *available through September 30, 2024, for information tech-*
14 *nology expenses.*

15 *SEC. 710. None of the funds appropriated or otherwise*
16 *made available by this Act may be used for first-class travel*
17 *by the employees of agencies funded by this Act in con-*
18 *travention of sections 301–10.122 through 301–10.124 of*
19 *title 41, Code of Federal Regulations.*

20 *SEC. 711. In the case of each program established or*
21 *amended by the Agricultural Act of 2014 (Public Law 113–*
22 *79) or by a successor to that Act, other than by title I or*
23 *subtitle A of title III of such Act, or programs for which*
24 *indefinite amounts were provided in that Act, that is au-*

1 *thorized or required to be carried out using funds of the*
2 *Commodity Credit Corporation—*

3 *(1) such funds shall be available for salaries and*
4 *related administrative expenses, including technical*
5 *assistance, associated with the implementation of the*
6 *program, without regard to the limitation on the total*
7 *amount of allotments and fund transfers contained in*
8 *section 11 of the Commodity Credit Corporation*
9 *Charter Act (15 U.S.C. 714i); and*

10 *(2) the use of such funds for such purpose shall*
11 *not be considered to be a fund transfer or allotment*
12 *for purposes of applying the limitation on the total*
13 *amount of allotments and fund transfers contained in*
14 *such section.*

15 *SEC. 712. Of the funds made available by this Act, not*
16 *more than \$2,900,000 shall be used to cover necessary ex-*
17 *penses of activities related to all advisory committees, pan-*
18 *els, commissions, and task forces of the Department of Agri-*
19 *culture, except for panels used to comply with negotiated*
20 *rule makings and panels used to evaluate competitively*
21 *awarded grants.*

22 *SEC. 713. (a) None of the funds made available in this*
23 *Act may be used to maintain or establish a computer net-*
24 *work unless such network blocks the viewing, downloading,*
25 *and exchanging of pornography.*

1 (b) *Nothing in subsection (a) shall limit the use of*
2 *funds necessary for any Federal, State, tribal, or local law*
3 *enforcement agency or any other entity carrying out crimi-*
4 *nal investigations, prosecution, or adjudication activities.*

5 *SEC. 714. Notwithstanding subsection (b) of section*
6 *14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this*
7 *section referred to as “section 14222”), none of the funds*
8 *appropriated or otherwise made available by this or any*
9 *other Act shall be used to pay the salaries and expenses of*
10 *personnel to carry out a program under section 32 of the*
11 *Act of August 24, 1935 (7 U.S.C. 612c; in this section re-*
12 *ferred to as “section 32”) in excess of \$1,483,309,000 (exclu-*
13 *sive of carryover appropriations from prior fiscal years),*
14 *as follows: Child Nutrition Programs Entitlement Commod-*
15 *ities—\$485,000,000; State Option Contracts—\$5,000,000;*
16 *Removal of Defective Commodities—\$2,500,000; Adminis-*
17 *tration of section 32 Commodity Purchases—\$37,178,000:*
18 *Provided, That, of the total funds made available in the*
19 *matter preceding this proviso that remain unobligated on*
20 *October 1, 2023, such unobligated balances shall carryover*
21 *into fiscal year 2024 and shall remain available until ex-*
22 *pended for any of the purposes of section 32, except that*
23 *any such carryover funds used in accordance with clause*
24 *(3) of section 32 may not exceed \$350,000,000 and may*
25 *not be obligated until the Secretary of Agriculture provides*

1 *written notification of the expenditures to the Committees*
2 *on Appropriations of both Houses of Congress at least two*
3 *weeks in advance: Provided further, That, with the excep-*
4 *tion of any available carryover funds authorized in any*
5 *prior appropriations Act to be used for the purposes of*
6 *clause (3) of section 32, none of the funds appropriated or*
7 *otherwise made available by this or any other Act shall be*
8 *used to pay the salaries or expenses of any employee of the*
9 *Department of Agriculture to carry out clause (3) of section*
10 *32.*

11 *SEC. 715. None of the funds appropriated by this or*
12 *any other Act shall be used to pay the salaries and expenses*
13 *of personnel who prepare or submit appropriations lan-*
14 *guage as part of the President's budget submission to the*
15 *Congress for programs under the jurisdiction of the Appro-*
16 *priations Subcommittees on Agriculture, Rural Develop-*
17 *ment, Food and Drug Administration, and Related Agen-*
18 *cies that assumes revenues or reflects a reduction from the*
19 *previous year due to user fees proposals that have not been*
20 *enacted into law prior to the submission of the budget unless*
21 *such budget submission identifies which additional spend-*
22 *ing reductions should occur in the event the user fees pro-*
23 *posals are not enacted prior to the date of the convening*
24 *of a committee of conference for the fiscal year 2024 appro-*
25 *priations Act.*

1 *SEC. 716. (a) None of the funds provided by this Act,*
2 *or provided by previous appropriations Acts to the agencies*
3 *funded by this Act that remain available for obligation or*
4 *expenditure in the current fiscal year, or provided from any*
5 *accounts in the Treasury derived by the collection of fees*
6 *available to the agencies funded by this Act, shall be avail-*
7 *able for obligation or expenditure through a reprogram-*
8 *ming, transfer of funds, or reimbursements as authorized*
9 *by the Economy Act, or in the case of the Department of*
10 *Agriculture, through use of the authority provided by sec-*
11 *tion 702(b) of the Department of Agriculture Organic Act*
12 *of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–*
13 *106 (7 U.S.C. 2263), that—*

14 *(1) creates new programs;*

15 *(2) eliminates a program, project, or activity;*

16 *(3) increases funds or personnel by any means*
17 *for any project or activity for which funds have been*
18 *denied or restricted;*

19 *(4) relocates an office or employees;*

20 *(5) reorganizes offices, programs, or activities; or*

21 *(6) contracts out or privatizes any functions or*
22 *activities presently performed by Federal employees;*

23 *unless the Secretary of Agriculture or the Secretary of*
24 *Health and Human Services (as the case may be) notifies*
25 *in writing and receives approval from the Committees on*

1 *Appropriations of both Houses of Congress at least 30 days*
2 *in advance of the reprogramming of such funds or the use*
3 *of such authority.*

4 *(b) None of the funds provided by this Act, or provided*
5 *by previous Appropriations Acts to the agencies funded by*
6 *this Act that remain available for obligation or expenditure*
7 *in the current fiscal year, or provided from any accounts*
8 *in the Treasury derived by the collection of fees available*
9 *to the agencies funded by this Act, shall be available for*
10 *obligation or expenditure for activities, programs, or*
11 *projects through a reprogramming or use of the authorities*
12 *referred to in subsection (a) involving funds in excess of*
13 *\$500,000 or 10 percent, whichever is less, that—*

14 *(1) augments existing programs, projects, or ac-*
15 *tivities;*

16 *(2) reduces by 10 percent funding for any exist-*
17 *ing program, project, or activity, or numbers of per-*
18 *sonnel by 10 percent as approved by Congress; or*

19 *(3) results from any general savings from a re-*
20 *duction in personnel which would result in a change*
21 *in existing programs, activities, or projects as ap-*
22 *proved by Congress;*

23 *unless the Secretary of Agriculture or the Secretary of*
24 *Health and Human Services (as the case may be) notifies*
25 *in writing and receives approval from the Committees on*

1 *Appropriations of both Houses of Congress at least 30 days*
2 *in advance of the reprogramming or transfer of such funds*
3 *or the use of such authority.*

4 (c) *The Secretary of Agriculture or the Secretary of*
5 *Health and Human Services shall notify in writing and*
6 *receive approval from the Committees on Appropriations of*
7 *both Houses of Congress before implementing any program*
8 *or activity not carried out during the previous fiscal year*
9 *unless the program or activity is funded by this Act or spe-*
10 *cifically funded by any other Act.*

11 (d) *None of the funds provided by this Act, or provided*
12 *by previous Appropriations Acts to the agencies funded by*
13 *this Act that remain available for obligation or expenditure*
14 *in the current fiscal year, or provided from any accounts*
15 *in the Treasury derived by the collection of fees available*
16 *to the agencies funded by this Act, shall be available for—*

17 (1) *modifying major capital investments funding*
18 *levels, including information technology systems, that*
19 *involves increasing or decreasing funds in the current*
20 *fiscal year for the individual investment in excess of*
21 *\$500,000 or 10 percent of the total cost, whichever is*
22 *less;*

23 (2) *realigning or reorganizing new, current, or*
24 *vacant positions or agency activities or functions to*

1 *establish a center, office, branch, or similar entity*
2 *with ten or more personnel; or*
3 *(3) carrying out activities or functions that were*
4 *not described in the budget request;*
5 *unless the agencies funded by this Act notify, in writing,*
6 *the Committees on Appropriations of both Houses of Con-*
7 *gress at least 30 days in advance of using the funds for*
8 *these purposes.*

9 *(e) As described in this section, no funds may be used*
10 *for any activities unless the Secretary of Agriculture or the*
11 *Secretary of Health and Human Services receives from the*
12 *Committee on Appropriations of both Houses of Congress*
13 *written or electronic mail confirmation of receipt of the no-*
14 *tification as required in this section.*

15 *SEC. 717. Notwithstanding section 310B(g)(5) of the*
16 *Consolidated Farm and Rural Development Act (7 U.S.C.*
17 *1932(g)(5)), the Secretary may assess a one-time fee for any*
18 *guaranteed business and industry loan in an amount that*
19 *does not exceed 3 percent of the guaranteed principal por-*
20 *tion of the loan.*

21 *SEC. 718. None of the funds appropriated or otherwise*
22 *made available to the Department of Agriculture, the Food*
23 *and Drug Administration or the Farm Credit Administra-*
24 *tion shall be used to transmit or otherwise make available*
25 *reports, questions, or responses to questions that are a result*

1 *of information requested for the appropriations hearing*
2 *process to any non-Department of Agriculture, non-Depart-*
3 *ment of Health and Human Services, or non-Farm Credit*
4 *Administration employee.*

5 *SEC. 719. Unless otherwise authorized by existing law,*
6 *none of the funds provided in this Act, may be used by an*
7 *executive branch agency to produce any prepackaged news*
8 *story intended for broadcast or distribution in the United*
9 *States unless the story includes a clear notification within*
10 *the text or audio of the prepackaged news story that the*
11 *prepackaged news story was prepared or funded by that ex-*
12 *ecutive branch agency.*

13 *SEC. 720. No employee of the Department of Agri-*
14 *culture may be detailed or assigned from an agency or office*
15 *funded by this Act or any other Act to any other agency*
16 *or office of the Department for more than 60 days in a*
17 *fiscal year unless the individual's employing agency or of-*
18 *fice is fully reimbursed by the receiving agency or office*
19 *for the salary and expenses of the employee for the period*
20 *of assignment.*

21 *SEC. 721. Not later than 30 days after the date of en-*
22 *actment of this Act, the Secretary of Agriculture, the Com-*
23 *missioner of the Food and Drug Administration and the*
24 *Chairman of the Farm Credit Administration shall submit*
25 *to the Committees on Appropriations of both Houses of Con-*

1 *gress a detailed spending plan by program, project, and ac-*
2 *tivity for all the funds made available under this Act in-*
3 *cluding appropriated user fees, as defined in the explana-*
4 *tory statement described in section 4 (in the matter pre-*
5 *ceding division A of this consolidated Act).*

6 *SEC. 722. None of the funds made available by this*
7 *Act may be used to propose, promulgate, or implement any*
8 *rule, or take any other action with respect to, allowing or*
9 *requiring information intended for a prescribing health*
10 *care professional, in the case of a drug or biological product*
11 *subject to section 503(b)(1) of the Federal Food, Drug, and*
12 *Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to*
13 *such professional electronically (in lieu of in paper form)*
14 *unless and until a Federal law is enacted to allow or re-*
15 *quire such distribution.*

16 *SEC. 723. For the purposes of determining eligibility*
17 *or level of program assistance for Rural Development pro-*
18 *grams the Secretary shall not include incarcerated prison*
19 *populations.*

20 *SEC. 724. For loans and loan guarantees that do not*
21 *require budget authority and the program level has been*
22 *established in this Act, the Secretary of Agriculture may*
23 *increase the program level for such loans and loan guaran-*
24 *tees by not more than 25 percent: Provided, That prior to*
25 *the Secretary implementing such an increase, the Secretary*

1 *notifies, in writing, the Committees on Appropriations of*
2 *both Houses of Congress at least 15 days in advance.*

3 *SEC. 725. None of the credit card refunds or rebates*
4 *transferred to the Working Capital Fund pursuant to sec-*
5 *tion 729 of the Agriculture, Rural Development, Food and*
6 *Drug Administration, and Related Agencies Appropria-*
7 *tions Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall*
8 *be available for obligation without written notification to,*
9 *and the prior approval of, the Committees on Appropria-*
10 *tions of both Houses of Congress: Provided, That the refunds*
11 *or rebates so transferred shall be available for obligation*
12 *only for the acquisition of property, plant and equipment,*
13 *including equipment for the improvement, delivery, and*
14 *implementation of Departmental financial management,*
15 *information technology, and other support systems nec-*
16 *essary for the delivery of financial, administrative, and in-*
17 *formation technology services, including cloud adoption and*
18 *migration, of primary benefit to the agencies of the Depart-*
19 *ment of Agriculture.*

20 *SEC. 726. None of the funds made available by this*
21 *Act may be used to implement, administer, or enforce the*
22 *“variety” requirements of the final rule entitled “Enhanc-*
23 *ing Retailer Standards in the Supplemental Nutrition As-*
24 *sistance Program (SNAP)” published by the Department*
25 *of Agriculture in the Federal Register on December 15, 2016*

100

1 *(81 Fed. Reg. 90675) until the Secretary of Agriculture*
2 *amends the definition of the term “variety” as defined in*
3 *section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regula-*
4 *tions, and “variety” as applied in the definition of the term*
5 *“staple food” as defined in section 271.2 of title 7, Code*
6 *of Federal Regulations, to increase the number of items that*
7 *qualify as acceptable varieties in each staple food category*
8 *so that the total number of such items in each staple food*
9 *category exceeds the number of such items in each staple*
10 *food category included in the final rule as published on De-*
11 *cember 15, 2016: Provided, That until the Secretary pro-*
12 *mulgates such regulatory amendments, the Secretary shall*
13 *apply the requirements regarding acceptable varieties and*
14 *breadth of stock to Supplemental Nutrition Assistance Pro-*
15 *gram retailers that were in effect on the day before the date*
16 *of the enactment of the Agricultural Act of 2014 (Public*
17 *Law 113–79).*

18 *SEC. 727. In carrying out subsection (h) of section 502*
19 *of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary*
20 *of Agriculture shall have the same authority with respect*
21 *to loans guaranteed under such section and eligible lenders*
22 *for such loans as the Secretary has under subsections (h)*
23 *and (j) of section 538 of such Act (42 U.S.C. 1490p–2) with*
24 *respect to loans guaranteed under such section 538 and eli-*
25 *gible lenders for such loans.*

101

1 *SEC. 728. None of the funds appropriated or otherwise*
2 *made available by this Act shall be available for the United*
3 *States Department of Agriculture to propose, finalize or im-*
4 *plement any regulation that would promulgate new user*
5 *fees pursuant to 31 U.S.C. 9701 after the date of the enact-*
6 *ment of this Act.*

7 *SEC. 729. Of the unobligated balances from amounts*
8 *made available for the supplemental nutrition program as*
9 *authorized by section 17 of the Child Nutrition Act of 1966*
10 *(42 U.S.C. 1786), \$315,000,000 are hereby rescinded: Pro-*
11 *vided, That no amounts may be rescinded from amounts*
12 *that were designated by the Congress as an emergency re-*
13 *quirement pursuant to a Concurrent Resolution on the*
14 *Budget or the Balanced Budget and Emergency Deficit*
15 *Control Act of 1985.*

16 *SEC. 730. Notwithstanding any provision of law that*
17 *regulates the calculation and payment of overtime and holi-*
18 *day pay for FSIS inspectors, the Secretary may charge es-*
19 *tablishments subject to the inspection requirements of the*
20 *Poultry Products Inspection Act, 21 U.S.C. 451 et seq., the*
21 *Federal Meat Inspection Act, 21 U.S.C. 601 et seq, and the*
22 *Egg Products Inspection Act, 21 U.S.C. 1031 et seq., for*
23 *the cost of inspection services provided outside of an estab-*
24 *lishment's approved inspection shifts, and for inspection*
25 *services provided on Federal holidays: Provided, That any*

102

1 *sums charged pursuant to this paragraph shall be deemed*
2 *as overtime pay or holiday pay under section 1001(d) of*
3 *the American Rescue Plan Act of 2021 (Public Law 117–*
4 *2, 135 Stat. 242): Provided further, That sums received by*
5 *the Secretary under this paragraph shall, in addition to*
6 *other available funds, remain available until expended to*
7 *the Secretary without further appropriation for the purpose*
8 *of funding all costs associated with FSIS inspections.*

9 *SEC. 731. (a) The Secretary of Agriculture shall—*

10 *(1) conduct audits in a manner that evaluates*
11 *the following factors in the country or region being*
12 *audited, as applicable—*

13 *(A) veterinary control and oversight;*

14 *(B) disease history and vaccination prac-*
15 *tices;*

16 *(C) livestock demographics and traceability;*

17 *(D) epidemiological separation from poten-*
18 *tial sources of infection;*

19 *(E) surveillance practices;*

20 *(F) diagnostic laboratory capabilities; and*

21 *(G) emergency preparedness and response;*

22 *and*

23 *(2) promptly make publicly available the final*
24 *reports of any audits or reviews conducted pursuant*
25 *to subsection (1).*

103

1 (b) *This section shall be applied in a manner con-*
2 *sistent with United States obligations under its inter-*
3 *national trade agreements.*

4 SEC. 732. *In this fiscal year and thereafter, and not-*
5 *withstanding any other provision of law, none of the funds*
6 *made available by this Act may be used to implement sec-*
7 *tion 3.7(f) of the Farm Credit Act of 1971 in a manner*
8 *inconsistent with section 343(a)(13) of the Consolidated*
9 *Farm and Rural Development Act.*

10 SEC. 733. *In this fiscal year and thereafter, and not-*
11 *withstanding any other provision of law, none of the funds*
12 *made available by this Act may be used to carry out any*
13 *activities or incur any expense related to the issuance of*
14 *licenses under section 3 of the Animal Welfare Act (7 U.S.C.*
15 *2133), or the renewal of such licenses, to class B dealers*
16 *who sell Random Source dogs and cats for use in research,*
17 *experiments, teaching, or testing.*

18 SEC. 734. (a)(1) *No Federal funds made available for*
19 *this fiscal year for the rural water, waste water, waste dis-*
20 *posal, and solid waste management programs authorized by*
21 *sections 306, 306A, 306C, 306D, 306E, and 310B of the*
22 *Consolidated Farm and Rural Development Act (7 U.S.C.*
23 *1926 et seq.) shall be used for a project for the construction,*
24 *alteration, maintenance, or repair of a public water or*

1 *wastewater system unless all of the iron and steel products*
2 *used in the project are produced in the United States.*

3 (2) *In this section, the term “iron and steel products”*
4 *means the following products made primarily of iron or*
5 *steel: lined or unlined pipes and fittings, manhole covers*
6 *and other municipal castings, hydrants, tanks, flanges, pipe*
7 *clamps and restraints, valves, structural steel, reinforced*
8 *precast concrete, and construction materials.*

9 (b) *Subsection (a) shall not apply in any case or cat-*
10 *egory of cases in which the Secretary of Agriculture (in this*
11 *section referred to as the “Secretary”) or the designee of*
12 *the Secretary finds that—*

13 (1) *applying subsection (a) would be inconsistent*
14 *with the public interest;*

15 (2) *iron and steel products are not produced in*
16 *the United States in sufficient and reasonably avail-*
17 *able quantities or of a satisfactory quality; or*

18 (3) *inclusion of iron and steel products produced*
19 *in the United States will increase the cost of the over-*
20 *all project by more than 25 percent.*

21 (c) *If the Secretary or the designee receives a request*
22 *for a waiver under this section, the Secretary or the designee*
23 *shall make available to the public on an informal basis a*
24 *copy of the request and information available to the Sec-*
25 *retary or the designee concerning the request, and shall*

1 *allow for informal public input on the request for at least*
2 *15 days prior to making a finding based on the request.*
3 *The Secretary or the designee shall make the request and*
4 *accompanying information available by electronic means,*
5 *including on the official public Internet Web site of the De-*
6 *partment.*

7 (d) *This section shall be applied in a manner con-*
8 *sistent with United States obligations under international*
9 *agreements.*

10 (e) *The Secretary may retain up to 0.25 percent of*
11 *the funds appropriated in this Act for “Rural Utilities*
12 *Service—Rural Water and Waste Disposal Program Ac-*
13 *count” for carrying out the provisions described in sub-*
14 *section (a)(1) for management and oversight of the require-*
15 *ments of this section.*

16 (f) *Subsection (a) shall not apply with respect to a*
17 *project for which the engineering plans and specifications*
18 *include use of iron and steel products otherwise prohibited*
19 *by such subsection if the plans and specifications have re-*
20 *ceived required approvals from State agencies prior to the*
21 *date of enactment of this Act.*

22 (g) *For purposes of this section, the terms “United*
23 *States” and “State” shall include each of the several States,*
24 *the District of Columbia, and each Federally recognized In-*
25 *dian Tribe.*

106

1 *SEC. 735. None of the funds appropriated by this Act*
2 *may be used in any way, directly or indirectly, to influence*
3 *congressional action on any legislation or appropriation*
4 *matters pending before Congress, other than to commu-*
5 *nicate to Members of Congress as described in 18 U.S.C.*
6 *1913.*

7 *SEC. 736. Of the total amounts made available by this*
8 *Act for direct loans and grants under the following head-*
9 *ings: “Rural Housing Service—Rural Housing Insurance*
10 *Fund Program Account”; “Rural Housing Service—Mu-*
11 *tual and Self-Help Housing Grants”; “Rural Housing*
12 *Service—Rural Housing Assistance Grants”; “Rural Hous-*
13 *ing Service—Rural Community Facilities Program Ac-*
14 *count”; “Rural Business-Cooperative Service—Rural Busi-*
15 *ness Program Account”; “Rural Business-Cooperative Serv-*
16 *ice—Rural Economic Development Loans Program Ac-*
17 *count”; “Rural Business-Cooperative Service—Rural Coop-*
18 *erative Development Grants”; “Rural Business-Cooperative*
19 *Service—Rural Microentrepreneur Assistance Program”;*
20 *“Rural Utilities Service—Rural Water and Waste Disposal*
21 *Program Account”; “Rural Utilities Service—Rural Elec-*
22 *trification and Telecommunications Loans Program Ac-*
23 *count”; and “Rural Utilities Service—Distance Learning,*
24 *Telemedicine, and Broadband Program”, to the maximum*
25 *extent feasible, at least 10 percent of the funds shall be allo-*

1 cated for assistance in persistent poverty counties under
2 this section, including, notwithstanding any other provision
3 regarding population limits, any county seat of such a per-
4 sistent poverty county that has a population that does not
5 exceed the authorized population limit by more than 10 per-
6 cent: Provided, That for purposes of this section, the term
7 “persistent poverty counties” means any county that has
8 had 20 percent or more of its population living in poverty
9 over the past 30 years, as measured by the 1990 and 2000
10 decennial censuses, and 2007–2011 American Community
11 Survey 5-year average, or any territory or possession of the
12 United States: Provided further, That with respect to spe-
13 cific activities for which program levels have been made
14 available by this Act that are not supported by budget au-
15 thority, the requirements of this section shall be applied to
16 such program level.

17 SEC. 737. None of the funds made available by this
18 Act may be used to notify a sponsor or otherwise acknowl-
19 edge receipt of a submission for an exemption for investiga-
20 tional use of a drug or biological product under section
21 505(i) of the Federal Food, Drug, and Cosmetic Act (21
22 U.S.C. 355(i)) or section 351(a)(3) of the Public Health
23 Service Act (42 U.S.C. 262(a)(3)) in research in which a
24 human embryo is intentionally created or modified to in-
25 clude a heritable genetic modification. Any such submission

1 *shall be deemed to have not been received by the Secretary,*
2 *and the exemption may not go into effect.*

3 *SEC. 738. None of the funds made available by this*
4 *or any other Act may be used to enforce the final rule pro-*
5 *mulgated by the Food and Drug Administration entitled*
6 *“Standards for the Growing, Harvesting, Packing, and*
7 *Holding of Produce for Human Consumption,” and pub-*
8 *lished on November 27, 2015, with respect to the regulation*
9 *of entities that grow, harvest, pack, or hold wine grapes,*
10 *hops, pulse crops, or almonds.*

11 *SEC. 739. There is hereby appropriated \$5,000,000, to*
12 *remain available until September 30, 2024, for a pilot pro-*
13 *gram for the National Institute of Food and Agriculture*
14 *to provide grants to nonprofit organizations for programs*
15 *and services to establish and enhance farming and ranching*
16 *opportunities for military veterans.*

17 *SEC. 740. For school years 2022–2023 and 2023–2024,*
18 *none of the funds made available by this Act may be used*
19 *to implement or enforce the matter following the first*
20 *comma in the second sentence of footnote (c) of section*
21 *220.8(c) of title 7, Code of Federal Regulations, with respect*
22 *to the substitution of vegetables for fruits under the school*
23 *breakfast program established under section 4 of the Child*
24 *Nutrition Act of 1966 (42 U.S.C. 1773).*

1 *SEC. 741. None of the funds made available by this*
2 *Act or any other Act may be used—*

3 *(1) in contravention of section 7606 of the Agri-*
4 *cultural Act of 2014 (7 U.S.C. 5940), subtitle G of the*
5 *Agricultural Marketing Act of 1946, or section 10114*
6 *of the Agriculture Improvement Act of 2018; or*

7 *(2) to prohibit the transportation, processing,*
8 *sale, or use of hemp, or seeds of such plant, that is*
9 *grown or cultivated in accordance with section 7606*
10 *of the Agricultural Act of 2014 or subtitle G of the*
11 *Agricultural Marketing Act of 1946, within or outside*
12 *the State in which the hemp is grown or cultivated.*

13 *SEC. 742. There is hereby appropriated \$3,000,000, to*
14 *remain available until expended, for grants under section*
15 *12502 of Public Law 115–334.*

16 *SEC. 743. There is hereby appropriated \$1,000,000 to*
17 *carry out section 3307 of Public Law 115–334.*

18 *SEC. 744. The Secretary of Agriculture may waive the*
19 *matching funds requirement under section 412(g) of the Ag-*
20 *ricultural Research, Extension, and Education Reform Act*
21 *of 1998 (7 U.S.C. 7632(g)).*

22 *SEC. 745. There is hereby appropriated \$2,000,000, to*
23 *remain available until expended, for a pilot program for*
24 *the Secretary to provide grants to qualified non-profit orga-*
25 *nizations and public housing authorities to provide tech-*

1 nical assistance, including financial and legal services, to
2 RHS multi-family housing borrowers to facilitate the ac-
3 quisition of RHS multi-family housing properties in areas
4 where the Secretary determines a risk of loss of affordable
5 housing, by non-profit housing organizations and public
6 housing authorities as authorized by law that commit to
7 keep such properties in the RHS multi-family housing pro-
8 gram for a period of time as determined by the Secretary.

9 SEC. 746. There is hereby appropriated \$4,000,000, to
10 carry out section 4208 of Public Law 115–334, including
11 for project locations in additional regions.

12 SEC. 747. There is hereby appropriated \$4,000,000 to
13 carry out section 12301 of Public Law 115–334, Farming
14 Opportunities Training and Outreach.

15 SEC. 748. In response to an eligible community where
16 the drinking water supplies are inadequate due to a natural
17 disaster, as determined by the Secretary, including drought
18 or severe weather, the Secretary may provide potable water
19 through the Emergency Community Water Assistance
20 Grant Program for an additional period of time not to ex-
21 ceed 120 days beyond the established period provided under
22 the Program in order to protect public health.

23 SEC. 749. Funds made available under title II of the
24 Food for Peace Act (7 U.S.C. 1721 et seq.) may only be
25 used to provide assistance to recipient nations if adequate

1 *monitoring and controls, as determined by the Adminis-*
2 *trator, are in place to ensure that emergency food aid is*
3 *received by the intended beneficiaries in areas affected by*
4 *food shortages and not diverted for unauthorized or inap-*
5 *propriate purposes.*

6 *SEC. 750. In this fiscal year and thereafter, and not-*
7 *withstanding any other provision of law, ARS facilities as*
8 *described in the “Memorandum of Understanding Between*
9 *the U.S. Department of Agriculture Animal and Plant*
10 *Health Inspection Service (APHIS) and the U.S. Depart-*
11 *ment of Agriculture Agricultural Research Service (ARS)*
12 *Concerning Laboratory Animal Welfare” (16–6100–0103–*
13 *MU Revision 16–1) shall be inspected by APHIS for com-*
14 *pliance with the Animal Welfare Act and its regulations*
15 *and standards.*

16 *SEC. 751. None of the funds made available by this*
17 *Act may be used to procure raw or processed poultry prod-*
18 *ucts imported into the United States from the People’s Re-*
19 *public of China for use in the school lunch program under*
20 *the Richard B. Russell National School Lunch Act (42*
21 *U.S.C. 1751 et seq.), the Child and Adult Care Food Pro-*
22 *gram under section 17 of such Act (42 U.S.C. 1766), the*
23 *Summer Food Service Program for Children under section*
24 *13 of such Act (42 U.S.C. 1761), or the school breakfast*

112

1 *program under the Child Nutrition Act of 1966 (42 U.S.C.*
2 *1771 et seq.).*

3 *SEC. 752. For school year 2023–2024, only a school*
4 *food authority that had a negative balance in the nonprofit*
5 *school food service account as of June 30, 2022, shall be*
6 *required to establish a price for paid lunches in accordance*
7 *with section 12(p) of the Richard B. Russell National*
8 *School Lunch Act (42 U.S.C. 1760(p)).*

9 *SEC. 753. There is hereby appropriated \$2,000,000, to*
10 *remain available until expended, for the Secretary of Agri-*
11 *culture to carry out a pilot program that assists rural hos-*
12 *pitals to improve long-term operations and financial health*
13 *by providing technical assistance through analysis of cur-*
14 *rent hospital management practices.*

15 *SEC. 754. Any funds made available by this or any*
16 *other Act that the Secretary withholds pursuant to section*
17 *1668(g)(2) of the Food, Agriculture, Conservation, and*
18 *Trade Act of 1990 (7 U.S.C. 5921(g)(2)), as amended, shall*
19 *be available for grants for biotechnology risk assessment re-*
20 *search: Provided, That the Secretary may transfer such*
21 *funds among appropriations of the Department of Agri-*
22 *culture for purposes of making such grants.*

23 *SEC. 755. There is hereby appropriated \$400,000 to*
24 *carry out section 1672(g)(4)(B) of the Food, Agriculture,*
25 *Conservation, and Trade Act of 1990 (7 U.S.C.*

1 5925(g)(4)(B)) as amended by section 7209 of Public Law
2 115–334.

3 SEC. 756. Hereafter, none of the funds made available
4 by this Act or any other Act, may be used to pay the sala-
5 ries or expenses of personnel to implement any activities
6 related to the permitting of non-recording of observed viola-
7 tions of the Animal Welfare Act or its regulations on official
8 inspection reports.

9 SEC. 757. For necessary expenses associated with cot-
10 ton classing activities pursuant to 7 U.S.C. 55, to include
11 equipment and facility upgrades, and in addition to any
12 other funds made available for this purpose, there is appro-
13 priated \$4,000,000, to remain available until September 30,
14 2024: Provided, That amounts made available in this sec-
15 tion shall be treated as funds collected by fees authorized
16 under Mar. 4, 1923, ch. 288, §5, 42 Stat. 1518, as amended
17 (7 U.S.C. 55).

18 SEC. 758. Notwithstanding any other provision of law,
19 no funds available to the Department of Agriculture may
20 be used to move any staff office or any agency from the
21 mission area in which it was located on August 1, 2018,
22 to any other mission area or office within the Department
23 in the absence of the enactment of specific legislation affirm-
24 ing such move.

1 *SEC. 759. The Secretary, acting through the Chief of*
2 *the Natural Resources Conservation Service, may use funds*
3 *appropriated under this Act or any other Act for the Water-*
4 *shed and Flood Prevention Operations Program and the*
5 *Watershed Rehabilitation Program carried out pursuant to*
6 *the Watershed Protection and Flood Prevention Act (16*
7 *U.S.C. 1001 et seq.), and for the Emergency Watershed Pro-*
8 *tection Program carried out pursuant to section 403 of the*
9 *Agricultural Credit Act of 1978 (16 U.S.C. 2203) to provide*
10 *technical services for such programs pursuant to section*
11 *1252(a)(1) of the Food Security Act of 1985 (16 U.S.C.*
12 *3851(a)(1)), notwithstanding subsection (c) of such section.*

13 *SEC. 760. In administering the pilot program estab-*
14 *lished by section 779 of division A of the Consolidated Ap-*
15 *propriations Act, 2018 (Public Law 115–141), the Sec-*
16 *retary of Agriculture may, for purposes of determining enti-*
17 *ties eligible to receive assistance, consider those communities*
18 *which are “Areas Rural in Character”: Provided, That not*
19 *more than 10 percent of the funds made available under*
20 *the heading “Distance Learning, Telemedicine, and*
21 *Broadband Program” for the purposes of the pilot program*
22 *established by section 779 of Public Law 115–141 may be*
23 *used for this purpose.*

1 *SEC. 761. None of the funds made available by this*
2 *Act may be used to pay the salaries or expenses of per-*
3 *sonnel—*

4 *(1) to inspect horses under section 3 of the Fed-*
5 *eral Meat Inspection Act (21 U.S.C. 603);*

6 *(2) to inspect horses under section 903 of the*
7 *Federal Agriculture Improvement and Reform Act of*
8 *1996 (7 U.S.C. 1901 note; Public Law 104–127); or*

9 *(3) to implement or enforce section 352.19 of*
10 *title 9, Code of Federal Regulations (or a successor*
11 *regulation).*

12 *SEC. 762. In addition to amounts otherwise made*
13 *available by this Act and notwithstanding the last sentence*
14 *of 16 U.S.C. 1310, there is appropriated \$4,000,000, to re-*
15 *main available until expended, to implement non-renewable*
16 *agreements on eligible lands, including flooded agricultural*
17 *lands, as determined by the Secretary, under the Water*
18 *Bank Act (16 U.S.C. 1301–1311).*

19 *SEC. 763. Out of amounts appropriated to the Food*
20 *and Drug Administration under title VI, the Secretary of*
21 *Health and Human Services, acting through the Commis-*
22 *sioner of Food and Drugs, shall, not later than September*
23 *30, 2023, and following the review required under Executive*
24 *Order No. 12866 (5 U.S.C. 601 note; relating to regulatory*
25 *planning and review), issue advice revising the advice pro-*

1 *vided in the notice of availability entitled “Advice About*
2 *Eating Fish, From the Environmental Protection Agency*
3 *and Food and Drug Administration; Revised Fish Advice;*
4 *Availability” (82 Fed. Reg. 6571 (January 19, 2017)), in*
5 *a manner that is consistent with nutrition science recog-*
6 *nized by the Food and Drug Administration on the net ef-*
7 *fects of seafood consumption.*

8 *SEC. 764. There is hereby appropriated \$5,000,000, to*
9 *remain available until expended, to carry out section 2103*
10 *of Public Law 115–334: Provided, That the Secretary shall*
11 *prioritize the wetland compliance needs of areas with sig-*
12 *nificant numbers of individual wetlands, wetland acres,*
13 *and conservation compliance requests.*

14 *SEC. 765. Notwithstanding any other provision of law,*
15 *the acceptable market name of any engineered animal ap-*
16 *proved prior to the effective date of the National Bioengi-*
17 *neered Food Disclosure Standard (February 19, 2019) shall*
18 *include the words “genetically engineered” prior to the ex-*
19 *isting acceptable market name.*

20 *SEC. 766. There is appropriated to the Department of*
21 *Agriculture, for an additional amount for “Agricultural*
22 *Programs—Processing, Research, and Marketing—Office of*
23 *the Secretary”, \$5,000,000, which shall remain available*
24 *until expended, for necessary expenses, under such terms*
25 *and conditions determined by the Secretary, related to test-*

1 *ing soil, water, or agricultural products for per- and*
2 *polyfluoroalkyl substances (PFAS) at the request of an agri-*
3 *cultural producer, assisting agricultural producers affected*
4 *by PFAS contamination with costs related to mitigate the*
5 *impacts to their operation that have resulted from such con-*
6 *tamination and indemnifying agricultural producers for*
7 *the value of unmarketable crops, livestock, and other agri-*
8 *cultural products related to PFAS contamination: Pro-*
9 *vided, That the Secretary shall prioritize such assistance*
10 *to agricultural producers in states and territories that have*
11 *established a tolerance threshold for PFAS in a food or agri-*
12 *cultural product: Provided further, That, not later than 90*
13 *days after the end of fiscal year 2023, the Secretary shall*
14 *submit a report to the Congress specifying the type, amount,*
15 *and method of such assistance by state and territory and*
16 *the status of the amounts obligated and plans for further*
17 *expenditure, and include improvements that can be made*
18 *to U.S. Department of Agriculture programs, either admin-*
19 *istratively or legislatively, to increase support for agricul-*
20 *tural producers impacted by PFAS contamination and to*
21 *enhance scientific knowledge on PFAS uptake in crops and*
22 *livestock and PFAS mitigation and remediation methods*
23 *and disseminate such knowledge to agricultural producers.*
24 *SEC. 767. The Secretary shall set aside for Rural Eco-*
25 *nomic Area Partnership (REAP) Zones, until August 15,*

1 *2023, an amount of funds made available in title III under*
2 *the headings of Rural Housing Insurance Fund Program*
3 *Account, Mutual and Self-Help Housing Grants, Rural*
4 *Housing Assistance Grants, Rural Community Facilities*
5 *Program Account, Rural Business Program Account, Rural*
6 *Development Loan Fund Program Account, and Rural*
7 *Water and Waste Disposal Program Account, equal to the*
8 *amount obligated in REAP Zones with respect to funds*
9 *provided under such headings in the most recent fiscal year*
10 *any such funds were obligated under such headings for*
11 *REAP Zones.*

12 *SEC. 768. There is hereby appropriated \$500,000 to*
13 *carry out the duties of the working group established under*
14 *section 770 of the Agriculture, Rural Development, Food*
15 *and Drug Administration, and Related Agencies Appro-*
16 *priations Act, 2019 (Public Law 116–6; 133 Stat. 89).*

17 *SEC. 769. For an additional amount for the Office of*
18 *the Secretary, \$15,000,000, to remain available until ex-*
19 *pendent, to continue the Institute for Rural Partnerships as*
20 *established in section 778 of Public Law 117–103: Provided,*
21 *That the Institute for Rural Partnerships shall continue to*
22 *dedicate resources to researching the causes and conditions*
23 *of challenges facing rural areas, and develop community*
24 *partnerships to address such challenges: Provided further,*
25 *That administrative or other fees shall not exceed one per-*

1 *cent: Provided further, That such partnership shall coordi-*
2 *nate and publish an annual report.*

3 *SEC. 770. Of the unobligated balances from prior year*
4 *appropriations made available under the heading “Farm*
5 *Service Agency—Agricultural Credit Insurance Fund Pro-*
6 *gram Account”, \$73,000,000 are hereby rescinded.*

7 *SEC. 771. In addition to the amount of reimbursement*
8 *for administrative and operating expenses available for*
9 *crop insurance contracts described in subsection (a)(2)(F)*
10 *of section III of the 2023 Standard Reinsurance Agreement*
11 *(SRA) that cover agricultural commodities described in sec-*
12 *tion 101 of title I of the Specialty Crops Competitiveness*
13 *Act of 2004 (7 U.S.C. 1621 note), there is hereby appro-*
14 *priated \$25,000,000, to remain available until expended,*
15 *to pay, with respect to such contracts for the 2021 reinsur-*
16 *ance year, an amount that is equal to the difference between*
17 *the amount to be paid pursuant to the SRA for the applica-*
18 *ble reinsurance year and the amount that would be paid*
19 *if such contracts were not subject to a reduction described*
20 *in subsection (a)(2)(G) of section III of the SRA but subject*
21 *to a reimbursement rate equal to 17.5 percent of the net*
22 *book premium.*

23 *SEC. 772. For an additional amount for the “Office*
24 *of the Secretary”, \$1,300,000, to remain available until ex-*
25 *pended, for the Secretary, in consultation with the Sec-*

120

1 *retary of the Department of Health and Human Services,*
2 *to enter into an agreement with the National Academies*
3 *of Sciences, Engineering, and Medicine to conduct a study*
4 *of the eight topics and scientific questions related to alcohol*
5 *previously published by USDA and HHS and other rel-*
6 *evant topics: Provided, That the panel or panels established*
7 *by the National Academies Sciences, Engineering, and Med-*
8 *icine to conduct the study shall operate in a fully trans-*
9 *parent manner and include a balanced representation of*
10 *individuals who have expertise in the health effects of alco-*
11 *hol consumption, are unbiased, and are free from conflicts*
12 *of interests: Provided further, That the findings and rec-*
13 *ommendations of the study shall be based on the preponder-*
14 *ance of the scientific and medical knowledge consistent with*
15 *section 5341 of title 7 of United States Code: Provided fur-*
16 *ther, That not later than eighteen months after the date of*
17 *enactment of this Act, the National Academies of Sciences,*
18 *Engineering, and Medicine shall submit its report to the*
19 *Secretary of Agriculture, the Secretary of Health and*
20 *Human Services, and the Congress of its systematic review*
21 *and data analysis of the eight research topics: Provided fur-*
22 *ther, That the Secretary of Agriculture shall ensure that the*
23 *2025 Dietary Guidelines for Americans process includes a*
24 *recommendation for alcohol and shall be based on the pre-*
25 *ponderance of scientific and medical knowledge consistent*

1 *with section 5341 of title 7 of United States Code: Provided*
2 *further, That the Secretary of Agriculture shall ensure the*
3 *process is fully transparent and includes a balanced rep-*
4 *resentation of individuals who are unbiased and free from*
5 *conflicts of interest.*

6 *SEC. 773. The Secretary, as part of the report on for-*
7 *ign landholding required under the Agricultural Foreign*
8 *Investment Disclosure Act (Public Law 95–460), shall re-*
9 *port to Congress on foreign investments in agricultural land*
10 *in the United States, including the impact foreign owner-*
11 *ship has on family farms, rural communities, and the do-*
12 *mestic food supply: Provided, That within 3 years after the*
13 *enactment of this Act, the Secretary shall establish a*
14 *streamlined process for electronic submission and retention*
15 *of disclosures made under the Agricultural Foreign Invest-*
16 *ment Disclosure Act, including an internet database that*
17 *contains disaggregated data from each disclosure submitted:*
18 *Provided further, That all prior year disclosures of foreign*
19 *investments in agricultural land in the United States are*
20 *published in the database: Provided further, That the plan*
21 *includes a process to ensure the protection of personally*
22 *identifiable information and that all disclosures of foreign*
23 *investments in agricultural land on the USDA website be*
24 *disaggregated by: (1) in any case in which such foreign per-*
25 *son is an individual, the citizenship of such foreign person;*

122

1 *and (2) in any case in which such foreign person is not*
2 *an individual or a government, the nature of the legal enti-*
3 *ty holding the interest, the country in which such foreign*
4 *person is created or organized, and the principal place of*
5 *business of such foreign person.*

6 *SEC. 774. Notwithstanding any other provision of law,*
7 *the common name “Kanpachi” shall serve as an acceptable*
8 *market name under the Federal Food, Drug, and Cosmetic*
9 *Act (21 U.S.C. 301 et seq.) for labeling and marketing of*
10 *ocean-farmed Seriola rivoliana.*

11 *SEC. 775. In this or any subsequent fiscal year, the*
12 *Secretary of Homeland Security shall transfer to the Sec-*
13 *retary of Agriculture the operation of and all property re-*
14 *quired to operate the National Bio- and Agro-Defense Facil-*
15 *ity in Manhattan, Kansas: Provided, That, such transfer*
16 *of function shall include the transfer of up to 40 full time*
17 *equivalent positions, to be completed within 120 days of the*
18 *effective date of the transfer of function, as jointly deter-*
19 *mined by the Secretaries.*

20 *SEC. 776. (a) Section 260 of the Agricultural Mar-*
21 *keting Act of 1946 (7 U.S.C. 1636i) is amended by striking*
22 *“2022” and inserting “2023”.*

23 *(b) Section 942 of the Livestock Mandatory Reporting*
24 *Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) is*
25 *amended by striking “2022” and inserting “2023”.*

123

1 *SEC. 777. Section 18(g) of the Richard B. Russell Na-*
2 *tional School Lunch Act (42 U.S.C. 1769(g)) is amended*
3 *by striking “Access to Local Foods: Farm to School Pro-*
4 *gram.” and inserting “Access to Local Foods: Patrick*
5 *Leahy Farm to School Program”.*

6 *SEC. 778. Notwithstanding 7 U.S.C. 1991(a)(13), the*
7 *Secretary shall consider a city or town to be a rural area*
8 *for the purposes of eligibility for a guaranteed loan funded*
9 *through the Rural Community Facilities Program Account*
10 *if the project to be funded received a prior loan from such*
11 *account in fiscal year 2021.*

12 *SEC. 779. Of the unobligated balances in the “Non-*
13 *recurring Expenses Fund” established in section 742 of di-*
14 *vision A of Public Law 113–235, \$150,000,000 are hereby*
15 *rescinded not later than September 30, 2023.*

16 *SEC. 780. Funds made available in the Consolidated*
17 *Appropriations Act, 2018 (Public Law 115–141) for the*
18 *“Rural Community Facilities Program Account” under*
19 *section 306 of the Consolidated Farm and Rural Develop-*
20 *ment Act, 7 U.S.C. 1926, for the principal amount of direct*
21 *loans are to remain available through fiscal year 2028 for*
22 *the liquidation of valid obligations incurred in fiscal year*
23 *2018.*

24 *SEC. 781. Of the unobligated balances from amounts*
25 *made available to carry out section 749(g) of the Agricul-*

124

1 *tural Appropriations Act of 2010 (Public Law 111–80),*
2 *\$80,000,000 are hereby rescinded: Provided, That no*
3 *amounts may be rescinded from amounts that were des-*
4 *ignated by the Congress as an emergency requirement pur-*
5 *suant to a Concurrent Resolution on the Budget or the Bal-*
6 *anced Budget and Emergency Deficit Control Act of 1985.*

7 *This division may be cited as the “Agriculture, Rural*
8 *Development, Food and Drug Administration, and Related*
9 *Agencies Appropriations Act, 2023”.*

125

1 ***DIVISION B—COMMERCE, JUSTICE,***
2 ***SCIENCE, AND RELATED AGENCIES AP-***
3 ***PROPRIATIONS ACT, 2023***

4 ***TITLE I***

5 ***DEPARTMENT OF COMMERCE***

6 ***INTERNATIONAL TRADE ADMINISTRATION***

7 ***OPERATIONS AND ADMINISTRATION***

8 *For necessary expenses for international trade activi-*
9 *ties of the Department of Commerce provided for by law,*
10 *to carry out activities associated with facilitating, attract-*
11 *ing, and retaining business investment in the United*
12 *States, and for engaging in trade promotional activities*
13 *abroad, including expenses of grants and cooperative agree-*
14 *ments for the purpose of promoting exports of United States*
15 *firms, without regard to sections 3702 and 3703 of title 44,*
16 *United States Code; full medical coverage for dependent*
17 *members of immediate families of employees stationed over-*
18 *seas and employees temporarily posted overseas; travel and*
19 *transportation of employees of the International Trade Ad-*
20 *ministration between two points abroad, without regard to*
21 *section 40118 of title 49, United States Code; employment*
22 *of citizens of the United States and aliens by contract for*
23 *services; rental of space abroad for periods not exceeding*
24 *10 years, and expenses of alteration, repair, or improve-*
25 *ment; purchase or construction of temporary demountable*

126

1 *exhibition structures for use abroad; payment of tort claims,*
2 *in the manner authorized in the first paragraph of section*
3 *2672 of title 28, United States Code, when such claims arise*
4 *in foreign countries; not to exceed \$294,300 for official rep-*
5 *resentation expenses abroad; purchase of passenger motor*
6 *vehicles for official use abroad, not to exceed \$45,000 per*
7 *vehicle; not to exceed \$325,000 for purchase of armored ve-*
8 *hicles without regard to the general purchase price limita-*
9 *tions; obtaining insurance on official motor vehicles; and*
10 *rental of tie lines, \$625,000,000, of which \$85,000,000 shall*
11 *remain available until September 30, 2024: Provided, That*
12 *\$12,000,000 is to be derived from fees to be retained and*
13 *used by the International Trade Administration, notwith-*
14 *standing section 3302 of title 31, United States Code: Pro-*
15 *vided further, That, of amounts provided under this head-*
16 *ing, not less than \$16,400,000 shall be for China anti-*
17 *dumping and countervailing duty enforcement and compli-*
18 *ance activities: Provided further, That the provisions of the*
19 *first sentence of section 105(f) and all of section 108(c) of*
20 *the Mutual Educational and Cultural Exchange Act of 1961*
21 *(22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying*
22 *out these activities; and that for the purpose of this Act,*
23 *contributions under the provisions of the Mutual Edu-*
24 *cational and Cultural Exchange Act of 1961 shall include*
25 *payment for assessments for services provided as part of*

1 *these activities: Provided further, That, of amounts pro-*
2 *vided under this heading, up to \$3,000,000, to remain*
3 *available until expended, shall be for the purpose of car-*
4 *rying out a pilot fellowship program of the United States*
5 *Commercial Service under which the Secretary of Com-*
6 *merce may make competitive grants to appropriate institu-*
7 *tions of higher education or students to increase the level*
8 *of knowledge and awareness of, and interest in employment*
9 *with, that Service among minority students: Provided fur-*
10 *ther, That any grants awarded under such program shall*
11 *be made pursuant to regulations to be prescribed by the Sec-*
12 *retary, which shall require as a condition of the initial re-*
13 *ceipt of grant funds, a commitment by prospective grantees*
14 *to accept full-time employment in the Global Markets unit*
15 *of the International Trade Administration upon the com-*
16 *pletion of participation in the program.*

17 *BUREAU OF INDUSTRY AND SECURITY*

18 *OPERATIONS AND ADMINISTRATION*

19 *For necessary expenses for export administration and*
20 *national security activities of the Department of Commerce,*
21 *including costs associated with the performance of export*
22 *administration field activities both domestically and*
23 *abroad; full medical coverage for dependent members of im-*
24 *mediate families of employees stationed overseas; employ-*
25 *ment of citizens of the United States and aliens by contract*

1 *for services abroad; payment of tort claims, in the manner*
2 *authorized in the first paragraph of section 2672 of title*
3 *28, United States Code, when such claims arise in foreign*
4 *countries; not to exceed \$13,500 for official representation*
5 *expenses abroad; awards of compensation to informers*
6 *under the Export Control Reform Act of 2018 (subtitle B*
7 *of title XVII of the John S. McCain National Defense Au-*
8 *thorization Act for Fiscal Year 2019; Public Law 115–232;*
9 *132 Stat. 2208; 50 U.S.C. 4801 et seq.), and as authorized*
10 *by section 1(b) of the Act of June 15, 1917 (40 Stat. 223;*
11 *22 U.S.C. 401(b)); and purchase of passenger motor vehicles*
12 *for official use and motor vehicles for law enforcement use*
13 *with special requirement vehicles eligible for purchase with-*
14 *out regard to any price limitation otherwise established by*
15 *law, \$191,000,000, of which \$76,000,000 shall remain*
16 *available until expended: Provided, That the provisions of*
17 *the first sentence of section 105(f) and all of section 108(c)*
18 *of the Mutual Educational and Cultural Exchange Act of*
19 *1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in car-*
20 *rying out these activities: Provided further, That payments*
21 *and contributions collected and accepted for materials or*
22 *services provided as part of such activities may be retained*
23 *for use in covering the cost of such activities, and for pro-*
24 *viding information to the public with respect to the export*
25 *administration and national security activities of the De-*

1 *partment of Commerce and other export control programs*
2 *of the United States and other governments.*

3 *ECONOMIC DEVELOPMENT ADMINISTRATION*

4 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

5 *For grants for economic development assistance as pro-*
6 *vided by the Public Works and Economic Development Act*
7 *of 1965, for trade adjustment assistance, and for grants au-*
8 *thorized by sections 27, 28, 29, and 30 of the Stevenson-*
9 *Wylder Technology Innovation Act of 1980 (15 U.S.C. 3722,*
10 *3722a, 3722b, and 3723), as amended, \$430,000,000 to re-*
11 *main available until expended, of which \$50,000,000 shall*
12 *be for grants under section 27, \$41,000,000 shall be for*
13 *grants under section 28, \$41,000,000 shall be for grants*
14 *under section 29 in amounts determined by the Secretary,*
15 *and \$2,500,000 shall be for grants under section 30: Pro-*
16 *vided, That any deviation from the amounts designated for*
17 *specific activities in the explanatory statement described in*
18 *section 4 (in the matter preceding division A of this consoli-*
19 *dated Act), or any use of deobligated balances of funds pro-*
20 *vided under this heading in previous years, shall be subject*
21 *to the procedures set forth in section 505 of this Act.*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses of administering the economic*
24 *development assistance programs as provided for by law,*
25 *\$68,000,000: Provided, That funds provided under this*

130

1 *heading may be used to monitor projects approved pursuant*
2 *to title I of the Public Works Employment Act of 1976; title*
3 *II of the Trade Act of 1974; sections 27 through 30 of the*
4 *Stevenson-Wydler Technology Innovation Act of 1980 (15*
5 *U.S.C. 3722–3723), as amended; and the Community*
6 *Emergency Drought Relief Act of 1977.*

7 *MINORITY BUSINESS DEVELOPMENT AGENCY*8 *MINORITY BUSINESS DEVELOPMENT*

9 *For necessary expenses of the Minority Business Devel-*
10 *opment Agency in fostering, promoting, and developing mi-*
11 *nority business enterprises, as authorized by law,*
12 *\$70,000,000.*

13 *ECONOMIC AND STATISTICAL ANALYSIS*14 *SALARIES AND EXPENSES*

15 *For necessary expenses, as authorized by law, of eco-*
16 *nomie and statistical analysis programs of the Department*
17 *of Commerce, \$130,000,000, to remain available until Sep-*
18 *tember 30, 2024.*

19 *BUREAU OF THE CENSUS*20 *CURRENT SURVEYS AND PROGRAMS*

21 *For necessary expenses for collecting, compiling, ana-*
22 *lyzing, preparing, and publishing statistics, provided for by*
23 *law, \$330,000,000: Provided, That, from amounts provided*
24 *herein, funds may be used for promotion, outreach, and*
25 *marketing activities.*

131

1 *PERIODIC CENSUSES AND PROGRAMS*

2 *For necessary expenses for collecting, compiling, ana-*
3 *lyzing, preparing, and publishing statistics for periodic*
4 *censuses and programs provided for by law, \$1,155,000,000,*
5 *to remain available until September 30, 2024: Provided,*
6 *That, from amounts provided herein, funds may be used*
7 *for promotion, outreach, and marketing activities.*

8 *NATIONAL TELECOMMUNICATIONS AND INFORMATION*9 *ADMINISTRATION*10 *SALARIES AND EXPENSES*

11 *For necessary expenses, as provided for by law, of the*
12 *National Telecommunications and Information Adminis-*
13 *tration (NTIA), \$62,000,000, to remain available until*
14 *September 30, 2024: Provided, That, notwithstanding 31*
15 *U.S.C. 1535(d), the Secretary of Commerce shall charge*
16 *Federal agencies for costs incurred in spectrum manage-*
17 *ment, analysis, operations, and related services, and such*
18 *fees shall be retained and used as offsetting collections for*
19 *costs of such spectrum services, to remain available until*
20 *expended: Provided further, That the Secretary of Com-*
21 *merce is authorized to retain and use as offsetting collec-*
22 *tions all funds transferred, or previously transferred, from*
23 *other Government agencies for all costs incurred in tele-*
24 *communications research, engineering, and related activi-*
25 *ties by the Institute for Telecommunication Sciences of*

132

1 *NTIA, in furtherance of its assigned functions under this*
2 *paragraph, and such funds received from other Government*
3 *agencies shall remain available until expended.*

4 *PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND*
5 *CONSTRUCTION*

6 *For the administration of prior-year grants, recoveries*
7 *and unobligated balances of funds previously appropriated*
8 *are available for the administration of all open grants until*
9 *their expiration.*

10 *UNITED STATES PATENT AND TRADEMARK OFFICE*

11 *SALARIES AND EXPENSES*

12 *(INCLUDING TRANSFERS OF FUNDS)*

13 *For necessary expenses of the United States Patent and*
14 *Trademark Office (USPTO) provided for by law, including*
15 *defense of suits instituted against the Under Secretary of*
16 *Commerce for Intellectual Property and Director of the*
17 *USPTO, \$4,253,404,000, to remain available until ex-*
18 *pended: Provided, That the sum herein appropriated from*
19 *the general fund shall be reduced as offsetting collections*
20 *of fees and surcharges assessed and collected by the USPTO*
21 *under any law are received during fiscal year 2023, so as*
22 *to result in a fiscal year 2023 appropriation from the gen-*
23 *eral fund estimated at \$0: Provided further, That during*
24 *fiscal year 2023, should the total amount of such offsetting*
25 *collections be less than \$4,253,404,000, this amount shall*

133

1 *be reduced accordingly: Provided further, That any amount*
2 *received in excess of \$4,253,404,000 in fiscal year 2023 and*
3 *deposited in the Patent and Trademark Fee Reserve Fund*
4 *shall remain available until expended: Provided further,*
5 *That the Director of USPTO shall submit a spending plan*
6 *to the Committees on Appropriations of the House of Rep-*
7 *resentatives and the Senate for any amounts made available*
8 *by the preceding proviso and such spending plan shall be*
9 *treated as a reprogramming under section 505 of this Act*
10 *and shall not be available for obligation or expenditure ex-*
11 *cept in compliance with the procedures set forth in that sec-*
12 *tion: Provided further, That any amounts reprogrammed*
13 *in accordance with the preceding proviso shall be trans-*
14 *ferred to the United States Patent and Trademark Office*
15 *“Salaries and Expenses” account: Provided further, That*
16 *the budget of the President submitted for fiscal year 2024*
17 *under section 1105 of title 31, United States Code, shall*
18 *include within amounts provided under this heading for*
19 *necessary expenses of the USPTO any increases that are*
20 *expected to result from an increase promulgated through*
21 *rule or regulation in offsetting collections of fees and sur-*
22 *charges assessed and collected by the USPTO under any law*
23 *in either fiscal year 2023 or fiscal year 2024: Provided fur-*
24 *ther, That from amounts provided herein, not to exceed*
25 *\$13,500 shall be made available in fiscal year 2023 for offi-*

134

1 cial reception and representation expenses: Provided fur-
2 ther, That in fiscal year 2023 from the amounts made
3 available for “Salaries and Expenses” for the USPTO, the
4 amounts necessary to pay (1) the difference between the per-
5 centage of basic pay contributed by the USPTO and em-
6 ployees under section 8334(a) of title 5, United States Code,
7 and the normal cost percentage (as defined by section
8 8331(17) of that title) as provided by the Office of Personnel
9 Management (OPM) for USPTO’s specific use, of basic pay,
10 of employees subject to subchapter III of chapter 83 of that
11 title, and (2) the present value of the otherwise unfunded
12 accruing costs, as determined by OPM for USPTO’s specific
13 use of post-retirement life insurance and post-retirement
14 health benefits coverage for all USPTO employees who are
15 enrolled in Federal Employees Health Benefits (FEHB)
16 and Federal Employees Group Life Insurance (FEGLI),
17 shall be transferred to the Civil Service Retirement and Dis-
18 ability Fund, the FEGLI Fund, and the Employees FEHB
19 Fund, as appropriate, and shall be available for the author-
20 ized purposes of those accounts: Provided further, That any
21 differences between the present value factors published in
22 OPM’s yearly 300 series benefit letters and the factors that
23 OPM provides for USPTO’s specific use shall be recognized
24 as an imputed cost on USPTO’s financial statements, where
25 applicable: Provided further, That, notwithstanding any

135

1 *other provision of law, all fees and surcharges assessed and*
2 *collected by USPTO are available for USPTO only pursu-*
3 *ant to section 42(c) of title 35, United States Code, as*
4 *amended by section 22 of the Leahy-Smith America Invents*
5 *Act (Public Law 112–29): Provided further, That within*
6 *the amounts appropriated, \$2,450,000 shall be transferred*
7 *to the “Office of Inspector General” account for activities*
8 *associated with carrying out investigations and audits re-*
9 *lated to the USPTO.*

10 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*
11 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*
12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For necessary expenses of the National Institute of*
14 *Standards and Technology (NIST), \$953,000,000, to re-*
15 *main available until expended, of which not to exceed*
16 *\$9,000,000 may be transferred to the “Working Capital*
17 *Fund”: Provided, That of the amounts appropriated under*
18 *this heading, \$62,532,000 shall be used for the projects, and*
19 *in the amounts, specified in the table immediately following*
20 *the paragraph “NIST STRS Community Project Funding/*
21 *NIST External Projects” in the explanatory statement de-*
22 *scribed in section 4 (in the matter preceding division A of*
23 *this consolidated Act): Provided further, That the amounts*
24 *made available for the projects referenced in the preceding*
25 *proviso may not be transferred for any other purpose: Pro-*

136

1 *vided further, That not to exceed \$5,000 shall be for official*
2 *reception and representation expenses: Provided further,*
3 *That NIST may provide local transportation for summer*
4 *undergraduate research fellowship program participants.*

5 *INDUSTRIAL TECHNOLOGY SERVICES*

6 *For necessary expenses for industrial technology serv-*
7 *ices, \$212,000,000, to remain available until expended, of*
8 *which \$175,000,000 shall be for the Hollings Manufacturing*
9 *Extension Partnership, and of which \$37,000,000 shall be*
10 *for the Manufacturing USA Program.*

11 *CONSTRUCTION OF RESEARCH FACILITIES*

12 *For construction of new research facilities, including*
13 *architectural and engineering design, and for renovation*
14 *and maintenance of existing facilities, not otherwise pro-*
15 *vided for the National Institute of Standards and Tech-*
16 *nology, as authorized by sections 13 through 15 of the Na-*
17 *tional Institute of Standards and Technology Act (15*
18 *U.S.C. 278c–278e), \$462,285,000, to remain available until*
19 *expended: Provided, That of the amounts appropriated*
20 *under this heading, \$332,285,000 shall be used for the*
21 *projects, and in the amounts, specified in the table imme-*
22 *diately following the paragraph “NIST Construction Com-*
23 *munity Project Funding/NIST Extramural Construction”*
24 *in the explanatory statement described in section 4 (in the*
25 *matter preceding division A of this consolidated Act): Pro-*

137

1 vided further, That up to one percent of amounts made
2 available for the projects referenced in the preceding proviso
3 may be used for the administrative costs of such projects:
4 Provided further, That the Director of the National Insti-
5 tute of Standards and Technology shall submit a spending
6 plan to the Committees on Appropriations of the House of
7 Representatives and the Senate for any amounts made
8 available by the preceding proviso and such spending plan
9 shall be treated as a reprogramming under section 505 of
10 this Act and shall not be available for obligation or expendi-
11 ture except in compliance with the procedures set forth in
12 that section: Provided further, That the Secretary of Com-
13 merce shall include in the budget justification materials for
14 fiscal year 2024 that the Secretary submits to Congress in
15 support of the Department of Commerce budget (as sub-
16 mitted with the budget of the President under section
17 1105(a) of title 31, United States Code) an estimate for each
18 National Institute of Standards and Technology construc-
19 tion project having a total multi-year program cost of more
20 than \$5,000,000, and simultaneously the budget justifica-
21 tion materials shall include an estimate of the budgetary
22 requirements for each such project for each of the 5 subse-
23 quent fiscal years.

138

1 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
2 *OPERATIONS, RESEARCH, AND FACILITIES*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary expenses of activities authorized by law*
5 *for the National Oceanic and Atmospheric Administration,*
6 *including maintenance, operation, and hire of aircraft and*
7 *vessels; pilot programs for State-led fisheries management,*
8 *notwithstanding any other provision of law; grants, con-*
9 *tracts, or other payments to nonprofit organizations for the*
10 *purposes of conducting activities pursuant to cooperative*
11 *agreements; and relocation of facilities, \$4,500,997,000, to*
12 *remain available until September 30, 2024: Provided, That*
13 *fees and donations received by the National Ocean Service*
14 *for the management of national marine sanctuaries may*
15 *be retained and used for the salaries and expenses associated*
16 *with those activities, notwithstanding section 3302 of title*
17 *31, United States Code: Provided further, That in addition,*
18 *\$344,901,000 shall be derived by transfer from the fund en-*
19 *titled “Promote and Develop Fishery Products and Re-*
20 *search Pertaining to American Fisheries”, which shall only*
21 *be used for fishery activities related to the Saltonstall-Ken-*
22 *nedy Grant Program; Fisheries Data Collections, Surveys,*
23 *and Assessments; Observers and Training; Fisheries Man-*
24 *agement Programs and Services; and Interjurisdictional*
25 *Fisheries Grants: Provided further, That not to exceed*

1 \$71,299,000 shall be for payment to the “Department of
2 Commerce Working Capital Fund”: Provided further, That
3 of the \$4,868,898,000 provided for in direct obligations
4 under this heading, \$4,500,997,000 is appropriated from
5 the general fund, \$344,901,000 is provided by transfer, and
6 \$23,000,000 is derived from recoveries of prior year obliga-
7 tions: Provided further, That of the amounts appropriated
8 under this heading, \$111,465,000 shall be used for the
9 projects, and in the amounts, specified in the table imme-
10 diately following the paragraph “NOAA Community
11 Project Funding/NOAA Special Projects” in the explana-
12 tory statement described in section 4 (in the matter pre-
13 ceding division A of this consolidated Act): Provided fur-
14 ther, That the amounts made available for the projects ref-
15 erenced in the preceding proviso may not be transferred for
16 any other purpose: Provided further, That any deviation
17 from the amounts designated for specific activities in the
18 explanatory statement described in section 4 (in the matter
19 preceding division A of this consolidated Act), or any use
20 of deobligated balances of funds provided under this heading
21 in previous years, shall be subject to the procedures set forth
22 in section 505 of this Act: Provided further, That in addi-
23 tion, for necessary retired pay expenses under the Retired
24 Serviceman’s Family Protection and Survivor Benefits
25 Plan, and for payments for the medical care of retired per-

1 *sonnel and their dependents under the Dependents' Medical*
2 *Care Act (10 U.S.C. ch. 55), such sums as may be necessary.*

3 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

4 *For procurement, acquisition and construction of cap-*
5 *ital assets, including alteration and modification costs, of*
6 *the National Oceanic and Atmospheric Administration,*
7 *\$1,653,630,000, to remain available until September 30,*
8 *2025, except that funds provided for acquisition and con-*
9 *struction of vessels and aircraft, and construction of facili-*
10 *ties shall remain available until expended: Provided, That*
11 *of the \$1,666,630,000 provided for in direct obligations*
12 *under this heading, \$1,653,630,000 is appropriated from*
13 *the general fund and \$13,000,000 is provided from recov-*
14 *eries of prior year obligations: Provided further, That any*
15 *deviation from the amounts designated for specific activities*
16 *in the explanatory statement described in section 4 (in the*
17 *matter preceding division A of this consolidated Act), or*
18 *any use of deobligated balances of funds provided under this*
19 *heading in previous years, shall be subject to the procedures*
20 *set forth in section 505 of this Act: Provided further, That*
21 *the Secretary of Commerce shall include in budget justifica-*
22 *tion materials for fiscal year 2024 that the Secretary sub-*
23 *mits to Congress in support of the Department of Commerce*
24 *budget (as submitted with the budget of the President under*
25 *section 1105(a) of title 31, United States Code) an estimate*

1 *for each National Oceanic and Atmospheric Administration*
2 *procurement, acquisition or construction project having a*
3 *total of more than \$5,000,000 and simultaneously the budg-*
4 *et justification shall include an estimate of the budgetary*
5 *requirements for each such project for each of the 5 subse-*
6 *quent fiscal years.*

7 *PACIFIC COASTAL SALMON RECOVERY*

8 *For necessary expenses associated with the restoration*
9 *of Pacific salmon populations, \$65,000,000, to remain*
10 *available until September 30, 2024: Provided, That, of the*
11 *funds provided herein, the Secretary of Commerce may*
12 *issue grants to the States of Washington, Oregon, Idaho,*
13 *Nevada, California, and Alaska, and to the federally recog-*
14 *nized Tribes of the Columbia River and Pacific Coast (in-*
15 *cluding Alaska), for projects necessary for conservation of*
16 *salmon and steelhead populations that are listed as threat-*
17 *ened or endangered, or that are identified by a State as*
18 *at-risk to be so listed, for maintaining populations nec-*
19 *essary for exercise of Tribal treaty fishing rights or native*
20 *subsistence fishing, or for conservation of Pacific coastal*
21 *salmon and steelhead habitat, based on guidelines to be de-*
22 *veloped by the Secretary of Commerce: Provided further,*
23 *That all funds shall be allocated based on scientific and*
24 *other merit principles and shall not be available for mar-*
25 *keting activities: Provided further, That funds disbursed to*

142

1 *States shall be subject to a matching requirement of funds*
2 *or documented in-kind contributions of at least 33 percent*
3 *of the Federal funds.*

4 *FISHERIES DISASTER ASSISTANCE*

5 *For necessary expenses of administering the fishery*
6 *disaster assistance programs authorized by the Magnuson-*
7 *Stevens Fishery Conservation and Management Act (Public*
8 *Law 94–265) and the Interjurisdictional Fisheries Act (title*
9 *III of Public Law 99–659), \$300,000.*

10 *FISHERMEN’S CONTINGENCY FUND*

11 *For carrying out the provisions of title IV of Public*
12 *Law 95–372, not to exceed \$349,000, to be derived from re-*
13 *ceipts collected pursuant to that Act, to remain available*
14 *until expended.*

15 *FISHERIES FINANCE PROGRAM ACCOUNT*

16 *Subject to section 502 of the Congressional Budget Act*
17 *of 1974, during fiscal year 2023, obligations of direct loans*
18 *may not exceed \$24,000,000 for Individual Fishing Quota*
19 *loans and not to exceed \$100,000,000 for traditional direct*
20 *loans as authorized by the Merchant Marine Act of 1936.*

21 *DEPARTMENTAL MANAGEMENT*22 *SALARIES AND EXPENSES*

23 *For necessary expenses for the management of the De-*
24 *partment of Commerce provided for by law, including not*
25 *to exceed \$4,500 for official reception and representation,*

143

1 \$95,000,000: *Provided, That no employee of the Department*
2 *of Commerce may be detailed or assigned from a bureau*
3 *or office funded by this Act or any other Act to offices with-*
4 *in the Office of the Secretary of the Department of Com-*
5 *merce for more than 180 days in a fiscal year unless the*
6 *individual's employing bureau or office is fully reimbursed*
7 *for the salary and expenses of the employee for the entire*
8 *period of assignment using funds provided under this head-*
9 *ing: Provided further, That amounts made available to the*
10 *Department of Commerce in this or any prior Act may not*
11 *be transferred pursuant to section 508 of this or any prior*
12 *Act to the account funded under this heading, except in the*
13 *case of extraordinary circumstances that threaten life or*
14 *property.*

15 *RENOVATION AND MODERNIZATION*

16 *For necessary expenses for the renovation and mod-*
17 *ernization of the Herbert C. Hoover Building, \$1,142,000.*

18 *NONRECURRING EXPENSES FUND*

19 *For necessary expenses for technology modernization*
20 *projects and cybersecurity risk mitigation of the Depart-*
21 *ment of Commerce, \$35,000,000, to remain available until*
22 *September 30, 2025: Provided, That amounts made avail-*
23 *able under this heading are in addition to such other funds*
24 *as may be available for such purposes: Provided further,*
25 *That any unobligated balances of expired discretionary*

1 *funds transferred to the Department of Commerce Non-*
2 *recurring Expenses Fund, as authorized by section 111 of*
3 *title I of division B of Public Law 116–93, may be obligated*
4 *only after the Committees on Appropriations of the House*
5 *of Representatives and the Senate are notified at least 15*
6 *days in advance of the planned use of funds.*

7 *OFFICE OF INSPECTOR GENERAL*

8 *For necessary expenses of the Office of Inspector Gen-*
9 *eral in carrying out the provisions of the Inspector General*
10 *Act of 1978 (5 U.S.C. App.), \$48,000,000.*

11 *GENERAL PROVISIONS—DEPARTMENT OF COMMERCE*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *SEC. 101. During the current fiscal year, applicable*
14 *appropriations and funds made available to the Depart-*
15 *ment of Commerce by this Act shall be available for the*
16 *activities specified in the Act of October 26, 1949 (15 U.S.C.*
17 *1514), to the extent and in the manner prescribed by the*
18 *Act, and, notwithstanding 31 U.S.C. 3324, may be used for*
19 *advanced payments not otherwise authorized only upon the*
20 *certification of officials designated by the Secretary of Com-*
21 *merce that such payments are in the public interest.*

22 *SEC. 102. During the current fiscal year, appropria-*
23 *tions made available to the Department of Commerce by*
24 *this Act for salaries and expenses shall be available for hire*
25 *of passenger motor vehicles as authorized by 31 U.S.C. 1343*

1 *and 1344; services as authorized by 5 U.S.C. 3109; and uni-*
2 *forms or allowances therefor, as authorized by law (5 U.S.C.*
3 *5901–5902).*

4 *SEC. 103. Not to exceed 5 percent of any appropriation*
5 *made available for the current fiscal year for the Depart-*
6 *ment of Commerce in this Act may be transferred between*
7 *such appropriations, but no such appropriation shall be in-*
8 *creased by more than 10 percent by any such transfers: Pro-*
9 *vided, That any transfer pursuant to this section shall be*
10 *treated as a reprogramming of funds under section 505 of*
11 *this Act and shall not be available for obligation or expendi-*
12 *ture except in compliance with the procedures set forth in*
13 *that section: Provided further, That the Secretary of Com-*
14 *merce shall notify the Committees on Appropriations at*
15 *least 15 days in advance of the acquisition or disposal of*
16 *any capital asset (including land, structures, and equip-*
17 *ment) not specifically provided for in this Act or any other*
18 *law appropriating funds for the Department of Commerce.*

19 *SEC. 104. The requirements set forth by section 105*
20 *of the Commerce, Justice, Science, and Related Agencies*
21 *Appropriations Act, 2012 (Public Law 112–55), as amend-*
22 *ed by section 105 of title I of division B of Public Law*
23 *113–6, are hereby adopted by reference and made applicable*
24 *with respect to fiscal year 2023: Provided, That the life*
25 *cycle cost for the Joint Polar Satellite System is*

1 \$11,322,125,000, the life cycle cost of the Polar Follow On
2 Program is \$6,837,900,000, the life cycle cost for the Geo-
3 stationary Operational Environmental Satellite R-Series
4 Program is \$11,700,100,000, and the life cycle cost for the
5 Space Weather Follow On Program is \$692,800,000.

6 SEC. 105. Notwithstanding any other provision of law,
7 the Secretary of Commerce may furnish services (including
8 but not limited to utilities, telecommunications, and secu-
9 rity services) necessary to support the operation, mainte-
10 nance, and improvement of space that persons, firms, or
11 organizations are authorized, pursuant to the Public Build-
12 ings Cooperative Use Act of 1976 or other authority, to use
13 or occupy in the Herbert C. Hoover Building, Washington,
14 DC, or other buildings, the maintenance, operation, and
15 protection of which has been delegated to the Secretary from
16 the Administrator of General Services pursuant to the Fed-
17 eral Property and Administrative Services Act of 1949 on
18 a reimbursable or non-reimbursable basis. Amounts received
19 as reimbursement for services provided under this section
20 or the authority under which the use or occupancy of the
21 space is authorized, up to \$200,000, shall be credited to the
22 appropriation or fund which initially bears the costs of
23 such services.

24 SEC. 106. Nothing in this title shall be construed to
25 prevent a grant recipient from deterring child pornography,

1 *copyright infringement, or any other unlawful activity over*
2 *its networks.*

3 *SEC. 107. The Administrator of the National Oceanic*
4 *and Atmospheric Administration is authorized to use, with*
5 *their consent, with reimbursement and subject to the limits*
6 *of available appropriations, the land, services, equipment,*
7 *personnel, and facilities of any department, agency, or in-*
8 *strumentality of the United States, or of any State, local*
9 *government, Indian Tribal government, Territory, or pos-*
10 *session, or of any political subdivision thereof, or of any*
11 *foreign government or international organization, for pur-*
12 *poses related to carrying out the responsibilities of any stat-*
13 *ute administered by the National Oceanic and Atmospheric*
14 *Administration.*

15 *SEC. 108. The National Technical Information Service*
16 *shall not charge any customer for a copy of any report or*
17 *document generated by the Legislative Branch unless the*
18 *Service has provided information to the customer on how*
19 *an electronic copy of such report or document may be*
20 *accessed and downloaded for free online. Should a customer*
21 *still require the Service to provide a printed or digital copy*
22 *of the report or document, the charge shall be limited to*
23 *recovering the Service's cost of processing, reproducing, and*
24 *delivering such report or document.*

1 *SEC. 109. To carry out the responsibilities of the Na-*
2 *tional Oceanic and Atmospheric Administration (NOAA),*
3 *the Administrator of NOAA is authorized to: (1) enter into*
4 *grants and cooperative agreements with; (2) use on a non-*
5 *reimbursable basis land, services, equipment, personnel, and*
6 *facilities provided by; and (3) receive and expend funds*
7 *made available on a consensual basis from: a Federal agen-*
8 *cy, State or subdivision thereof, local government, Tribal*
9 *government, Territory, or possession or any subdivisions*
10 *thereof: Provided, That funds received for permitting and*
11 *related regulatory activities pursuant to this section shall*
12 *be deposited under the heading “National Oceanic and At-*
13 *mospheric Administration—Operations, Research, and Fa-*
14 *cilities” and shall remain available until September 30,*
15 *2024, for such purposes: Provided further, That all funds*
16 *within this section and their corresponding uses are subject*
17 *to section 505 of this Act.*

18 *SEC. 110. Amounts provided by this Act or by any*
19 *prior appropriations Act that remain available for obliga-*
20 *tion, for necessary expenses of the programs of the Econom-*
21 *ics and Statistics Administration of the Department of*
22 *Commerce, including amounts provided for programs of the*
23 *Bureau of Economic Analysis and the Bureau of the Cen-*
24 *sus, shall be available for expenses of cooperative agreements*
25 *with appropriate entities, including any Federal, State, or*

1 *local governmental unit, or institution of higher education,*
2 *to aid and promote statistical, research, and methodology*
3 *activities which further the purposes for which such*
4 *amounts have been made available.*

5 *SEC. 111. Amounts provided by this Act for the Hol-*
6 *lings Manufacturing Extension Partnership under the*
7 *heading “National Institute of Standards and Tech-*
8 *nology—Industrial Technology Services” shall not be sub-*
9 *ject to cost share requirements under 15 U.S.C. 278k(e)(2):*
10 *Provided, That the authority made available pursuant to*
11 *this section shall be elective, in whole or in part, for any*
12 *Manufacturing Extension Partnership Center that also re-*
13 *ceives funding from a State that is conditioned upon the*
14 *application of a Federal cost sharing requirement.*

15 *SEC. 112. The Secretary of Commerce, or the designee*
16 *of the Secretary, may waive—*

17 *(1) in whole or in part, the matching require-*
18 *ments under sections 306 and 306A, and the cost*
19 *sharing requirements under section 315, of the Coast-*
20 *al Zone Management Act of 1972 (16 U.S.C. 1455,*
21 *1455a, and 1461) as necessary at the request of the*
22 *grant applicant, for amounts made available under*
23 *this Act under the heading “Operations, Research,*
24 *and Facilities” under the heading “National Oceanic*
25 *and Atmospheric Administration”; and*

150

1 (2) up to 50 percent of the matching require-
2 ments under sections 306 and 306A, and the cost
3 sharing requirements under section 315, of the Coast-
4 al Zone Management Act of 1972 (16 U.S.C. 1455,
5 1455a, and 1461) as necessary at the request of the
6 grant applicant, for amounts made available under
7 this Act under the heading “Procurement, Acquisition
8 and Construction” under the heading “National Oce-
9 anic and Atmospheric Administration”.
10 This title may be cited as the “Department of Com-
11 merce Appropriations Act, 2023”.

151

1

TITLE II

2

DEPARTMENT OF JUSTICE

3

GENERAL ADMINISTRATION

4

SALARIES AND EXPENSES

5

For expenses necessary for the administration of the Department of Justice, \$145,000,000, of which \$4,000,000 shall remain available until September 30, 2024, and of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

11

JUSTICE INFORMATION SHARING TECHNOLOGY

12

(INCLUDING TRANSFER OF FUNDS)

13

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$138,000,000, to remain available until expended: Provided, That the Attorney General may transfer up to \$40,000,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: Provided further, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: Provided further, That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation

152

1 *or expenditure except in compliance with the procedures set*
2 *forth in that section.*

3 *EXECUTIVE OFFICE FOR IMMIGRATION REVIEW*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For expenses necessary for the administration of immi-*
6 *gration-related activities of the Executive Office for Immi-*
7 *gration Review, \$860,000,000, of which \$4,000,000 shall be*
8 *derived by transfer from the Executive Office for Immigra-*
9 *tion Review fees deposited in the “Immigration Examina-*
10 *tions Fee” account, and of which not less than \$29,000,000*
11 *shall be available for services and activities provided by the*
12 *Legal Orientation Program: Provided, That not to exceed*
13 *\$50,000,000 of the total amount made available under this*
14 *heading shall remain available until September 30, 2027,*
15 *for build-out and modifications of courtroom space.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *For necessary expenses of the Office of Inspector Gen-*
18 *eral, \$139,000,000, including not to exceed \$10,000 to meet*
19 *unforeseen emergencies of a confidential character: Pro-*
20 *vided, That not to exceed \$4,000,000 shall remain available*
21 *until September 30, 2024.*

22 *UNITED STATES PAROLE COMMISSION*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses of the United States Parole*
25 *Commission as authorized, \$14,591,000: Provided, That,*

1 *notwithstanding any other provision of law, upon the expi-*
2 *ration of a term of office of a Commissioner, the Commis-*
3 *sioner may continue to act until a successor has been ap-*
4 *pointed.*

5 *LEGAL ACTIVITIES*

6 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For expenses necessary for the legal activities of the*
9 *Department of Justice, not otherwise provided for, includ-*
10 *ing not to exceed \$20,000 for expenses of collecting evidence,*
11 *to be expended under the direction of, and to be accounted*
12 *for solely under the certificate of, the Attorney General; the*
13 *administration of pardon and clemency petitions; and rent*
14 *of private or Government-owned space in the District of Co-*
15 *lumbia, \$1,138,000,000, of which not to exceed \$50,000,000*
16 *for litigation support contracts and information technology*
17 *projects, including cybersecurity and hardening of critical*
18 *networks, shall remain available until expended: Provided,*
19 *That of the amount provided for INTERPOL Washington*
20 *dues payments, not to exceed \$685,000 shall remain avail-*
21 *able until expended: Provided further, That of the total*
22 *amount appropriated, not to exceed \$9,000 shall be avail-*
23 *able to INTERPOL Washington for official reception and*
24 *representation expenses: Provided further, That of the total*
25 *amount appropriated, not to exceed \$9,000 shall be avail-*

1 *able to the Criminal Division for official reception and rep-*
2 *resentation expenses: Provided further, That notwith-*
3 *standing section 205 of this Act, upon a determination by*
4 *the Attorney General that emergent circumstances require*
5 *additional funding for litigation activities of the Civil Divi-*
6 *sion, the Attorney General may transfer such amounts to*
7 *“Salaries and Expenses, General Legal Activities” from*
8 *available appropriations for the current fiscal year for the*
9 *Department of Justice, as may be necessary to respond to*
10 *such circumstances: Provided further, That any transfer*
11 *pursuant to the preceding proviso shall be treated as a re-*
12 *programming under section 505 of this Act and shall not*
13 *be available for obligation or expenditure except in compli-*
14 *ance with the procedures set forth in that section: Provided*
15 *further, That of the amount appropriated, such sums as*
16 *may be necessary shall be available to the Civil Rights Divi-*
17 *sion for salaries and expenses associated with the election*
18 *monitoring program under section 8 of the Voting Rights*
19 *Act of 1965 (52 U.S.C. 10305) and to reimburse the Office*
20 *of Personnel Management for such salaries and expenses:*
21 *Provided further, That of the amounts provided under this*
22 *heading for the election monitoring program, \$3,390,000*
23 *shall remain available until expended: Provided further,*
24 *That any funds provided under this heading in prior year*
25 *appropriations Acts that remain available to the Civil*

155

1 *Rights Division for salaries and expenses associated with*
2 *the election monitoring program under section 8 of the Vot-*
3 *ing Rights Act of 1965 (52 U.S.C. 10305) may also be used*
4 *to carry out any authorized purposes of the Civil Rights*
5 *Division: Provided further, That amounts repurposed by the*
6 *preceding proviso may not be used to increase the number*
7 *of permanent positions.*

8 *In addition, for reimbursement of expenses of the De-*
9 *partment of Justice associated with processing cases under*
10 *the National Childhood Vaccine Injury Act of 1986,*
11 *\$31,738,000, to be appropriated from the Vaccine Injury*
12 *Compensation Trust Fund and to remain available until*
13 *expended.*

14 *SALARIES AND EXPENSES, ANTITRUST DIVISION*

15 *For expenses necessary for the enforcement of antitrust*
16 *and kindred laws, \$225,000,000, to remain available until*
17 *expended, of which not to exceed \$5,000 shall be available*
18 *for official reception and representation expenses: Provided,*
19 *That notwithstanding any other provision of law, fees col-*
20 *lected for premerger notification filings under the Hart-*
21 *Scott-Rodino Antitrust Improvements Act of 1976 (15*
22 *U.S.C. 18a), regardless of the year of collection (and esti-*
23 *mated to be \$190,000,000 in fiscal year 2023), shall be re-*
24 *tained and used for necessary expenses in this appropria-*
25 *tion, and shall remain available until expended: Provided*

156

1 *further, That the sum herein appropriated from the general*
2 *fund shall be reduced as such offsetting collections are re-*
3 *ceived during fiscal year 2023, so as to result in a final*
4 *fiscal year 2023 appropriation from the general fund esti-*
5 *mated at \$35,000,000.*

6 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

7 *For necessary expenses of the Offices of the United*
8 *States Attorneys, including inter-governmental and cooper-*
9 *ative agreements, \$2,632,000,000: Provided, That of the*
10 *total amount appropriated, not to exceed \$19,600 shall be*
11 *available for official reception and representation expenses:*
12 *Provided further, That not to exceed \$40,000,000 shall re-*
13 *main available until expended: Provided further, That each*
14 *United States Attorney shall establish or participate in a*
15 *task force on human trafficking.*

16 *UNITED STATES TRUSTEE SYSTEM FUND*

17 *For necessary expenses of the United States Trustee*
18 *Program, as authorized, \$255,000,000, to remain available*
19 *until expended: Provided, That, notwithstanding any other*
20 *provision of law, deposits of discretionary offsetting collec-*
21 *tions to the United States Trustee System Fund and*
22 *amounts herein appropriated shall be available in such*
23 *amounts as may be necessary to pay refunds due depositors:*
24 *Provided further, That, notwithstanding any other provi-*
25 *sion of law, fees deposited into the Fund as discretionary*

1 *offsetting collections pursuant to section 589a of title 28,*
2 *United States Code (as limited by section 589a(f)(2) of title*
3 *28, United States Code), shall be retained and used for nec-*
4 *essary expenses in this appropriation and shall remain*
5 *available until expended: Provided further, That to the ex-*
6 *tent that fees deposited into the Fund as discretionary off-*
7 *setting collections in fiscal year 2023, net of amounts nec-*
8 *essary to pay refunds due depositors, exceed \$255,000,000,*
9 *those excess amounts shall be available in future fiscal years*
10 *only to the extent provided in advance in appropriations*
11 *Acts: Provided further, That the sum herein appropriated*
12 *from the general fund shall be reduced (1) as such fees are*
13 *received during fiscal year 2023, net of amounts necessary*
14 *to pay refunds due depositors, (estimated at \$269,000,000)*
15 *and (2) to the extent that any remaining general fund ap-*
16 *propriations can be derived from amounts deposited in the*
17 *Fund as discretionary offsetting collections in previous fis-*
18 *cal years that are not otherwise appropriated, so as to result*
19 *in a final fiscal year 2023 appropriation from the general*
20 *fund estimated at \$0.*

21 *SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT*

22 *COMMISSION*

23 *For expenses necessary to carry out the activities of*
24 *the Foreign Claims Settlement Commission, including serv-*

1 *ices as authorized by section 3109 of title 5, United States*
2 *Code, \$2,504,000.*

3 *FEES AND EXPENSES OF WITNESSES*

4 *For fees and expenses of witnesses, for expenses of con-*
5 *tracts for the procurement and supervision of expert wit-*
6 *nesses, for private counsel expenses, including advances,*
7 *and for expenses of foreign counsel, \$270,000,000, to remain*
8 *available until expended, of which not to exceed \$16,000,000*
9 *is for construction of buildings for protected witness*
10 *safesites; not to exceed \$3,000,000 is for the purchase and*
11 *maintenance of armored and other vehicles for witness secu-*
12 *rity caravans; and not to exceed \$35,000,000 is for the pur-*
13 *chase, installation, maintenance, and upgrade of secure*
14 *telecommunications equipment and a secure automated in-*
15 *formation network to store and retrieve the identities and*
16 *locations of protected witnesses: Provided, That amounts*
17 *made available under this heading may not be transferred*
18 *pursuant to section 205 of this Act.*

19 *SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE*
20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For necessary expenses of the Community Relations*
22 *Service, \$25,024,000: Provided, That notwithstanding sec-*
23 *tion 205 of this Act, upon a determination by the Attorney*
24 *General that emergent circumstances require additional*
25 *funding for conflict resolution and violence prevention ac-*

159

1 *tivities of the Community Relations Service, the Attorney*
2 *General may transfer such amounts to the Community Re-*
3 *lations Service, from available appropriations for the cur-*
4 *rent fiscal year for the Department of Justice, as may be*
5 *necessary to respond to such circumstances: Provided fur-*
6 *ther, That any transfer pursuant to the preceding proviso*
7 *shall be treated as a reprogramming under section 505 of*
8 *this Act and shall not be available for obligation or expendi-*
9 *ture except in compliance with the procedures set forth in*
10 *that section.*

11 *ASSETS FORFEITURE FUND*

12 *For expenses authorized by subparagraphs (B), (F),*
13 *and (G) of section 524(c)(1) of title 28, United States Code,*
14 *\$20,514,000, to be derived from the Department of Justice*
15 *Assets Forfeiture Fund.*

16 *UNITED STATES MARSHALS SERVICE*17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the United States Marshals*
19 *Service, \$1,705,000,000, of which not to exceed \$20,000*
20 *shall be available for official reception and representation*
21 *expenses, and not to exceed \$25,000,000 shall remain avail-*
22 *able until expended.*

23 *CONSTRUCTION*

24 *For construction in space that is controlled, occupied,*
25 *or utilized by the United States Marshals Service for pris-*

160

1 *oner holding and related support, \$18,000,000, to remain*
2 *available until expended.*

3 *FEDERAL PRISONER DETENTION*

4 *For necessary expenses related to United States pris-*
5 *oners in the custody of the United States Marshals Service*
6 *as authorized by section 4013 of title 18, United States*
7 *Code, \$2,129,789,000, to remain available until expended:*
8 *Provided, That not to exceed \$20,000,000 shall be considered*
9 *“funds appropriated for State and local law enforcement*
10 *assistance” pursuant to section 4013(b) of title 18, United*
11 *States Code: Provided further, That the United States Mar-*
12 *shals Service shall be responsible for managing the Justice*
13 *Prisoner and Alien Transportation System.*

14 *NATIONAL SECURITY DIVISION*

15 *SALARIES AND EXPENSES*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For expenses necessary to carry out the activities of*
18 *the National Security Division, \$133,512,000, of which not*
19 *to exceed \$5,000,000 for information technology systems*
20 *shall remain available until expended: Provided, That not-*
21 *withstanding section 205 of this Act, upon a determination*
22 *by the Attorney General that emergent circumstances re-*
23 *quire additional funding for the activities of the National*
24 *Security Division, the Attorney General may transfer such*
25 *amounts to this heading from available appropriations for*

1 *the current fiscal year for the Department of Justice, as*
2 *may be necessary to respond to such circumstances: Pro-*
3 *vided further, That any transfer pursuant to the preceding*
4 *proviso shall be treated as a reprogramming under section*
5 *505 of this Act and shall not be available for obligation*
6 *or expenditure except in compliance with the procedures set*
7 *forth in that section.*

8 *INTERAGENCY LAW ENFORCEMENT*

9 *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

10 *For necessary expenses for the identification, inves-*
11 *tigation, and prosecution of individuals associated with the*
12 *most significant drug trafficking organizations,*
13 *transnational organized crime, and money laundering or-*
14 *ganizations not otherwise provided for, to include inter-gov-*
15 *ernmental agreements with State and local law enforcement*
16 *agencies engaged in the investigation and prosecution of in-*
17 *dividuals involved in transnational organized crime and*
18 *drug trafficking, \$550,458,000, of which \$50,000,000 shall*
19 *remain available until expended: Provided, That any*
20 *amounts obligated from appropriations under this heading*
21 *may be used under authorities available to the organiza-*
22 *tions reimbursed from this appropriation.*

162

1 *FEDERAL BUREAU OF INVESTIGATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Bureau of Inves-*
4 *tigation for detection, investigation, and prosecution of*
5 *crimes against the United States, \$10,676,000,000, of which*
6 *not to exceed \$216,900,000 shall remain available until ex-*
7 *pended: Provided, That not to exceed \$284,000 shall be*
8 *available for official reception and representation expenses.*

9 *CONSTRUCTION*

10 *For necessary expenses, to include the cost of equip-*
11 *ment, furniture, and information technology requirements,*
12 *related to construction or acquisition of buildings, facilities,*
13 *and sites by purchase, or as otherwise authorized by law;*
14 *conversion, modification, and extension of federally owned*
15 *buildings; preliminary planning and design of projects; and*
16 *operation and maintenance of secure work environment fa-*
17 *cilities and secure networking capabilities; \$651,895,000, to*
18 *remain available until expended.*

19 *DRUG ENFORCEMENT ADMINISTRATION*20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the Drug Enforcement Ad-*
22 *ministration, including not to exceed \$70,000 to meet un-*
23 *foreseen emergencies of a confidential character pursuant*
24 *to section 530C of title 28, United States Code; and expenses*
25 *for conducting drug education and training programs, in-*

163

1 *cluding travel and related expenses for participants in such*
2 *programs and the distribution of items of token value that*
3 *promote the goals of such programs, \$2,563,116,000, of*
4 *which not to exceed \$75,000,000 shall remain available*
5 *until expended and not to exceed \$90,000 shall be available*
6 *for official reception and representation expenses: Provided,*
7 *That, notwithstanding section 3672 of Public Law 106–310,*
8 *up to \$10,000,000 may be used to reimburse States, units*
9 *of local government, Indian Tribal Governments, other pub-*
10 *lic entities, and multi-jurisdictional or regional consortia*
11 *thereof for expenses incurred to clean up and safely dispose*
12 *of substances associated with clandestine methamphetamine*
13 *laboratories, conversion and extraction operations, tableting*
14 *operations, or laboratories and processing operations for*
15 *fentanyl and fentanyl-related substances which may present*
16 *a danger to public health or the environment.*

17 *BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND*
18 *EXPLOSIVES*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Bureau of Alcohol, To-*
21 *bacco, Firearms and Explosives, for training of State and*
22 *local law enforcement agencies with or without reimburse-*
23 *ment, including training in connection with the training*
24 *and acquisition of canines for explosives and fire*
25 *accelerants detection; and for provision of laboratory assist-*

164

1 *ance to State and local law enforcement agencies, with or*
2 *without reimbursement, \$1,672,000,000, of which not to ex-*
3 *ceed \$36,000 shall be for official reception and representa-*
4 *tion expenses, not to exceed \$1,000,000 shall be available*
5 *for the payment of attorneys' fees as provided by section*
6 *924(d)(2) of title 18, United States Code, and not to exceed*
7 *\$25,000,000 shall remain available until expended: Pro-*
8 *vided, That none of the funds appropriated herein shall be*
9 *available to investigate or act upon applications for relief*
10 *from Federal firearms disabilities under section 925(c) of*
11 *title 18, United States Code: Provided further, That such*
12 *funds shall be available to investigate and act upon appli-*
13 *cations filed by corporations for relief from Federal fire-*
14 *arms disabilities under section 925(c) of title 18, United*
15 *States Code: Provided further, That no funds made avail-*
16 *able by this or any other Act may be used to transfer the*
17 *functions, missions, or activities of the Bureau of Alcohol,*
18 *Tobacco, Firearms and Explosives to other agencies or De-*
19 *partments.*

20 CONSTRUCTION

21 *For necessary expenses related to construction of lab-*
22 *oratory facilities, to include the cost of equipment, fur-*
23 *niture, and information technology requirements; construc-*
24 *tion or acquisition of buildings, facilities, and sites by pur-*
25 *chase, or as otherwise authorized by law; conversion, modi-*

165

1 *fication and extension of federally owned buildings; and*
2 *preliminary planning and design of projects; \$75,000,000,*
3 *to remain available until expended.*

4 *FEDERAL PRISON SYSTEM*

5 *SALARIES AND EXPENSES*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For necessary expenses of the Federal Prison System*
8 *for the administration, operation, and maintenance of Fed-*
9 *eral penal and correctional institutions, and for the provi-*
10 *sion of technical assistance and advice on corrections re-*
11 *lated issues to foreign governments, \$8,392,588,000: Pro-*
12 *vided, That not less than \$409,483,000 shall be for the pro-*
13 *grams and activities authorized by the First Step Act of*
14 *2018 (Public Law 115–391), of which not less than 2 per-*
15 *cent shall be transferred to and merged with the appropria-*
16 *tion for “Office of Justice Programs—Research, Evaluation*
17 *and Statistics” for the National Institute of Justice to carry*
18 *out evaluations of programs and activities related to the*
19 *First Step Act of 2018: Provided further, That the Attorney*
20 *General may transfer to the Department of Health and*
21 *Human Services such amounts as may be necessary for di-*
22 *rect expenditures by that Department for medical relief for*
23 *inmates of Federal penal and correctional institutions: Pro-*
24 *vided further, That the Director of the Federal Prison Sys-*
25 *tem, where necessary, may enter into contracts with a fiscal*

166

1 *agent or fiscal intermediary claims processor to determine*
2 *the amounts payable to persons who, on behalf of the Fed-*
3 *eral Prison System, furnish health services to individuals*
4 *committed to the custody of the Federal Prison System: Pro-*
5 *vided further, That not to exceed \$5,400 shall be available*
6 *for official reception and representation expenses: Provided*
7 *further, That not to exceed \$50,000,000 shall remain avail-*
8 *able until expended for necessary operations: Provided fur-*
9 *ther, That, of the amounts provided for contract confine-*
10 *ment, not to exceed \$20,000,000 shall remain available*
11 *until expended to make payments in advance for grants,*
12 *contracts and reimbursable agreements, and other expenses:*
13 *Provided further, That the Director of the Federal Prison*
14 *System may accept donated property and services relating*
15 *to the operation of the prison card program from a not-*
16 *for-profit entity which has operated such program in the*
17 *past, notwithstanding the fact that such not-for-profit enti-*
18 *ty furnishes services under contracts to the Federal Prison*
19 *System relating to the operation of pre-release services, half-*
20 *way houses, or other custodial facilities.*

21 *BUILDINGS AND FACILITIES*

22 *For planning, acquisition of sites, and construction of*
23 *new facilities; purchase and acquisition of facilities and re-*
24 *modeling, and equipping of such facilities for penal and*
25 *correctional use, including all necessary expenses incident*

1 *thereto, by contract or force account; and constructing, re-*
2 *modeling, and equipping necessary buildings and facilities*
3 *at existing penal and correctional institutions, including*
4 *all necessary expenses incident thereto, by contract or force*
5 *account, \$108,000,000, to remain available until expended:*
6 *Provided, That labor of United States prisoners may be*
7 *used for work performed under this appropriation.*

8 *FEDERAL PRISON INDUSTRIES, INCORPORATED*

9 *The Federal Prison Industries, Incorporated, is hereby*
10 *authorized to make such expenditures within the limits of*
11 *funds and borrowing authority available, and in accord*
12 *with the law, and to make such contracts and commitments*
13 *without regard to fiscal year limitations as provided by sec-*
14 *tion 9104 of title 31, United States Code, as may be nec-*
15 *essary in carrying out the program set forth in the budget*
16 *for the current fiscal year for such corporation.*

17 *LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL*
18 *PRISON INDUSTRIES, INCORPORATED*

19 *Not to exceed \$2,700,000 of the funds of the Federal*
20 *Prison Industries, Incorporated, shall be available for its*
21 *administrative expenses, and for services as authorized by*
22 *section 3109 of title 5, United States Code, to be computed*
23 *on an accrual basis to be determined in accordance with*
24 *the corporation's current prescribed accounting system, and*
25 *such amounts shall be exclusive of depreciation, payment*

1 *of claims, and expenditures which such accounting system*
2 *requires to be capitalized or charged to cost of commodities*
3 *acquired or produced, including selling and shipping ex-*
4 *penses, and expenses in connection with acquisition, con-*
5 *struction, operation, maintenance, improvement, protec-*
6 *tion, or disposition of facilities and other property belong-*
7 *ing to the corporation or in which it has an interest.*

8 *STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES*

9 *OFFICE ON VIOLENCE AGAINST WOMEN*

10 *VIOLENCE AGAINST WOMEN PREVENTION AND*

11 *PROSECUTION PROGRAMS*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For grants, contracts, cooperative agreements, and*
14 *other assistance for the prevention and prosecution of vio-*
15 *lence against women, as authorized by the Omnibus Crime*
16 *Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et*
17 *seq.) (“the 1968 Act”); title II of the Civil Rights Act of*
18 *1968 (commonly known as the “Indian Civil Rights Act*
19 *of 1968”) (Public Law 90–284) (“the Indian Civil Rights*
20 *Act”); the Violent Crime Control and Law Enforcement Act*
21 *of 1994 (Public Law 103–322) (“the 1994 Act”); the Vic-*
22 *tims of Child Abuse Act of 1990 (Public Law 101–647)*
23 *(“the 1990 Act”); the Prosecutorial Remedies and Other*
24 *Tools to end the Exploitation of Children Today Act of 2003*
25 *(Public Law 108–21); the Juvenile Justice and Delinquency*

1 *Prevention Act of 1974 (34 U.S.C. 11101 et seq.) (“the 1974*
2 *Act”); the Victims of Trafficking and Violence Protection*
3 *Act of 2000 (Public Law 106–386) (“the 2000 Act”); the*
4 *Violence Against Women and Department of Justice Reau-*
5 *thorization Act of 2005 (Public Law 109–162) (“the 2005*
6 *Act”); the Violence Against Women Reauthorization Act of*
7 *2013 (Public Law 113–4) (“the 2013 Act”); the Justice for*
8 *Victims of Trafficking Act of 2015 (Public Law 114–22)*
9 *(“the 2015 Act”); and the Abolish Human Trafficking Act*
10 *(Public Law 115–392); and the Violence Against Women*
11 *Act Reauthorization Act of 2022 (division W of Public Law*
12 *117–103) (“the 2022 Act”); and for related victims services,*
13 *\$700,000,000, to remain available until expended: Pro-*
14 *vided, That except as otherwise provided by law, not to ex-*
15 *ceed 5 percent of funds made available under this heading*
16 *may be used for expenses related to evaluation, training,*
17 *and technical assistance: Provided further, That of the*
18 *amount provided—*

19 (1) \$255,000,000 is for grants to combat violence
20 against women, as authorized by part T of the 1968
21 Act, and any applicable increases for the amount of
22 such grants, as authorized by section 5903 of the
23 James M. Inhofe National Defense Authorization Act
24 for Fiscal Year 2023: Provided, That \$10,000,000
25 shall be for any such increases under such section

170

1 5903, which shall apply to fiscal year 2023 grants
2 funded by amounts provided in this paragraph;

3 (2) \$50,000,000 is for transitional housing as-
4 sistance grants for victims of domestic violence, dat-
5 ing violence, stalking, or sexual assault as authorized
6 by section 40299 of the 1994 Act;

7 (3) \$2,500,000 is for the National Institute of
8 Justice and the Bureau of Justice Statistics for re-
9 search, evaluation, and statistics of violence against
10 women and related issues addressed by grant pro-
11 grams of the Office on Violence Against Women,
12 which shall be transferred to “Research, Evaluation
13 and Statistics” for administration by the Office of
14 Justice Programs;

15 (4) \$17,000,000 is for a grant program to pro-
16 vide services to advocate for and respond to youth vic-
17 tims of domestic violence, dating violence, sexual as-
18 sault, and stalking; assistance to children and youth
19 exposed to such violence; programs to engage men and
20 youth in preventing such violence; and assistance to
21 middle and high school students through education
22 and other services related to such violence, of which
23 \$3,500,000 is to engage men and youth in preventing
24 domestic violence, dating violence, sexual assault, and
25 stalking: Provided, That unobligated balances avail-

1 *able for the programs authorized by sections 41201,*
2 *41204, 41303, and 41305 of the 1994 Act, prior to its*
3 *amendment by the 2013 Act, shall be available for*
4 *this program: Provided further, That 10 percent of*
5 *the total amount available for this grant program*
6 *shall be available for grants under the program au-*
7 *thorized by section 2015 of the 1968 Act: Provided*
8 *further, That the definitions and grant conditions in*
9 *section 40002 of the 1994 Act shall apply to this pro-*
10 *gram;*

11 (5) *\$60,500,000 is for grants to improve the*
12 *criminal justice response as authorized by part U of*
13 *title I the 1968 Act, of which \$4,000,000 is for a*
14 *homicide reduction initiative; up to \$4,000,000 is for*
15 *a domestic violence lethality reduction initiative;*
16 *\$8,000,000 is for an initiative to promote effective po-*
17 *licing and prosecution responses to domestic violence,*
18 *dating violence, sexual assault, and stalking, includ-*
19 *ing evaluation of the effectiveness of funded interven-*
20 *tions (“Policing and Prosecution Initiative”); and*
21 *\$1,000,000 is for an initiative to enhance prosecution*
22 *and investigation of online abuse and harassment*
23 *(“Prosecution and Investigation of Online Abuse Ini-*
24 *tiative”): Provided, That subsections (c) and (d) of*
25 *section 2101 of the 1968 Act shall not apply to the*

172

1 *Policing and Prosecution Initiative or the Prosecu-*
2 *tion and Investigation of Online Abuse Initiative;*

3 (6) \$78,500,000 is for sexual assault victims as-
4 sistance, as authorized by section 41601 of the 1994
5 Act;

6 (7) \$50,000,000 is for rural domestic violence
7 and child abuse enforcement assistance grants, as au-
8 thorized by section 40295 of the 1994 Act;

9 (8) \$25,000,000 is for grants to reduce violent
10 crimes against women on campus, as authorized by
11 section 304 of the 2005 Act, of which \$12,500,000 is
12 for grants to Historically Black Colleges and Univer-
13 sities, Hispanic-Serving Institutions, and Tribal col-
14 leges and universities;

15 (9) \$55,000,000 is for legal assistance for vic-
16 tims, as authorized by section 1201 of the 2000 Act;

17 (10) \$9,000,000 is for enhanced training and
18 services to end violence against and abuse of women
19 in later life, as authorized by section 40801 of the
20 1994 Act;

21 (11) \$22,000,000 is for grants to support fami-
22 lies in the justice system, as authorized by section
23 1301 of the 2000 Act: Provided, That unobligated bal-
24 ances available for the programs authorized by section
25 1301 of the 2000 Act and section 41002 of the 1994

173

1 *Act, prior to their amendment by the 2013 Act, shall*
2 *be available for this program;*

3 *(12) \$12,000,000 is for education and training*
4 *to end violence against and abuse of women with dis-*
5 *abilities, as authorized by section 1402 of the 2000*
6 *Act;*

7 *(13) \$1,000,000 is for the National Resource*
8 *Center on Workplace Responses to assist victims of*
9 *domestic violence, as authorized by section 41501 of*
10 *the 1994 Act;*

11 *(14) \$1,000,000 is for analysis and research on*
12 *violence against Indian women, including as author-*
13 *ized by section 904 of the 2005 Act: Provided, That*
14 *such funds may be transferred to “Research, Evalua-*
15 *tion and Statistics” for administration by the Office*
16 *of Justice Programs;*

17 *(15) \$500,000 is for a national clearinghouse*
18 *that provides training and technical assistance on*
19 *issues relating to sexual assault of American Indian*
20 *and Alaska Native women;*

21 *(16) \$11,000,000 is for programs to assist Tribal*
22 *Governments in exercising special Tribal criminal ju-*
23 *risdiction, as authorized by section 204 of the Indian*
24 *Civil Rights Act: Provided, That the grant conditions*

1 *in section 40002(b) of the 1994 Act shall apply to*
2 *grants made;*

3 *(17) \$2,500,000 is for the purposes authorized*
4 *under the 2015 Act;*

5 *(18) \$15,000,000 is for a grant program to sup-*
6 *port restorative justice responses to domestic violence,*
7 *dating violence, sexual assault, and stalking, includ-*
8 *ing evaluations of those responses: Provided, That the*
9 *definitions and grant conditions in section 109 of the*
10 *2022 Act, shall apply to this program;*

11 *(19) \$11,000,000 is for culturally specific serv-*
12 *ices for victims, as authorized by section 121 of the*
13 *2005 Act;*

14 *(20) \$3,000,000 is for an initiative to support*
15 *cross-designation of tribal prosecutors as Tribal Spe-*
16 *cial Assistant United States Attorneys: Provided,*
17 *That the definitions and grant conditions in section*
18 *40002 of the 1994 Act shall apply to this initiative;*

19 *(21) \$1,000,000 is for an initiative to support*
20 *victims of domestic violence, dating violence, sexual*
21 *assault, and stalking, including through the provision*
22 *of technical assistance, as authorized by section 206*
23 *of the 2022 Act: Provided, That the definitions and*
24 *grant conditions in section 40002 of the 1994 Act*
25 *shall apply to this initiative;*

175

1 (22) \$2,000,000 is for a National Deaf Services
2 Line to provide remote services to Deaf victims of do-
3 mestic violence, dating violence, sexual assault, and
4 stalking: Provided, That the definitions and grant
5 conditions in section 40002 of the 1994 Act shall
6 apply to this service line;

7 (23) \$5,000,000 is for grants for outreach and
8 services to underserved populations, as authorized by
9 section 120 of the 2005 Act;

10 (24) \$4,000,000 is for an initiative to provide fi-
11 nancial assistance to victims, including evaluation of
12 the effectiveness of funded projects: Provided, That the
13 definitions and grant conditions in section 40002 of
14 the 1994 Act shall apply to this initiative;

15 (25) \$5,000,000 is for trauma-informed, victim-
16 centered training for law enforcement, and related re-
17 search and evaluation activities, as authorized by sec-
18 tion 41701 of the 1994 Act; and

19 (26) \$1,500,000 is for a pilot program to im-
20 prove victim services on college campuses.

21 OFFICE OF JUSTICE PROGRAMS

22 RESEARCH, EVALUATION AND STATISTICS

23 For grants, contracts, cooperative agreements, and
24 other assistance authorized by title I of the Omnibus Crime
25 Control and Safe Streets Act of 1968 (“the 1968 Act”); the

1 *Violent Crime Control and Law Enforcement Act of 1994*
2 *(Public Law 103–322) (“the 1994 Act”); the Juvenile Jus-*
3 *tice and Delinquency Prevention Act of 1974 (“the 1974*
4 *Act”); the Missing Children’s Assistance Act (34 U.S.C.*
5 *11291 et seq.); the Prosecutorial Remedies and Other Tools*
6 *to end the Exploitation of Children Today Act of 2003*
7 *(Public Law 108–21) (“the PROTECT Act”); the Justice*
8 *for All Act of 2004 (Public Law 108–405); the Violence*
9 *Against Women and Department of Justice Reauthorization*
10 *Act of 2005 (Public Law 109–162) (“the 2005 Act”); the*
11 *Victims of Child Abuse Act of 1990 (Public Law 101–647);*
12 *the Second Chance Act of 2007 (Public Law 110–199); the*
13 *Victims of Crime Act of 1984 (Public Law 98–473); the*
14 *Adam Walsh Child Protection and Safety Act of 2006 (Pub-*
15 *lic Law 109–248) (“the Adam Walsh Act”); the PROTECT*
16 *Our Children Act of 2008 (Public Law 110–401); subtitle*
17 *C of title II of the Homeland Security Act of 2002 (Public*
18 *Law 107–296) (“the 2002 Act”); the Prison Rape Elimini-*
19 *nation Act of 2003 (Public Law 108–79) (“PREA”); the*
20 *NICS Improvement Amendments Act of 2007 (Public Law*
21 *110–180); the Violence Against Women Reauthorization Act*
22 *of 2013 (Public Law 113–4) (“the 2013 Act”); the Com-*
23 *prehensive Addiction and Recovery Act of 2016 (Public*
24 *Law 114–198); the First Step Act of 2018 (Public Law*

1 115–391); and other programs, \$77,000,000, to remain
2 available until expended, of which—

3 (1) \$42,000,000 is for criminal justice statistics
4 programs, and other activities, as authorized by part
5 C of title I of the 1968 Act; and

6 (2) \$35,000,000 is for research, development, and
7 evaluation programs, and other activities as author-
8 ized by part B of title I of the 1968 Act and subtitle
9 C of title II of the 2002 Act, and for activities author-
10 ized by or consistent with the First Step Act of 2018,
11 of which \$7,500,000 is for research targeted toward
12 developing a better understanding of the domestic
13 radicalization phenomenon, and advancing evidence-
14 based strategies for effective intervention and preven-
15 tion; \$1,000,000 is for research to study the root
16 causes of school violence to include the impact and ef-
17 fectiveness of grants made under the STOP School Vi-
18 olence Act of 2018 (title V of division S of Public
19 Law 115–141); \$1,000,000 is for research on violence
20 against American Indians and Alaska Natives or oth-
21 erwise affecting indigenous communities, in connec-
22 tion with extractive industry activities; \$1,000,000 is
23 for research on gun violence prevention; \$1,000,000 is
24 for surveys on the campus sexual assault climate;
25 \$1,200,000 is for a study on certain school-based

1 *crimes; and \$1,000,000 is for a study on law enforce-*
2 *ment and community agency responses to opioid*
3 *overdoses.*

4 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For grants, contracts, cooperative agreements, and*
7 *other assistance authorized by the Violent Crime Control*
8 *and Law Enforcement Act of 1994 (Public Law 103–322)*
9 *(“the 1994 Act”); the Omnibus Crime Control and Safe*
10 *Streets Act of 1968 (Public Law 90–351) (“the 1968 Act”);*
11 *the Justice for All Act of 2004 (Public Law 108–405); the*
12 *Victims of Child Abuse Act of 1990 (Public Law 101–647)*
13 *(“the 1990 Act”); the Trafficking Victims Protection Reau-*
14 *thorization Act of 2005 (Public Law 109–164) (“the*
15 *TVPPRA of 2005”); the Violence Against Women and De-*
16 *partment of Justice Reauthorization Act of 2005 (Public*
17 *Law 109–162) (“the 2005 Act”); the Adam Walsh Child*
18 *Protection and Safety Act of 2006 (Public Law 109–248)*
19 *(“the Adam Walsh Act”); the Victims of Trafficking and*
20 *Violence Protection Act of 2000 (Public Law 106–386) (“the*
21 *Victims of Trafficking Act”); the NICS Improvement*
22 *Amendments Act of 2007 (Public Law 110–180); subtitle*
23 *C of title II of the Homeland Security Act of 2002 (Public*
24 *Law 107–296) (“the 2002 Act”); the Prison Rape Elimini-*
25 *ation Act of 2003 (Public Law 108–79) (“PREA”); the*

1 *Second Chance Act of 2007 (Public Law 110–199); the*
2 *Prioritizing Resources and Organization for Intellectual*
3 *Property Act of 2008 (Public Law 110–403); the Victims*
4 *of Crime Act of 1984 (Public Law 98–473); the Mentally*
5 *Ill Offender Treatment and Crime Reduction Reauthoriza-*
6 *tion and Improvement Act of 2008 (Public Law 110–416);*
7 *the Violence Against Women Reauthorization Act of 2013*
8 *(Public Law 113–4) (“the 2013 Act”); the Comprehensive*
9 *Addiction and Recovery Act of 2016 (Public Law 114–198)*
10 *(“CARA”); the Justice for All Reauthorization Act of 2016*
11 *(Public Law 114–324); Kevin and Avonte’s Law (division*
12 *Q of Public Law 115–141) (“Kevin and Avonte’s Law”);*
13 *the Keep Young Athletes Safe Act of 2018 (title III of divi-*
14 *sion S of Public Law 115–141) (“the Keep Young Athletes*
15 *Safe Act”); the STOP School Violence Act of 2018 (title V*
16 *of division S of Public Law 115–141) (“the STOP School*
17 *Violence Act”); the Fix NICS Act of 2018 (title VI of divi-*
18 *sion S of Public Law 115–141); the Project Safe Neighbor-*
19 *hoods Grant Program Authorization Act of 2018 (Public*
20 *Law 115–185); the SUPPORT for Patients and Commu-*
21 *nities Act (Public Law 115–271); the Second Chance Reau-*
22 *thorization Act of 2018 (Public Law 115–391); the Matthew*
23 *Shepard and James Byrd, Jr. Hate Crimes Prevention Act*
24 *(Public Law 111–84); the Ashanti Alert Act of 2018 (Public*
25 *Law 115–401); the Missing Persons and Unidentified Re-*

1 *mains Act of 2019 (Public Law 116–277); the Jabara-*
2 *Heyer NO HATE Act (34 U.S.C. 30507); the Violence*
3 *Against Women Act Reauthorization Act of 2022 (division*
4 *W of Public Law 117–103 (“the 2022 Act”); and other pro-*
5 *grams, \$2,416,805,000, to remain available until expended*
6 *as follows—*

7 (1) *\$770,805,000 for the Edward Byrne Memo-*
8 *rial Justice Assistance Grant program as authorized*
9 *by subpart 1 of part E of title I of the 1968 Act (ex-*
10 *cept that section 1001(c), and the special rules for*
11 *Puerto Rico under section 505(g), of title I of the*
12 *1968 Act shall not apply for purposes of this Act), of*
13 *which, notwithstanding such subpart 1—*

14 (A) *\$13,000,000 is for an Officer Robert*
15 *Wilson III memorial initiative on Preventing*
16 *Violence Against Law Enforcement and Ensuring*
17 *Officer Resilience and Survivability*
18 *(VALOR);*

19 (B) *\$3,500,000 is for the operation, mainte-*
20 *nance, and expansion of the National Missing*
21 *and Unidentified Persons System;*

22 (C) *\$10,000,000 is for a grant program for*
23 *State and local law enforcement to provide offi-*
24 *cer training on responding to individuals with*
25 *mental illness or disabilities;*

181

1 (D) \$5,000,000 is for a student loan repay-
2 ment assistance program pursuant to section 952
3 of Public Law 110–315;

4 (E) \$15,500,000 is for prison rape preven-
5 tion and prosecution grants to States and units
6 of local government, and other programs, as au-
7 thorized by PREA;

8 (F) \$3,000,000 is for the Missing Americans
9 Alert Program (title XXIV of the 1994 Act), as
10 amended by Kevin and Avonte’s Law;

11 (G) \$20,000,000 is for grants authorized
12 under the Project Safe Neighborhoods Grant Au-
13 thorization Act of 2018 (Public Law 115–185);

14 (H) \$13,000,000 is for the Capital Litiga-
15 tion Improvement Grant Program, as authorized
16 by section 426 of Public Law 108–405, and for
17 grants for wrongful conviction review;

18 (I) \$3,000,000 is for a national center on
19 restorative justice;

20 (J) \$1,000,000 is for the purposes of the
21 Ashanti Alert Communications Network as au-
22 thorized under the Ashanti Alert Act of 2018
23 (Public Law 115–401);

182

1 (K) \$3,500,000 is for a grant program to
2 replicate and support family-based alternative
3 sentencing programs;

4 (L) \$2,000,000 is for a grant program to
5 support child advocacy training in post-sec-
6 ondary education;

7 (M) \$8,000,000 is for a rural violent crime
8 initiative, including assistance for law enforce-
9 ment;

10 (N) \$6,000,000 is for grants authorized
11 under the Missing Persons and Unidentified Re-
12 mains Act of 2019 (Public Law 116–277);

13 (O) \$4,000,000 is for a drug data research
14 center to combat opioid abuse;

15 (P) \$1,500,000 is for grants to accredited
16 institutions of higher education to support foren-
17 sic ballistics programs;

18 (Q) \$229,551,000 is for discretionary grants
19 to improve the functioning of the criminal justice
20 system, to prevent or combat juvenile delin-
21 quency, and to assist victims of crime (other
22 than compensation), which shall be used for the
23 projects, and in the amounts, specified under the
24 heading, “Byrne Discretionary Community
25 Project Grants/Byrne Discretionary Grants”, in

183

1 *the explanatory statement described in section 4*
2 *(in the matter preceding division A of this con-*
3 *solidated Act): Provided, That such amounts*
4 *may not be transferred for any other purpose;*

5 *(R) \$5,000,000 is for the purposes author-*
6 *ized under section 1506 of the 2022 Act;*

7 *(S) \$5,000,000 is for a program to improve*
8 *virtual training for law enforcement; and*

9 *(T) \$7,000,000 is for programs for*
10 *cybercrime enforcement, as authorized by sec-*
11 *tions 1401 and 1402 of the 2022 Act;*

12 *(2) \$234,000,000 for the State Criminal Alien*
13 *Assistance Program, as authorized by section*
14 *241(I)(5) of the Immigration and Nationality Act (8*
15 *U.S.C. 1231(I)(5)): Provided, That no jurisdiction*
16 *shall request compensation for any cost greater than*
17 *the actual cost for Federal immigration and other de-*
18 *tainees housed in State and local detention facilities;*

19 *(3) \$95,000,000 for victim services programs for*
20 *victims of trafficking, as authorized by section*
21 *107(b)(2) of the Victims of Trafficking Act, by the*
22 *TVPPRA of 2005, or programs authorized under Pub-*
23 *lic Law 113–4;*

24 *(4) \$13,000,000 for a grant program to prevent*
25 *and address economic, high technology, white collar,*

1 *and Internet crime, including as authorized by sec-*
2 *tion 401 of Public Law 110–403, of which not less*
3 *than \$2,500,000 is for intellectual property enforce-*
4 *ment grants including as authorized by section 401,*
5 *and \$2,000,000 is for grants to develop databases on*
6 *Internet of Things device capabilities and to build*
7 *and execute training modules for law enforcement;*

8 (5) *\$20,000,000 for sex offender management as-*
9 *sistance, as authorized by the Adam Walsh Act, and*
10 *related activities;*

11 (6) *\$30,000,000 for the Patrick Leahy Bullet-*
12 *proof Vest Partnership Grant Program, as authorized*
13 *by section 2501 of title I of the 1968 Act: Provided,*
14 *That \$1,500,000 shall be transferred directly to the*
15 *National Institute of Standards and Technology’s Of-*
16 *fice of Law Enforcement Standards for research, test-*
17 *ing, and evaluation programs;*

18 (7) *\$1,000,000 for the National Sex Offender*
19 *Public Website;*

20 (8) *\$95,000,000 for grants to States to upgrade*
21 *criminal and mental health records for the National*
22 *Instant Criminal Background Check System, of which*
23 *no less than \$25,000,000 shall be for grants made*
24 *under the authorities of the NICS Improvement*

185

1 *Amendments Act of 2007 (Public Law 110–180) and*
2 *Fix NICS Act of 2018;*

3 *(9) \$35,000,000 for Paul Coverdell Forensic*
4 *Sciences Improvement Grants under part BB of title*
5 *I of the 1968 Act;*

6 *(10) \$170,000,000 for DNA-related and forensic*
7 *programs and activities, of which—*

8 *(A) \$130,000,000 is for the purposes author-*
9 *ized under section 2 of the DNA Analysis Back-*
10 *log Elimination Act of 2000 (Public Law 106–*
11 *546) (the Debbie Smith DNA Backlog Grant*
12 *Program): Provided, That up to 4 percent of*
13 *funds made available under this paragraph may*
14 *be used for the purposes described in the DNA*
15 *Training and Education for Law Enforcement,*
16 *Correctional Personnel, and Court Officers pro-*
17 *gram (Public Law 108–405, section 303);*

18 *(B) \$20,000,000 for other local, State, and*
19 *Federal forensic activities;*

20 *(C) \$15,000,000 is for the purposes de-*
21 *scribed in the Kirk Bloodsworth Post-Conviction*
22 *DNA Testing Grant Program (Public Law 108–*
23 *405, section 412); and*

1 (D) \$5,000,000 is for Sexual Assault Foren-
2 sic Exam Program grants, including as author-
3 ized by section 304 of Public Law 108–405;

4 (11) \$55,000,000 for community-based grant
5 programs to improve the response to sexual assault,
6 including assistance for investigation and prosecution
7 of related cold cases;

8 (12) \$15,000,000 for the court-appointed special
9 advocate program, as authorized by section 217 of the
10 1990 Act;

11 (13) \$60,000,000 for assistance to Indian Tribes;

12 (14) \$125,000,000 for offender reentry programs
13 and research, as authorized by the Second Chance Act
14 of 2007 (Public Law 110–199) and by the Second
15 Chance Reauthorization Act of 2018 (Public Law
16 115–391), without regard to the time limitations
17 specified at section 6(1) of such Act, of which not to
18 exceed—

19 (A) \$8,000,000 is for a program to improve
20 State, local, and Tribal probation or parole su-
21 pervision efforts and strategies;

22 (B) \$5,000,000 is for children of incarcer-
23 ated parents demonstration programs to enhance
24 and maintain parental and family relationships

1 *for incarcerated parents as a reentry or recidi-*
2 *vism reduction strategy;*

3 *(C) \$5,000,000 is for additional replication*
4 *sites employing the Project HOPE Opportunity*
5 *Probation with Enforcement model imple-*
6 *menting swift and certain sanctions in proba-*
7 *tion, of which no less than \$500,000 shall be used*
8 *for a project that provides training, technical as-*
9 *sistance, and best practices; and*

10 *(D) \$10,000,000 is for a grant program for*
11 *crisis stabilization and community reentry, as*
12 *authorized by the Crisis Stabilization and Com-*
13 *munity Reentry Act of 2020 (Public Law 116–*
14 *281):*

15 *Provided, That up to \$7,500,000 of funds made avail-*
16 *able in this paragraph may be used for performance-*
17 *based awards for Pay for Success projects, of which*
18 *up to \$5,000,000 shall be for Pay for Success pro-*
19 *grams implementing the Permanent Supportive*
20 *Housing Model and reentry housing;*

21 *(15) \$445,000,000 for comprehensive opioid use*
22 *reduction activities, including as authorized by*
23 *CARA, and for the following programs, which shall*
24 *address opioid, stimulant, and substance use disorders*

1 *consistent with underlying program authorities, of*
2 *which—*

3 *(A) \$95,000,000 is for Drug Courts, as au-*
4 *thorized by section 1001(a)(25)(A) of title I of*
5 *the 1968 Act;*

6 *(B) \$45,000,000 is for mental health courts*
7 *and adult and juvenile collaboration program*
8 *grants, as authorized by parts V and HH of title*
9 *I of the 1968 Act, and the Mentally Ill Offender*
10 *Treatment and Crime Reduction Reauthoriza-*
11 *tion and Improvement Act of 2008 (Public Law*
12 *110–416);*

13 *(C) \$45,000,000 is for grants for Residen-*
14 *tial Substance Abuse Treatment for State Pris-*
15 *oners, as authorized by part S of title I of the*
16 *1968 Act;*

17 *(D) \$35,000,000 is for a veterans treatment*
18 *courts program;*

19 *(E) \$35,000,000 is for a program to mon-*
20 *itor prescription drugs and scheduled listed*
21 *chemical products; and*

22 *(F) \$190,000,000 is for a comprehensive*
23 *opioid, stimulant, and substance use disorder*
24 *program;*

189

1 (16) \$2,500,000 for a competitive grant program
2 authorized by the Keep Young Athletes Safe Act;

3 (17) \$82,000,000 for grants to be administered
4 by the Bureau of Justice Assistance for purposes au-
5 thorized under the STOP School Violence Act;

6 (18) \$3,500,000 for grants to State and local law
7 enforcement agencies for the expenses associated with
8 the investigation and prosecution of criminal offenses
9 involving civil rights, authorized by the Emmett Till
10 Unsolved Civil Rights Crimes Reauthorization Act of
11 2016 (Public Law 114–325);

12 (19) \$25,000,000 for grants to State, local, and
13 Tribal law enforcement agencies to conduct edu-
14 cational outreach and training on hate crimes and to
15 investigate and prosecute hate crimes, as authorized
16 by section 4704 of the Matthew Shepard and James
17 Byrd, Jr. Hate Crimes Prevention Act (Public Law
18 111–84);

19 (20) \$10,000,000 for grants to support commu-
20 nity-based approaches to advancing justice and rec-
21 onciliation, facilitating dialogue between all parties,
22 building local capacity, de-escalating community ten-
23 sions, and preventing hate crimes through conflict res-
24 olution and community empowerment and education;

190

1 (21) \$10,000,000 for programs authorized under
2 the *Jabara-Heyer NO HATE Act* (34 U.S.C. 30507);
3 and

4 (22) \$120,000,000 for initiatives to improve po-
5 lice-community relations, of which \$35,000,000 is for
6 a competitive matching grant program for purchases
7 of body-worn cameras for State, local, and Tribal law
8 enforcement; \$35,000,000 is for a justice reinvestment
9 initiative, for activities related to criminal justice re-
10 form and recidivism reduction; and \$50,000,000 is for
11 a community violence intervention and prevention
12 initiative:

13 *Provided, That, if a unit of local government uses any of*
14 *the funds made available under this heading to increase the*
15 *number of law enforcement officers, the unit of local govern-*
16 *ment will achieve a net gain in the number of law enforce-*
17 *ment officers who perform non-administrative public sector*
18 *safety service: Provided further, That in the spending plan*
19 *submitted pursuant to section 528 of this Act, the Office*
20 *of Justice Programs shall specifically and explicitly iden-*
21 *tify all changes in the administration of competitive grant*
22 *programs for fiscal year 2023, including changes to appli-*
23 *cant eligibility, priority areas or weightings, and the appli-*
24 *cation review process.*

191

1 *JUVENILE JUSTICE PROGRAMS*

2 *For grants, contracts, cooperative agreements, and*
3 *other assistance authorized by the Juvenile Justice and De-*
4 *linquency Prevention Act of 1974 (“the 1974 Act”); the Om-*
5 *nibus Crime Control and Safe Streets Act of 1968 (“the*
6 *1968 Act”); the Violence Against Women and Department*
7 *of Justice Reauthorization Act of 2005 (Public Law 109–*
8 *162) (“the 2005 Act”); the Missing Children’s Assistance*
9 *Act (34 U.S.C. 11291 et seq.); the PROTECT Act (Public*
10 *Law 108–21); the Victims of Child Abuse Act of 1990 (Pub-*
11 *lic Law 101–647) (“the 1990 Act”); the Adam Walsh Child*
12 *Protection and Safety Act of 2006 (Public Law 109–248)*
13 *(“the Adam Walsh Act”); the PROTECT Our Children Act*
14 *of 2008 (Public Law 110–401); the Violence Against Women*
15 *Reauthorization Act of 2013 (Public Law 113–4) (“the*
16 *2013 Act”); the Justice for All Reauthorization Act of 2016*
17 *(Public Law 114–324); the Missing Children’s Assistance*
18 *Act of 2018 (Public Law 115–267); the Juvenile Justice Re-*
19 *form Act of 2018 (Public Law 115–385); the Victims of*
20 *Crime Act of 1984 (chapter XIV of title II of Public Law*
21 *98–473) (“the 1984 Act”); the Comprehensive Addiction*
22 *and Recovery Act of 2016 (Public Law 114–198); and other*
23 *juvenile justice programs, \$400,000,000, to remain avail-*
24 *able until expended as follows—*

192

1 (1) \$75,000,000 for programs authorized by sec-
2 tion 221 of the 1974 Act, and for training and tech-
3 nical assistance to assist small, nonprofit organiza-
4 tions with the Federal grants process: Provided, That
5 of the amounts provided under this paragraph,
6 \$500,000 shall be for a competitive demonstration
7 grant program to support emergency planning among
8 State, local, and Tribal juvenile justice residential fa-
9 cilities;

10 (2) \$107,000,000 for youth mentoring grants;

11 (3) \$65,000,000 for delinquency prevention, of
12 which, pursuant to sections 261 and 262 of the 1974
13 Act—

14 (A) \$5,000,000 shall be for grants to prevent
15 trafficking of girls;

16 (B) \$17,000,000 shall be for the Tribal
17 Youth Program;

18 (C) \$500,000 shall be for an Internet site
19 providing information and resources on children
20 of incarcerated parents;

21 (D) \$5,500,000 shall be for competitive
22 grants focusing on girls in the juvenile justice
23 system;

193

1 (E) \$12,500,000 shall be for an initiative
2 relating to youth affected by opioids, stimulants,
3 and substance use disorder;

4 (F) \$10,000,000 shall be for an initiative
5 relating to children exposed to violence; and

6 (G) \$2,000,000 shall be for grants to protect
7 vulnerable and at-risk youth;

8 (4) \$41,000,000 for programs authorized by the
9 Victims of Child Abuse Act of 1990;

10 (5) \$105,000,000 for missing and exploited chil-
11 dren programs, including as authorized by sections
12 404(b) and 405(a) of the 1974 Act (except that section
13 102(b)(4)(B) of the PROTECT Our Children Act of
14 2008 (Public Law 110–401) shall not apply for pur-
15 poses of this Act);

16 (6) \$4,500,000 for child abuse training programs
17 for judicial personnel and practitioners, as authorized
18 by section 222 of the 1990 Act; and

19 (7) \$2,500,000 for a program to improve juvenile
20 indigent defense:

21 Provided, That not more than 10 percent of each amount
22 may be used for research, evaluation, and statistics activi-
23 ties designed to benefit the programs or activities author-
24 ized: Provided further, That not more than 2 percent of the
25 amounts designated under paragraphs (1) through (3) and

1 (6) may be used for training and technical assistance: Pro-
2 vided further, That the two preceding provisos shall not
3 apply to grants and projects administered pursuant to sec-
4 tions 261 and 262 of the 1974 Act and to missing and ex-
5 ploited children programs.

6 PUBLIC SAFETY OFFICER BENEFITS

7 (INCLUDING TRANSFER OF FUNDS)

8 For payments and expenses authorized under section
9 1001(a)(4) of title I of the Omnibus Crime Control and Safe
10 Streets Act of 1968, such sums as are necessary (including
11 amounts for administrative costs), to remain available
12 until expended; and \$34,800,000 for payments authorized
13 by section 1201(b) of such Act and for educational assist-
14 ance authorized by section 1218 of such Act, to remain
15 available until expended: Provided, That notwithstanding
16 section 205 of this Act, upon a determination by the Attor-
17 ney General that emergent circumstances require additional
18 funding for such disability and education payments, the At-
19 torney General may transfer such amounts to “Public Safe-
20 ty Officer Benefits” from available appropriations for the
21 Department of Justice as may be necessary to respond to
22 such circumstances: Provided further, That any transfer
23 pursuant to the preceding proviso shall be treated as a re-
24 programming under section 505 of this Act and shall not

1 *be available for obligation or expenditure except in compli-*
2 *ance with the procedures set forth in that section.*

3 *COMMUNITY ORIENTED POLICING SERVICES*

4 *COMMUNITY ORIENTED POLICING SERVICES PROGRAMS*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For activities authorized by the Violent Crime Control*
7 *and Law Enforcement Act of 1994 (Public Law 103–322);*
8 *the Omnibus Crime Control and Safe Streets Act of 1968*
9 *(“the 1968 Act”); the Violence Against Women and Depart-*
10 *ment of Justice Reauthorization Act of 2005 (Public Law*
11 *109–162) (“the 2005 Act”); the American Law Enforcement*
12 *Heroes Act of 2017 (Public Law 115–37); the Law Enforce-*
13 *ment Mental Health and Wellness Act (Public Law 115–*
14 *113) (“the LEMHW Act”); the SUPPORT for Patients and*
15 *Communities Act (Public Law 115–271); and the Sup-*
16 *porting and Treating Officers In Crisis Act of 2019 (Public*
17 *Law 116–32) (“the STOIC Act”), \$662,880,000, to remain*
18 *available until expended: Provided, That any balances*
19 *made available through prior year deobligations shall only*
20 *be available in accordance with section 505 of this Act: Pro-*
21 *vided further, That of the amount provided under this head-*
22 *ing—*

23 *(1) \$324,000,000 is for grants under section*
24 *1701 of title I of the 1968 Act (34 U.S.C. 10381) for*
25 *the hiring and rehiring of additional career law en-*

1 *forcement officers under part Q of such title notwith-*
2 *standing subsection (i) of such section: Provided,*
3 *That, notwithstanding section 1704(c) of such title*
4 *(34 U.S.C. 10384(c)), funding for hiring or rehiring*
5 *a career law enforcement officer may not exceed*
6 *\$125,000 unless the Director of the Office of Commu-*
7 *nity Oriented Policing Services grants a waiver from*
8 *this limitation: Provided further, That of the amounts*
9 *appropriated under this paragraph, \$34,000,000 is*
10 *for improving Tribal law enforcement, including hir-*
11 *ing, equipment, training, anti-methamphetamine ac-*
12 *tivities, and anti-opioid activities: Provided further,*
13 *That of the amounts appropriated under this para-*
14 *graph, \$44,000,000 is for regional information shar-*
15 *ing activities, as authorized by part M of title I of*
16 *the 1968 Act, which shall be transferred to and*
17 *merged with “Research, Evaluation, and Statistics”*
18 *for administration by the Office of Justice Programs:*
19 *Provided further, That of the amounts appropriated*
20 *under this paragraph, no less than \$4,000,000 is to*
21 *support the Tribal Access Program: Provided further,*
22 *That of the amounts appropriated under this para-*
23 *graph, \$10,000,000 is for training, peer mentoring,*
24 *mental health program activities, and other support*
25 *services as authorized under the LEMHW Act and the*

197

1 *STOIC Act: Provided further, That of the amounts*
2 *appropriated under this paragraph, \$7,500,000 is for*
3 *the collaborative reform model of technical assistance*
4 *in furtherance of section 1701 of title I of the 1968*
5 *Act (34 U.S.C. 10381);*

6 *(2) \$12,000,000 is for activities authorized by*
7 *the POLICE Act of 2016 (Public Law 114–199);*

8 *(3) \$16,000,000 is for competitive grants to State*
9 *law enforcement agencies in States with high seizures*
10 *of precursor chemicals, finished methamphetamine,*
11 *laboratories, and laboratory dump seizures: Provided,*
12 *That funds appropriated under this paragraph shall*
13 *be utilized for investigative purposes to locate or in-*
14 *vestigate illicit activities, including precursor diver-*
15 *sion, laboratories, or methamphetamine traffickers;*

16 *(4) \$35,000,000 is for competitive grants to*
17 *statewide law enforcement agencies in States with*
18 *high rates of primary treatment admissions for her-*
19 *oin and other opioids: Provided, That these funds*
20 *shall be utilized for investigative purposes to locate or*
21 *investigate illicit activities, including activities re-*
22 *lated to the distribution of heroin or unlawful dis-*
23 *tribution of prescription opioids, or unlawful heroin*
24 *and prescription opioid traffickers through statewide*
25 *collaboration;*

198

1 (5) \$53,000,000 is for competitive grants to be
2 administered by the Community Oriented Policing
3 Services Office for purposes authorized under the
4 STOP School Violence Act (title V of division S of
5 Public Law 115–141);

6 (6) \$45,000,000 is for community policing devel-
7 opment activities in furtherance of section 1701 of
8 title I of the 1968 Act (34 U.S.C. 10381); and

9 (7) \$177,880,000 is for a law enforcement tech-
10 nologies and interoperable communications program,
11 and related law enforcement and public safety equip-
12 ment, which shall be used for the projects, and in the
13 amounts, specified under the heading, “Community
14 Oriented Policing Services, Technology and Equip-
15 ment Community Projects/ COPS Law Enforcement
16 Technology and Equipment”, in the explanatory
17 statement described in section 4 (in the matter pre-
18 ceding division A of this consolidated Act): Provided,
19 That such amounts may not be transferred for any
20 other purpose: Provided further, That grants funded
21 by such amounts shall not be subject to section 1703
22 of title I of the 1968 Act (34 U.S.C. 10383).

1 *GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *SEC. 201. In addition to amounts otherwise made*
4 *available in this title for official reception and representa-*
5 *tion expenses, a total of not to exceed \$50,000 from funds*
6 *appropriated to the Department of Justice in this title shall*
7 *be available to the Attorney General for official reception*
8 *and representation expenses.*

9 *SEC. 202. None of the funds appropriated by this title*
10 *shall be available to pay for an abortion, except where the*
11 *life of the mother would be endangered if the fetus were car-*
12 *ried to term, or in the case of rape or incest: Provided, That*
13 *should this prohibition be declared unconstitutional by a*
14 *court of competent jurisdiction, this section shall be null*
15 *and void.*

16 *SEC. 203. None of the funds appropriated under this*
17 *title shall be used to require any person to perform, or fa-*
18 *cilitate in any way the performance of, any abortion.*

19 *SEC. 204. Nothing in the preceding section shall re-*
20 *move the obligation of the Director of the Bureau of Prisons*
21 *to provide escort services necessary for a female inmate to*
22 *receive such service outside the Federal facility: Provided,*
23 *That nothing in this section in any way diminishes the*
24 *effect of section 203 intended to address the philosophical*
25 *beliefs of individual employees of the Bureau of Prisons.*

200

1 *SEC. 205. Not to exceed 5 percent of any appropriation*
2 *made available for the current fiscal year for the Depart-*
3 *ment of Justice in this Act may be transferred between such*
4 *appropriations, but no such appropriation, except as other-*
5 *wise specifically provided, shall be increased by more than*
6 *10 percent by any such transfers: Provided, That any trans-*
7 *fer pursuant to this section shall be treated as a reprogram-*
8 *ming of funds under section 505 of this Act and shall not*
9 *be available for obligation except in compliance with the*
10 *procedures set forth in that section: Provided further, That*
11 *this section shall not apply to the following—*

12 *(1) paragraph 1(Q) under the heading “State*
13 *and Local Law Enforcement Assistance”; and*

14 *(2) paragraph (7) under the heading “Communi-*
15 *ty Oriented Policing Services Programs”.*

16 *SEC. 206. None of the funds made available under this*
17 *title may be used by the Federal Bureau of Prisons or the*
18 *United States Marshals Service for the purpose of trans-*
19 *porting an individual who is a prisoner pursuant to convic-*
20 *tion for crime under State or Federal law and is classified*
21 *as a maximum or high security prisoner, other than to a*
22 *prison or other facility certified by the Federal Bureau of*
23 *Prisons as appropriately secure for housing such a prisoner.*

24 *SEC. 207. (a) None of the funds appropriated by this*
25 *Act may be used by Federal prisons to purchase cable tele-*

201

1 *vision services, or to rent or purchase audiovisual or elec-*
2 *tronic media or equipment used primarily for recreational*
3 *purposes.*

4 *(b) Subsection (a) does not preclude the rental, mainte-*
5 *nance, or purchase of audiovisual or electronic media or*
6 *equipment for inmate training, religious, or educational*
7 *programs.*

8 *SEC. 208. None of the funds made available under this*
9 *title shall be obligated or expended for any new or enhanced*
10 *information technology program having total estimated de-*
11 *velopment costs in excess of \$100,000,000, unless the Deputy*
12 *Attorney General and the investment review board certify*
13 *to the Committees on Appropriations of the House of Rep-*
14 *resentatives and the Senate that the information technology*
15 *program has appropriate program management controls*
16 *and contractor oversight mechanisms in place, and that the*
17 *program is compatible with the enterprise architecture of*
18 *the Department of Justice.*

19 *SEC. 209. The notification thresholds and procedures*
20 *set forth in section 505 of this Act shall apply to deviations*
21 *from the amounts designated for specific activities in this*
22 *Act and in the explanatory statement described in section*
23 *4 (in the matter preceding division A of this consolidated*
24 *Act), and to any use of deobligated balances of funds pro-*
25 *vided under this title in previous years.*

202

1 *SEC. 210. None of the funds appropriated by this Act*
2 *may be used to plan for, begin, continue, finish, process,*
3 *or approve a public-private competition under the Office*
4 *of Management and Budget Circular A–76 or any successor*
5 *administrative regulation, directive, or policy for work per-*
6 *formed by employees of the Bureau of Prisons or of Federal*
7 *Prison Industries, Incorporated.*

8 *SEC. 211. Notwithstanding any other provision of law,*
9 *no funds shall be available for the salary, benefits, or ex-*
10 *penses of any United States Attorney assigned dual or addi-*
11 *tional responsibilities by the Attorney General or his des-*
12 *ignee that exempt that United States Attorney from the*
13 *residency requirements of section 545 of title 28, United*
14 *States Code.*

15 *SEC. 212. At the discretion of the Attorney General,*
16 *and in addition to any amounts that otherwise may be*
17 *available (or authorized to be made available) by law, with*
18 *respect to funds appropriated by this title under the head-*
19 *ings “Research, Evaluation and Statistics”, “State and*
20 *Local Law Enforcement Assistance”, and “Juvenile Justice*
21 *Programs”—*

22 *(1) up to 2 percent of funds made available to*
23 *the Office of Justice Programs for grant or reimburse-*
24 *ment programs may be used by such Office to provide*
25 *training and technical assistance; and*

203

1 (2) up to 2 percent of funds made available for
2 grant or reimbursement programs under such head-
3 ings, except for amounts appropriated specifically for
4 research, evaluation, or statistical programs adminis-
5 tered by the National Institute of Justice and the Bu-
6 reau of Justice Statistics, shall be transferred to and
7 merged with funds provided to the National Institute
8 of Justice and the Bureau of Justice Statistics, to be
9 used by them for research, evaluation, or statistical
10 purposes, without regard to the authorizations for
11 such grant or reimbursement programs.

12 This section shall not apply to paragraph 1(Q) under
13 the heading “State and Local Law Enforcement Assist-
14 ance”.

15 SEC. 213. Upon request by a grantee for whom the At-
16 torney General has determined there is a fiscal hardship,
17 the Attorney General may, with respect to funds appro-
18 priated in this or any other Act making appropriations for
19 fiscal years 2020 through 2023 for the following programs,
20 waive the following requirements:

21 (1) For the adult and juvenile offender State and
22 local reentry demonstration projects under part FF of
23 title I of the Omnibus Crime Control and Safe Streets
24 Act of 1968 (34 U.S.C. 10631 et seq.), the require-

1 *ments under section 2976(g)(1) of such part (34*
2 *U.S.C. 10631(g)(1)).*

3 *(2) For grants to protect inmates and safeguard*
4 *communities as authorized by section 6 of the Prison*
5 *Rape Elimination Act of 2003 (34 U.S.C.*
6 *30305(c)(3)), the requirements of section 6(c)(3) of*
7 *such Act.*

8 *SEC. 214. Notwithstanding any other provision of law,*
9 *section 20109(a) of subtitle A of title II of the Violent Crime*
10 *Control and Law Enforcement Act of 1994 (34 U.S.C.*
11 *12109(a)) shall not apply to amounts made available by*
12 *this or any other Act.*

13 *SEC. 215. None of the funds made available under this*
14 *Act, other than for the national instant criminal back-*
15 *ground check system established under section 103 of the*
16 *Brady Handgun Violence Prevention Act (34 U.S.C.*
17 *40901), may be used by a Federal law enforcement officer*
18 *to facilitate the transfer of an operable firearm to an indi-*
19 *vidual if the Federal law enforcement officer knows or sus-*
20 *pects that the individual is an agent of a drug cartel, unless*
21 *law enforcement personnel of the United States continu-*
22 *ously monitor or control the firearm at all times.*

23 *SEC. 216. (a) None of the income retained in the De-*
24 *partment of Justice Working Capital Fund pursuant to*
25 *title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C.*

205

1 527 note) shall be available for obligation during fiscal year
2 2023, except up to \$12,000,000 may be obligated for imple-
3 mentation of a unified Department of Justice financial
4 management system.

5 (b) Not to exceed \$30,000,000 of the unobligated bal-
6 ances transferred to the capital account of the Department
7 of Justice Working Capital Fund pursuant to title I of Pub-
8 lic Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall
9 be available for obligation in fiscal year 2023, and any use,
10 obligation, transfer, or allocation of such funds shall be
11 treated as a reprogramming of funds under section 505 of
12 this Act.

13 (c) Not to exceed \$10,000,000 of the excess unobligated
14 balances available under section 524(c)(8)(E) of title 28,
15 United States Code, shall be available for obligation during
16 fiscal year 2023, and any use, obligation, transfer or alloca-
17 tion of such funds shall be treated as a reprogramming of
18 funds under section 505 of this Act.

19 SEC. 217. Discretionary funds that are made available
20 in this Act for the Office of Justice Programs may be used
21 to participate in Performance Partnership Pilots author-
22 ized under such authorities as have been enacted for Per-
23 formance Partnership Pilots in appropriations acts in
24 prior fiscal years and the current fiscal year.

206

1 *SEC. 218. The Attorney General shall submit to the*
2 *Committees on Appropriations of the House of Representa-*
3 *tives and the Senate quarterly reports on the Crime Victims*
4 *Fund, the Working Capital Fund, the Three Percent Fund,*
5 *and the Asset Forfeiture Fund. Such quarterly reports shall*
6 *contain at least the same level of information and detail*
7 *for each Fund as was provided to the Committees on Appro-*
8 *priations of the House of Representatives and the Senate*
9 *in fiscal year 2022.*

10 *SEC. 219. Section 3201 of Public Law 101–647, as*
11 *amended (28 U.S.C. 509 note), is hereby amended: (1) by*
12 *striking “or the Immigration and Naturalization Service”*
13 *and inserting “the Federal Prison System, the Bureau of*
14 *Alcohol, Tobacco, Firearms and Explosives, or the United*
15 *States Marshals Service”; and (2) by striking “\$25,000”*
16 *and inserting “\$50,000”.*

17 *SEC. 220. None of the funds made available under this*
18 *Act may be used to conduct, contract for, or otherwise sup-*
19 *port, live tissue training, unless the Attorney General issues*
20 *a written, non-delegable determination that such training*
21 *is medically necessary and cannot be replicated by alter-*
22 *natives.*

23 *SEC. 221. (a) DESIGNATION.—The facilities of the Fed-*
24 *eral Bureau of Investigation at Redstone Arsenal, Alabama,*

207

1 *shall be known and designated as the “Richard Shelby Cen-*
2 *ter for Innovation and Advanced Training”.*

3 (b) *REFERENCES.—Any reference in a law, map, regu-*
4 *lation, document, paper, or other record of the United*
5 *States to the facilities of the Federal Bureau of Investiga-*
6 *tion at Redstone Arsenal referred to in subsection (a) shall*
7 *be deemed to be a reference to the “Richard Shelby Center*
8 *for Innovation and Advanced Training”.*

9 *This title may be cited as the “Department of Justice*
10 *Appropriations Act, 2023”.*

208

1 *TITLE III*2 *SCIENCE*3 *OFFICE OF SCIENCE AND TECHNOLOGY POLICY*

4 *For necessary expenses of the Office of Science and*
5 *Technology Policy, in carrying out the purposes of the Na-*
6 *tional Science and Technology Policy, Organization, and*
7 *Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of pas-*
8 *senger motor vehicles, and services as authorized by section*
9 *3109 of title 5, United States Code, not to exceed \$2,250*
10 *for official reception and representation expenses, and rent-*
11 *al of conference rooms in the District of Columbia,*
12 *\$7,965,000.*

13 *NATIONAL SPACE COUNCIL*

14 *For necessary expenses of the National Space Council,*
15 *in carrying out the purposes of title V of Public Law 100–*
16 *685 and Executive Order No. 13803, hire of passenger*
17 *motor vehicles, and services as authorized by section 3109*
18 *of title 5, United States Code, not to exceed \$2,250 for offi-*
19 *cial reception and representation expenses, \$1,965,000: Pro-*
20 *vided, That notwithstanding any other provision of law, the*
21 *National Space Council may accept personnel support from*
22 *Federal agencies, departments, and offices, and such Fed-*
23 *eral agencies, departments, and offices may detail staff*
24 *without reimbursement to the National Space Council for*
25 *purposes provided herein.*

209

1 *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*2 *SCIENCE*

3 *For necessary expenses, not otherwise provided for, in*
4 *the conduct and support of science research and develop-*
5 *ment activities, including research, development, oper-*
6 *ations, support, and services; maintenance and repair, fa-*
7 *cility planning and design; space flight, spacecraft control,*
8 *and communications activities; program management; per-*
9 *sonnel and related costs, including uniforms or allowances*
10 *therefor, as authorized by sections 5901 and 5902 of title*
11 *5, United States Code; travel expenses; purchase and hire*
12 *of passenger motor vehicles; and purchase, lease, charter,*
13 *maintenance, and operation of mission and administrative*
14 *aircraft, \$7,795,000,000, to remain available until Sep-*
15 *tember 30, 2024.*

16 *AERONAUTICS*

17 *For necessary expenses, not otherwise provided for, in*
18 *the conduct and support of aeronautics research and devel-*
19 *opment activities, including research, development, oper-*
20 *ations, support, and services; maintenance and repair, fa-*
21 *cility planning and design; space flight, spacecraft control,*
22 *and communications activities; program management; per-*
23 *sonnel and related costs, including uniforms or allowances*
24 *therefor, as authorized by sections 5901 and 5902 of title*
25 *5, United States Code; travel expenses; purchase and hire*

210

1 *of passenger motor vehicles; and purchase, lease, charter,*
2 *maintenance, and operation of mission and administrative*
3 *aircraft, \$935,000,000, to remain available until September*
4 *30, 2024.*

5 *SPACE TECHNOLOGY*

6 *For necessary expenses, not otherwise provided for, in*
7 *the conduct and support of space technology research and*
8 *development activities, including research, development, op-*
9 *erations, support, and services; maintenance and repair, fa-*
10 *cility planning and design; space flight, spacecraft control,*
11 *and communications activities; program management; per-*
12 *sonnel and related costs, including uniforms or allowances*
13 *therefor, as authorized by sections 5901 and 5902 of title*
14 *5, United States Code; travel expenses; purchase and hire*
15 *of passenger motor vehicles; and purchase, lease, charter,*
16 *maintenance, and operation of mission and administrative*
17 *aircraft, \$1,200,000,000, to remain available until Sep-*
18 *tember 30, 2024: Provided, That \$227,000,000 shall be for*
19 *On-orbit Servicing, Assembly, and Manufacturing 1: Pro-*
20 *vided further, That \$110,000,000 shall be for the develop-*
21 *ment, production, and demonstration of a nuclear thermal*
22 *propulsion system, of which not less than \$45,000,000 shall*
23 *be for reactor development, not less than \$45,000,000 shall*
24 *be for fuel materials development, and not less than*
25 *\$20,000,000 shall be for non-nuclear systems development*

211

1 *and acquisition planning: Provided further, That, not later*
2 *than 180 days after the enactment of this Act, the National*
3 *Aeronautics and Space Administration shall provide a plan*
4 *for the design of a flight demonstration.*

5 *EXPLORATION*

6 *For necessary expenses, not otherwise provided for, in*
7 *the conduct and support of Artemis Campaign Development*
8 *activities, including research, development, operations, sup-*
9 *port, and services; maintenance and repair, facility plan-*
10 *ning and design; space flight, spacecraft control, and com-*
11 *munications activities; program management; personnel*
12 *and related costs, including uniforms or allowances there-*
13 *for, as authorized by sections 5901 and 5902 of title 5,*
14 *United States Code; travel expenses; purchase and hire of*
15 *passenger motor vehicles; and purchase, lease, charter,*
16 *maintenance, and operation of mission and administrative*
17 *aircraft, \$7,468,850,000, to remain available until Sep-*
18 *tember 30, 2024: Provided, That not less than*
19 *\$1,338,700,000 shall be for the Orion Multi-Purpose Crew*
20 *Vehicle: Provided further, That not less than \$2,600,000,000*
21 *shall be for the Space Launch System (SLS) launch vehicle,*
22 *which shall have a lift capability not less than 130 metric*
23 *tons and which shall have core elements and an Exploration*
24 *Upper Stage developed simultaneously to be used to the*
25 *maximum extent practicable, including for Earth to Moon*

212

1 *missions and Moon landings: Provided further, That of the*
2 *amounts provided for SLS, not less than \$600,000,000 shall*
3 *be for SLS Block 1B development including the Exploration*
4 *Upper Stage and associated systems including related*
5 *facilitization, to support an SLS Block 1B mission avail-*
6 *able to launch in 2025 in addition to the planned Block*
7 *1 missions for Artemis I through Artemis III: Provided fur-*
8 *ther, That \$799,150,000 shall be for Exploration Ground*
9 *Systems and associated Block 1B activities, including up*
10 *to \$281,350,000 for a second mobile launch platform: Pro-*
11 *vided further, That the National Aeronautics and Space*
12 *Administration shall provide to the Committees on Appro-*
13 *priations of the House of Representatives and the Senate,*
14 *concurrent with the annual budget submission, a 5-year*
15 *budget profile for an integrated system that includes the*
16 *SLS, the Orion Multi-Purpose Crew Vehicle, and associated*
17 *ground systems that will ensure a crewed launch as early*
18 *as possible, as well as a system-based funding profile for*
19 *a sustained launch cadence that contemplates the use of an*
20 *SLS Block 1B cargo variant with an 8.4 meter fairing and*
21 *associated ground systems: Provided further, That*
22 *\$2,600,300,000 shall be for Artemis Campaign Develop-*
23 *ment.*

213

1 *SPACE OPERATIONS*

2 *For necessary expenses, not otherwise provided for, in*
3 *the conduct and support of space operations research and*
4 *development activities, including research, development, op-*
5 *erations, support and services; space flight, spacecraft con-*
6 *trol, and communications activities, including operations,*
7 *production, and services; maintenance and repair, facility*
8 *planning and design; program management; personnel and*
9 *related costs, including uniforms or allowances therefor, as*
10 *authorized by sections 5901 and 5902 of title 5, United*
11 *States Code; travel expenses; purchase and hire of passenger*
12 *motor vehicles; and purchase, lease, charter, maintenance,*
13 *and operation of mission and administrative aircraft,*
14 *\$4,250,000,000, to remain available until September 30,*
15 *2024.*

16 *SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS*17 *ENGAGEMENT*

18 *For necessary expenses, not otherwise provided for, in*
19 *the conduct and support of aerospace and aeronautical edu-*
20 *cation research and development activities, including re-*
21 *search, development, operations, support, and services; pro-*
22 *gram management; personnel and related costs, including*
23 *uniforms or allowances therefor, as authorized by sections*
24 *5901 and 5902 of title 5, United States Code; travel ex-*
25 *penses; purchase and hire of passenger motor vehicles; and*

1 *purchase, lease, charter, maintenance, and operation of*
2 *mission and administrative aircraft, \$143,500,000, to re-*
3 *main available until September 30, 2024, of which*
4 *\$26,000,000 shall be for the Established Program to Stimu-*
5 *late Competitive Research and \$58,000,000 shall be for the*
6 *National Space Grant College and Fellowship Program.*

7 *SAFETY, SECURITY AND MISSION SERVICES*

8 *For necessary expenses, not otherwise provided for, in*
9 *the conduct and support of science, aeronautics, space tech-*
10 *nology, exploration, space operations and education re-*
11 *search and development activities, including research, devel-*
12 *opment, operations, support, and services; maintenance and*
13 *repair, facility planning and design; space flight, spacecraft*
14 *control, and communications activities; program manage-*
15 *ment; personnel and related costs, including uniforms or*
16 *allowances therefor, as authorized by sections 5901 and*
17 *5902 of title 5, United States Code; travel expenses; pur-*
18 *chase and hire of passenger motor vehicles; not to exceed*
19 *\$63,000 for official reception and representation expenses;*
20 *and purchase, lease, charter, maintenance, and operation*
21 *of mission and administrative aircraft, \$3,129,451,000, to*
22 *remain available until September 30, 2024: Provided, That*
23 *if available balances in the “Science, Space, and Technology*
24 *Education Trust Fund” are not sufficient to provide for*
25 *the grant disbursements required under the third and fourth*

215

1 *provisos under such heading in the Department of Housing*
2 *and Urban Development-Independent Agencies Appropria-*
3 *tions Act, 1989 (Public Law 100–404) as amended by the*
4 *Departments of Veterans Affairs and Housing and Urban*
5 *Development, and Independent Agencies Appropriations*
6 *Act, 1995 (Public Law 103–327) up to \$1,000,000 shall be*
7 *available from amounts made available under this heading*
8 *to make such grant disbursements: Provided further, That*
9 *of the amounts appropriated under this heading,*
10 *\$30,701,000 shall be used for the projects, and in the*
11 *amounts, specified in the table under the heading “NASA*
12 *Community Projects/NASA Special Projects” in the explan-*
13 *atory statement described in section 4 (in the matter pre-*
14 *ceding division A of this consolidated Act): Provided fur-*
15 *ther, That the amounts made available for the projects ref-*
16 *erenced in the preceding proviso may not be transferred for*
17 *any other purpose.*

18 *CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND*19 *RESTORATION*

20 *For necessary expenses for construction of facilities in-*
21 *cluding repair, rehabilitation, revitalization, and modifica-*
22 *tion of facilities, construction of new facilities and addi-*
23 *tions to existing facilities, facility planning and design,*
24 *and restoration, and acquisition or condemnation of real*
25 *property, as authorized by law, and environmental compli-*

216

1 *ance and restoration, \$47,300,000, to remain available*
2 *until September 30, 2028: Provided, That proceeds from*
3 *leases deposited into this account shall be available for a*
4 *period of 5 years to the extent and in amounts as provided*
5 *in annual appropriations Acts: Provided further, That such*
6 *proceeds referred to in the preceding proviso shall be avail-*
7 *able for obligation for fiscal year 2023 in an amount not*
8 *to exceed \$25,000,000: Provided further, That each annual*
9 *budget request shall include an annual estimate of gross re-*
10 *ceipts and collections and proposed use of all funds collected*
11 *pursuant to section 20145 of title 51, United States Code.*

12 *OFFICE OF INSPECTOR GENERAL*

13 *For necessary expenses of the Office of Inspector Gen-*
14 *eral in carrying out the Inspector General Act of 1978,*
15 *\$47,600,000, of which \$500,000 shall remain available until*
16 *September 30, 2024.*

17 *ADMINISTRATIVE PROVISIONS*18 *(INCLUDING TRANSFERS OF FUNDS)*

19 *Funds for any announced prize otherwise authorized*
20 *shall remain available, without fiscal year limitation, until*
21 *a prize is claimed or the offer is withdrawn.*

22 *Not to exceed 5 percent of any appropriation made*
23 *available for the current fiscal year for the National Aero-*
24 *navitics and Space Administration in this Act may be*
25 *transferred between such appropriations, but no such ap-*

1 *propriation, except as otherwise specifically provided, shall*
2 *be increased by more than 10 percent by any such transfers.*
3 *Any funds transferred to “Construction and Environmental*
4 *Compliance and Restoration” for construction activities*
5 *shall not increase that account by more than 50 percent*
6 *and any funds transferred to or within “Exploration” for*
7 *Exploration Ground Systems shall not increase Explo-*
8 *ration Ground Systems by more than \$49,300,000. Bal-*
9 *ances so transferred shall be merged with and available for*
10 *the same purposes and the same time period as the appro-*
11 *priations to which transferred. Any transfer pursuant to*
12 *this provision shall be treated as a reprogramming of funds*
13 *under section 505 of this Act and shall not be available for*
14 *obligation except in compliance with the procedures set*
15 *forth in that section.*

16 *Not to exceed 5 percent of any appropriation provided*
17 *for the National Aeronautics and Space Administration*
18 *under previous appropriations Acts that remains available*
19 *for obligation or expenditure in fiscal year 2023 may be*
20 *transferred between such appropriations, but no such ap-*
21 *propriation, except as otherwise specifically provided, shall*
22 *be increased by more than 10 percent by any such transfers.*
23 *Any transfer pursuant to this provision shall retain its*
24 *original availability and shall be treated as a reprogram-*
25 *ming of funds under section 505 of this Act and shall not*

1 *be available for obligation except in compliance with the*
2 *procedures set forth in that section.*

3 *The spending plan required by this Act shall be pro-*
4 *vided by the National Aeronautics and Space Administra-*
5 *tion at the theme, program, project, and activity level. The*
6 *spending plan, as well as any subsequent change of an*
7 *amount established in that spending plan that meets the*
8 *notification requirements of section 505 of this Act, shall*
9 *be treated as a reprogramming under section 505 of this*
10 *Act and shall not be available for obligation or expenditure*
11 *except in compliance with the procedures set forth in that*
12 *section.*

13 *Not more than 20 percent or \$50,000,000, whichever*
14 *is less, of the amounts made available in the current-year*
15 *Construction and Environmental Compliance and Restora-*
16 *tion (CECR) appropriation may be applied to CECR*
17 *projects funded under previous years' CECR appropria-*
18 *tions. Use of current-year funds under this provision shall*
19 *be treated as a reprogramming of funds under section 505*
20 *of this act and shall not be available for obligation except*
21 *in compliance with the procedures set forth in that section.*

22 *Of the amounts made available in this Act under the*
23 *heading "Science, Technology, Engineering, and Mathe-*
24 *matics Engagement" ("STEM Engagement"), up to*
25 *\$5,000,000 shall be available to jointly fund, with an addi-*

1 *tional amount of up to \$1,000,000 each from amounts made*
2 *available in this Act under the headings “Science”, “Aero-*
3 *navitics”, “Space Technology”, “Exploration”, and “Space*
4 *Operations”, projects and activities for engaging students*
5 *in STEM and increasing STEM research capacities of uni-*
6 *versities, including Minority Serving Institutions.*

7 *Section 30102(b) of title 51, United States Code, is*
8 *amended by:*

9 *(1) Redesignating existing paragraph (3) to (4);*
10 *and*

11 *(2) Inserting, after paragraph (2), the following:*

12 *“(3) INFORMATION TECHNOLOGY (IT) MOD-*
13 *ERNIZATION.—The fund shall also be available for the*
14 *purpose of funding IT Modernization activities, as de-*
15 *scribed in section 1077(b)(3)(A)–(E) of Public Law*
16 *115–91, on a non-reimbursable basis.”.*

17 *Not to exceed \$18,162,000 made available for the cur-*
18 *rent fiscal year in this Act within “Safety, Security and*
19 *Mission Services” may be transferred to the Working Cap-*
20 *ital Fund of the National Aeronautics and Space Adminis-*
21 *tration. Balances so transferred shall be available until ex-*
22 *pended only for activities described in section 30102(b)(3)*
23 *of title 51, United States Code, as amended by this Act,*
24 *and shall remain available until expended. Any transfer*
25 *pursuant to this provision shall be treated as a reprogram-*

220

1 *ming of funds under section 505 of this Act and shall not*
2 *be available for obligation except in compliance with the*
3 *procedures set forth in that section.*

4 *NATIONAL SCIENCE FOUNDATION*5 *RESEARCH AND RELATED ACTIVITIES*

6 *For necessary expenses in carrying out the National*
7 *Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.),*
8 *and Public Law 86–209 (42 U.S.C. 1880 et seq.); services*
9 *as authorized by section 3109 of title 5, United States Code;*
10 *maintenance and operation of aircraft and purchase of*
11 *flight services for research support; acquisition of aircraft;*
12 *and authorized travel; \$7,021,136,000, to remain available*
13 *until September 30, 2024, of which not to exceed*
14 *\$640,000,000 shall remain available until expended for*
15 *polar research and operations support, and for reimburse-*
16 *ment to other Federal agencies for operational and science*
17 *support and logistical and other related activities for the*
18 *United States Antarctic program: Provided, That receipts*
19 *for scientific support services and materials furnished by*
20 *the National Research Centers and other National Science*
21 *Foundation supported research facilities may be credited to*
22 *this appropriation.*

221

1 *MAJOR RESEARCH EQUIPMENT AND FACILITIES*2 *CONSTRUCTION*

3 *For necessary expenses for the acquisition, construc-*
4 *tion, commissioning, and upgrading of major research*
5 *equipment, facilities, and other such capital assets pursuant*
6 *to the National Science Foundation Act of 1950 (42 U.S.C.*
7 *1861 et seq.), including authorized travel, \$187,230,000, to*
8 *remain available until expended.*

9 *STEM EDUCATION*

10 *For necessary expenses in carrying out science, mathe-*
11 *matics, and engineering education and human resources*
12 *programs and activities pursuant to the National Science*
13 *Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including*
14 *services as authorized by section 3109 of title 5, United*
15 *States Code, authorized travel, and rental of conference*
16 *rooms in the District of Columbia, \$1,154,000,000, to re-*
17 *main available until September 30, 2024.*

18 *AGENCY OPERATIONS AND AWARD MANAGEMENT*

19 *For agency operations and award management nec-*
20 *essary in carrying out the National Science Foundation Act*
21 *of 1950 (42 U.S.C. 1861 et seq.); services authorized by sec-*
22 *tion 3109 of title 5, United States Code; hire of passenger*
23 *motor vehicles; uniforms or allowances therefor, as author-*
24 *ized by sections 5901 and 5902 of title 5, United States*
25 *Code; rental of conference rooms in the District of Colum-*

222

1 *bia; and reimbursement of the Department of Homeland Se-*
2 *curity for security guard services; \$448,000,000: Provided,*
3 *That not to exceed \$8,280 is for official reception and rep-*
4 *resentation expenses: Provided further, That contracts may*
5 *be entered into under this heading in fiscal year 2023 for*
6 *maintenance and operation of facilities and for other serv-*
7 *ices to be provided during the next fiscal year.*

8 *OFFICE OF THE NATIONAL SCIENCE BOARD*

9 *For necessary expenses (including payment of salaries,*
10 *authorized travel, hire of passenger motor vehicles, the rent-*
11 *al of conference rooms in the District of Columbia, and the*
12 *employment of experts and consultants under section 3109*
13 *of title 5, United States Code) involved in carrying out sec-*
14 *tion 4 of the National Science Foundation Act of 1950 (42*
15 *U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et*
16 *seq.), \$5,090,000: Provided, That not to exceed \$2,500 shall*
17 *be available for official reception and representation ex-*
18 *penses.*

19 *OFFICE OF INSPECTOR GENERAL*

20 *For necessary expenses of the Office of Inspector Gen-*
21 *eral as authorized by the Inspector General Act of 1978,*
22 *\$23,393,000, of which \$400,000 shall remain available until*
23 *September 30, 2024.*

223

1 *ADMINISTRATIVE PROVISIONS*2 *(INCLUDING TRANSFERS OF FUNDS)*

3 *Not to exceed 5 percent of any appropriation made*
4 *available for the current fiscal year for the National Science*
5 *Foundation in this Act may be transferred between such*
6 *appropriations, but no such appropriation shall be in-*
7 *creased by more than 10 percent by any such transfers. Any*
8 *transfer pursuant to this paragraph shall be treated as a*
9 *reprogramming of funds under section 505 of this Act and*
10 *shall not be available for obligation except in compliance*
11 *with the procedures set forth in that section.*

12 *The Director of the National Science Foundation*
13 *(NSF) shall notify the Committees on Appropriations of the*
14 *House of Representatives and the Senate at least 30 days*
15 *in advance of any planned divestment through transfer, de-*
16 *commissioning, termination, or deconstruction of any NSF-*
17 *owned facilities or any NSF capital assets (including land,*
18 *structures, and equipment) valued greater than \$2,500,000.*

19 *There is hereby established in the Treasury of the*
20 *United States a fund to be known as the “National Science*
21 *Foundation Nonrecurring Expenses Fund” (the Fund). Un-*
22 *obligated balances of expired discretionary funds appro-*
23 *priated for this or any succeeding fiscal year from the Gen-*
24 *eral Fund of the Treasury to the National Science Founda-*
25 *tion by this or any other Act may be transferred (not later*

1 *than the end of the fifth fiscal year after the last fiscal year*
2 *for which such funds are available for the purposes for*
3 *which appropriated) into the Fund. Amounts deposited in*
4 *the Fund shall be available until expended, and in addition*
5 *to such other funds as may be available for such purposes,*
6 *for information and business technology system moderniza-*
7 *tion and facilities infrastructure improvements, including*
8 *nonrecurring maintenance, necessary for the operation of*
9 *the Foundation or its funded research facilities, subject to*
10 *approval by the Office of Management and Budget.*
11 *Amounts in the Fund may be obligated only after the Com-*
12 *mittees on Appropriations of the House of Representatives*
13 *and the Senate are notified at least 15 days in advance*
14 *of the planned use of funds.*

15 *This title may be cited as the “Science Appropriations*
16 *Act, 2023”.*

225

1 *TITLE IV*2 *RELATED AGENCIES*3 *COMMISSION ON CIVIL RIGHTS*4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Commission on Civil*
6 *Rights, including hire of passenger motor vehicles,*
7 *\$14,350,000: Provided, That none of the funds appropriated*
8 *in this paragraph may be used to employ any individuals*
9 *under Schedule C of subpart C of part 213 of title 5 of*
10 *the Code of Federal Regulations exclusive of one special as-*
11 *sistant for each Commissioner: Provided further, That none*
12 *of the funds appropriated in this paragraph shall be used*
13 *to reimburse Commissioners for more than 75 billable days,*
14 *with the exception of the chairperson, who is permitted 125*
15 *billable days: Provided further, That the Chair may accept*
16 *and use any gift or donation to carry out the work of the*
17 *Commission: Provided further, That none of the funds ap-*
18 *propriated in this paragraph shall be used for any activity*
19 *or expense that is not explicitly authorized by section 3 of*
20 *the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a):*
21 *Provided further, That notwithstanding the preceding pro-*
22 *viso, \$2,000,000 shall be used to separately fund the Com-*
23 *mission on the Social Status of Black Men and Boys.*

226

1 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Equal Employment Op-*
4 *portunity Commission as authorized by title VII of the*
5 *Civil Rights Act of 1964, the Age Discrimination in Em-*
6 *ployment Act of 1967, the Equal Pay Act of 1963, the Amer-*
7 *icans with Disabilities Act of 1990, section 501 of the Reha-*
8 *bilitation Act of 1973, the Civil Rights Act of 1991, the*
9 *Genetic Information Nondiscrimination Act (GINA) of*
10 *2008 (Public Law 110–233), the ADA Amendments Act of*
11 *2008 (Public Law 110–325), and the Lilly Ledbetter Fair*
12 *Pay Act of 2009 (Public Law 111–2), including services*
13 *as authorized by section 3109 of title 5, United States Code;*
14 *hire of passenger motor vehicles as authorized by section*
15 *1343(b) of title 31, United States Code; nonmonetary*
16 *awards to private citizens; and up to \$31,500,000 for pay-*
17 *ments to State and local enforcement agencies for author-*
18 *ized services to the Commission, \$455,000,000: Provided,*
19 *That the Commission is authorized to make available for*
20 *official reception and representation expenses not to exceed*
21 *\$2,250 from available funds: Provided further, That the*
22 *Commission may take no action to implement any work-*
23 *force repositioning, restructuring, or reorganization until*
24 *such time as the Committees on Appropriations of the*
25 *House of Representatives and the Senate have been notified*

227

1 *of such proposals, in accordance with the reprogramming*
2 *requirements of section 505 of this Act: Provided further,*
3 *That the Chair may accept and use any gift or donation*
4 *to carry out the work of the Commission.*

5 *INTERNATIONAL TRADE COMMISSION*6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the International Trade*
8 *Commission, including hire of passenger motor vehicles and*
9 *services as authorized by section 3109 of title 5, United*
10 *States Code, and not to exceed \$2,250 for official reception*
11 *and representation expenses, \$122,400,000, to remain avail-*
12 *able until expended.*

13 *LEGAL SERVICES CORPORATION*14 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

15 *For payment to the Legal Services Corporation to*
16 *carry out the purposes of the Legal Services Corporation*
17 *Act of 1974, \$560,000,000, of which \$516,100,000 is for*
18 *basic field programs and required independent audits;*
19 *\$5,700,000 is for the Office of Inspector General, of which*
20 *such amounts as may be necessary may be used to conduct*
21 *additional audits of recipients; \$26,200,000 is for manage-*
22 *ment and grants oversight; \$5,000,000 is for client self-help*
23 *and information technology; \$5,000,000 is for a Pro Bono*
24 *Innovation Fund; and \$2,000,000 is for loan repayment as-*
25 *sistance: Provided, That the Legal Services Corporation*

1 *may continue to provide locality pay to officers and em-*
2 *ployees at a rate no greater than that provided by the Fed-*
3 *eral Government to Washington, DC-based employees as au-*
4 *thorized by section 5304 of title 5, United States Code, not-*
5 *withstanding section 1005(d) of the Legal Services Corpora-*
6 *tion Act (42 U.S.C. 2996d(d)): Provided further, That the*
7 *authorities provided in section 205 of this Act shall be ap-*
8 *plicable to the Legal Services Corporation: Provided fur-*
9 *ther, That, for the purposes of section 505 of this Act, the*
10 *Legal Services Corporation shall be considered an agency*
11 *of the United States Government.*

12 *ADMINISTRATIVE PROVISION—LEGAL SERVICES*

13 *CORPORATION*

14 *None of the funds appropriated in this Act to the Legal*
15 *Services Corporation shall be expended for any purpose pro-*
16 *hibited or limited by, or contrary to any of the provisions*
17 *of, sections 501, 502, 503, 504, 505, and 506 of Public Law*
18 *105–119, and all funds appropriated in this Act to the*
19 *Legal Services Corporation shall be subject to the same*
20 *terms and conditions set forth in such sections, except that*
21 *all references in sections 502 and 503 to 1997 and 1998*
22 *shall be deemed to refer instead to 2022 and 2023, respec-*
23 *tively.*

229

1 *MARINE MAMMAL COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Marine Mammal Com-*
4 *mission as authorized by title II of the Marine Mammal*
5 *Protection Act of 1972 (16 U.S.C. 1361 et seq.), \$4,500,000.*

6 *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Office of the United*
9 *States Trade Representative, including the hire of passenger*
10 *motor vehicles and the employment of experts and consult-*
11 *ants as authorized by section 3109 of title 5, United States*
12 *Code, \$61,000,000, of which \$1,000,000 shall remain avail-*
13 *able until expended: Provided, That of the total amount*
14 *made available under this heading, not to exceed \$124,000*
15 *shall be available for official reception and representation*
16 *expenses.*

17 *TRADE ENFORCEMENT TRUST FUND*18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For activities of the United States Trade Representa-*
20 *tive authorized by section 611 of the Trade Facilitation and*
21 *Trade Enforcement Act of 2015 (19 U.S.C. 4405), including*
22 *transfers, \$15,000,000, to be derived from the Trade En-*
23 *forcement Trust Fund: Provided, That any transfer pursu-*
24 *ant to subsection (d)(1) of such section shall be treated as*
25 *a reprogramming under section 505 of this Act.*

230

1 *STATE JUSTICE INSTITUTE*

2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the State Justice Institute,*
4 *as authorized by the State Justice Institute Act of 1984 (42*
5 *U.S.C. 10701 et seq.) \$7,640,000, of which \$500,000 shall*
6 *remain available until September 30, 2024: Provided, That*
7 *not to exceed \$2,250 shall be available for official reception*
8 *and representation expenses: Provided further, That, for the*
9 *purposes of section 505 of this Act, the State Justice Insti-*
10 *tute shall be considered an agency of the United States Gov-*
11 *ernment.*

231

1

TITLE V

2

GENERAL PROVISIONS

3

(INCLUDING RESCISSIONS)

4

(INCLUDING TRANSFER OF FUNDS)

5

*SEC. 501. No part of any appropriation contained in
this Act shall be used for publicity or propaganda purposes
not authorized by the Congress.*

8

*SEC. 502. No part of any appropriation contained in
this Act shall remain available for obligation beyond the
current fiscal year unless expressly so provided herein.*

11

*SEC. 503. The expenditure of any appropriation under
this Act for any consulting service through procurement
contract, pursuant to section 3109 of title 5, United States
Code, shall be limited to those contracts where such expendi-
tures are a matter of public record and available for public
inspection, except where otherwise provided under existing
law, or under existing Executive order issued pursuant to
existing law.*

19

*SEC. 504. If any provision of this Act or the applica-
tion of such provision to any person or circumstances shall
be held invalid, the remainder of the Act and the applica-
tion of each provision to persons or circumstances other
than those as to which it is held invalid shall not be affected
thereby.*

232

1 *SEC. 505. None of the funds provided under this Act,*
2 *or provided under previous appropriations Acts to the agen-*
3 *cies funded by this Act that remain available for obligation*
4 *or expenditure in fiscal year 2023, or provided from any*
5 *accounts in the Treasury of the United States derived by*
6 *the collection of fees available to the agencies funded by this*
7 *Act, shall be available for obligation or expenditure through*
8 *a reprogramming of funds that: (1) creates or initiates a*
9 *new program, project, or activity; (2) eliminates a pro-*
10 *gram, project, or activity; (3) increases funds or personnel*
11 *by any means for any project or activity for which funds*
12 *have been denied or restricted; (4) relocates an office or em-*
13 *ployees; (5) reorganizes or renames offices, programs, or ac-*
14 *tivities; (6) contracts out or privatizes any functions or ac-*
15 *tivities presently performed by Federal employees; (7) aug-*
16 *ments existing programs, projects, or activities in excess of*
17 *\$500,000 or 10 percent, whichever is less, or reduces by 10*
18 *percent funding for any program, project, or activity, or*
19 *numbers of personnel by 10 percent; or (8) results from any*
20 *general savings, including savings from a reduction in per-*
21 *sonnel, which would result in a change in existing pro-*
22 *grams, projects, or activities as approved by Congress; un-*
23 *less the House and Senate Committees on Appropriations*
24 *are notified 15 days in advance of such reprogramming of*
25 *funds.*

233

1 *SEC. 506. (a) If it has been finally determined by a*
2 *court or Federal agency that any person intentionally af-*
3 *fixed a label bearing a “Made in America” inscription, or*
4 *any inscription with the same meaning, to any product sold*
5 *in or shipped to the United States that is not made in the*
6 *United States, the person shall be ineligible to receive any*
7 *contract or subcontract made with funds made available in*
8 *this Act, pursuant to the debarment, suspension, and ineli-*
9 *gibility procedures described in sections 9.400 through*
10 *9.409 of title 48, Code of Federal Regulations.*

11 *(b)(1) To the extent practicable, with respect to author-*
12 *ized purchases of promotional items, funds made available*
13 *by this Act shall be used to purchase items that are manu-*
14 *factured, produced, or assembled in the United States, its*
15 *territories or possessions.*

16 *(2) The term “promotional items” has the meaning*
17 *given the term in OMB Circular A–87, Attachment B, Item*
18 *(1)(f)(3).*

19 *SEC. 507. (a) The Departments of Commerce and Jus-*
20 *tice, the National Science Foundation, and the National*
21 *Aeronautics and Space Administration shall provide to the*
22 *Committees on Appropriations of the House of Representa-*
23 *tives and the Senate a quarterly report on the status of bal-*
24 *ances of appropriations at the account level. For unobli-*
25 *gated, uncommitted balances and unobligated, committed*

1 *balances the quarterly reports shall separately identify the*
2 *amounts attributable to each source year of appropriation*
3 *from which the balances were derived. For balances that are*
4 *obligated, but unexpended, the quarterly reports shall sepa-*
5 *rately identify amounts by the year of obligation.*

6 *(b) The report described in subsection (a) shall be sub-*
7 *mitted within 30 days of the end of each quarter.*

8 *(c) If a department or agency is unable to fulfill any*
9 *aspect of a reporting requirement described in subsection*
10 *(a) due to a limitation of a current accounting system, the*
11 *department or agency shall fulfill such aspect to the max-*
12 *imum extent practicable under such accounting system and*
13 *shall identify and describe in each quarterly report the ex-*
14 *tent to which such aspect is not fulfilled.*

15 *SEC. 508. Any costs incurred by a department or agen-*
16 *cy funded under this Act resulting from, or to prevent, per-*
17 *sonnel actions taken in response to funding reductions in-*
18 *cluded in this Act shall be absorbed within the total budg-*
19 *etary resources available to such department or agency:*
20 *Provided, That the authority to transfer funds between ap-*
21 *propriations accounts as may be necessary to carry out this*
22 *section is provided in addition to authorities included else-*
23 *where in this Act: Provided further, That use of funds to*
24 *carry out this section shall be treated as a reprogramming*
25 *of funds under section 505 of this Act and shall not be avail-*

1 *able for obligation or expenditure except in compliance with*
2 *the procedures set forth in that section: Provided further,*
3 *That for the Department of Commerce, this section shall*
4 *also apply to actions taken for the care and protection of*
5 *loan collateral or grant property.*

6 *SEC. 509. None of the funds provided by this Act shall*
7 *be available to promote the sale or export of tobacco or to-*
8 *bacco products, or to seek the reduction or removal by any*
9 *foreign country of restrictions on the marketing of tobacco*
10 *or tobacco products, except for restrictions which are not*
11 *applied equally to all tobacco or tobacco products of the*
12 *same type.*

13 *SEC. 510. Notwithstanding any other provision of law,*
14 *amounts deposited or available in the Fund established by*
15 *section 1402 of chapter XIV of title II of Public Law 98–*
16 *473 (34 U.S.C. 20101) in any fiscal year in excess of*
17 *\$1,900,000,000 shall not be available for obligation until*
18 *the following fiscal year: Provided, That notwithstanding*
19 *section 1402(d) of such Act, of the amounts available from*
20 *the Fund for obligation: (1) \$10,000,000 shall be transferred*
21 *to the Department of Justice Office of Inspector General*
22 *and remain available until expended for oversight and au-*
23 *diting purposes associated with this section; and (2) 5 per-*
24 *cent shall be available to the Office for Victims of Crime*
25 *for grants, consistent with the requirements of the Victims*

1 *of Crime Act, to Indian Tribes to improve services for vic-*
2 *tims of crime.*

3 *SEC. 511. None of the funds made available to the De-*
4 *partment of Justice in this Act may be used to discriminate*
5 *against or denigrate the religious or moral beliefs of stu-*
6 *dents who participate in programs for which financial as-*
7 *sistance is provided from those funds, or of the parents or*
8 *legal guardians of such students.*

9 *SEC. 512. None of the funds made available in this*
10 *Act may be transferred to any department, agency, or in-*
11 *strumentality of the United States Government, except pur-*
12 *suant to a transfer made by, or transfer authority provided*
13 *in, this Act or any other appropriations Act.*

14 *SEC. 513. (a) The Inspectors General of the Depart-*
15 *ment of Commerce, the Department of Justice, the National*
16 *Aeronautics and Space Administration, the National*
17 *Science Foundation, and the Legal Services Corporation*
18 *shall conduct audits, pursuant to the Inspector General Act*
19 *(5 U.S.C. App.), of grants or contracts for which funds are*
20 *appropriated by this Act, and shall submit reports to Con-*
21 *gress on the progress of such audits, which may include pre-*
22 *liminary findings and a description of areas of particular*
23 *interest, within 180 days after initiating such an audit and*
24 *every 180 days thereafter until any such audit is completed.*

1 (b) Within 60 days after the date on which an audit
2 described in subsection (a) by an Inspector General is com-
3 pleted, the Secretary, Attorney General, Administrator, Di-
4 rector, or President, as appropriate, shall make the results
5 of the audit available to the public on the Internet website
6 maintained by the Department, Administration, Founda-
7 tion, or Corporation, respectively. The results shall be made
8 available in redacted form to exclude—

9 (1) any matter described in section 552(b) of
10 title 5, United States Code; and

11 (2) sensitive personal information for any indi-
12 vidual, the public access to which could be used to
13 commit identity theft or for other inappropriate or
14 unlawful purposes.

15 (c) Any person awarded a grant or contract funded
16 by amounts appropriated by this Act shall submit a state-
17 ment to the Secretary of Commerce, the Attorney General,
18 the Administrator, Director, or President, as appropriate,
19 certifying that no funds derived from the grant or contract
20 will be made available through a subcontract or in any
21 other manner to another person who has a financial interest
22 in the person awarded the grant or contract.

23 (d) The provisions of the preceding subsections of this
24 section shall take effect 30 days after the date on which the
25 Director of the Office of Management and Budget, in con-

1 *sultation with the Director of the Office of Government Eth-*
2 *ics, determines that a uniform set of rules and requirements,*
3 *substantially similar to the requirements in such sub-*
4 *sections, consistently apply under the executive branch eth-*
5 *ics program to all Federal departments, agencies, and enti-*
6 *ties.*

7 *SEC. 514. (a) None of the funds appropriated or other-*
8 *wise made available under this Act may be used by the De-*
9 *partments of Commerce and Justice, the National Aero-*
10 *navitics and Space Administration, or the National Science*
11 *Foundation to acquire a high-impact or moderate-impact*
12 *information system, as defined for security categorization*
13 *in the National Institute of Standards and Technology's*
14 *(NIST) Federal Information Processing Standard Publica-*
15 *tion 199, "Standards for Security Categorization of Federal*
16 *Information and Information Systems" unless the agency*
17 *has—*

18 *(1) reviewed the supply chain risk for the infor-*
19 *mation systems against criteria developed by NIST*
20 *and the Federal Bureau of Investigation (FBI) to in-*
21 *form acquisition decisions for high-impact and mod-*
22 *erate-impact information systems within the Federal*
23 *Government;*

24 *(2) reviewed the supply chain risk from the pre-*
25 *sumptive awardee against available and relevant*

1 *threat information provided by the FBI and other ap-*
2 *propriate agencies; and*

3 *(3) in consultation with the FBI or other appro-*
4 *priate Federal entity, conducted an assessment of any*
5 *risk of cyber-espionage or sabotage associated with the*
6 *acquisition of such system, including any risk associ-*
7 *ated with such system being produced, manufactured,*
8 *or assembled by one or more entities identified by the*
9 *United States Government as posing a cyber threat,*
10 *including but not limited to, those that may be*
11 *owned, directed, or subsidized by the People's Repub-*
12 *lic of China, the Islamic Republic of Iran, the Demo-*
13 *cratic People's Republic of Korea, or the Russian Fed-*
14 *eration.*

15 *(b) None of the funds appropriated or otherwise made*
16 *available under this Act may be used to acquire a high-*
17 *impact or moderate-impact information system reviewed*
18 *and assessed under subsection (a) unless the head of the as-*
19 *sessing entity described in subsection (a) has—*

20 *(1) developed, in consultation with NIST, the*
21 *FBI, and supply chain risk management experts, a*
22 *mitigation strategy for any identified risks;*

23 *(2) determined, in consultation with NIST and*
24 *the FBI, that the acquisition of such system is in the*
25 *national interest of the United States; and*

1 (3) reported that determination to the Commit-
2 tees on Appropriations of the House of Representa-
3 tives and the Senate and the agency Inspector Gen-
4 eral.

5 SEC. 515. None of the funds made available in this
6 Act shall be used in any way whatsoever to support or jus-
7 tify the use of torture by any official or contract employee
8 of the United States Government.

9 SEC. 516. None of the funds made available in this
10 Act may be used to include in any new bilateral or multi-
11 lateral trade agreement the text of—

12 (1) paragraph 2 of article 16.7 of the United
13 States–Singapore Free Trade Agreement;

14 (2) paragraph 4 of article 17.9 of the United
15 States–Australia Free Trade Agreement; or

16 (3) paragraph 4 of article 15.9 of the United
17 States–Morocco Free Trade Agreement.

18 SEC. 517. None of the funds made available in this
19 Act may be used to authorize or issue a national security
20 letter in contravention of any of the following laws author-
21 izing the Federal Bureau of Investigation to issue national
22 security letters: The Right to Financial Privacy Act of
23 1978; The Electronic Communications Privacy Act of 1986;
24 The Fair Credit Reporting Act; The National Security Act

1 of 1947; *USA PATRIOT Act*; *USA FREEDOM Act* of
2 2015; and the laws amended by these Acts.

3 *SEC. 518. If at any time during any quarter, the pro-*
4 *gram manager of a project within the jurisdiction of the*
5 *Departments of Commerce or Justice, the National Aero-*
6 *navitics and Space Administration, or the National Science*
7 *Foundation totaling more than \$75,000,000 has reasonable*
8 *cause to believe that the total program cost has increased*
9 *by 10 percent or more, the program manager shall imme-*
10 *diately inform the respective Secretary, Administrator, or*
11 *Director. The Secretary, Administrator, or Director shall*
12 *notify the House and Senate Committees on Appropriations*
13 *within 30 days in writing of such increase, and shall in-*
14 *clude in such notice: the date on which such determination*
15 *was made; a statement of the reasons for such increases;*
16 *the action taken and proposed to be taken to control future*
17 *cost growth of the project; changes made in the performance*
18 *or schedule milestones and the degree to which such changes*
19 *have contributed to the increase in total program costs or*
20 *procurement costs; new estimates of the total project or pro-*
21 *curement costs; and a statement validating that the project's*
22 *management structure is adequate to control total project*
23 *or procurement costs.*

24 *SEC. 519. Funds appropriated by this Act, or made*
25 *available by the transfer of funds in this Act, for intelligence*

1 or intelligence related activities are deemed to be specifi-
2 cally authorized by the Congress for purposes of section 504
3 of the National Security Act of 1947 (50 U.S.C. 3094) dur-
4 ing fiscal year 2023 until the enactment of the Intelligence
5 Authorization Act for fiscal year 2023.

6 *SEC. 520. None of the funds appropriated or otherwise*
7 *made available by this Act may be used to enter into a*
8 *contract in an amount greater than \$5,000,000 or to award*
9 *a grant in excess of such amount unless the prospective con-*
10 *tractor or grantee certifies in writing to the agency award-*
11 *ing the contract or grant that, to the best of its knowledge*
12 *and belief, the contractor or grantee has filed all Federal*
13 *tax returns required during the three years preceding the*
14 *certification, has not been convicted of a criminal offense*
15 *under the Internal Revenue Code of 1986, and has not, more*
16 *than 90 days prior to certification, been notified of any*
17 *unpaid Federal tax assessment for which the liability re-*
18 *mains unsatisfied, unless the assessment is the subject of*
19 *an installment agreement or offer in compromise that has*
20 *been approved by the Internal Revenue Service and is not*
21 *in default, or the assessment is the subject of a non-frivolous*
22 *administrative or judicial proceeding.*

23 (RESCISSIONS)

24 SEC. 521. (a) Of the unobligated balances in the “Non-
25 recurring Expenses Fund” established in section 111(a) of

1 *division B of Public Law 116–93, \$50,000,000 are hereby*
2 *permanently rescinded not later than September 30, 2023.*

3 *(b) Of the unobligated balances from prior year appro-*
4 *priations available to the Department of Commerce under*
5 *the heading “Economic Development Administration, Eco-*
6 *nomics Development Assistance Programs”, \$10,000,000 are*
7 *hereby permanently rescinded, not later than September 30,*
8 *2023.*

9 *(c) Of the unobligated balances from prior year appro-*
10 *priations available to the Department of Justice, the fol-*
11 *lowing funds are hereby permanently rescinded, not later*
12 *than September 30, 2023, from the following accounts in*
13 *the specified amounts—*

14 *(1) “State and Local Law Enforcement Activi-*
15 *ties, Office on Violence Against Women, Violence*
16 *Against Women Prevention and Prosecution Pro-*
17 *grams”, \$15,000,000;*

18 *(2) “State and Local Law Enforcement Activi-*
19 *ties, Office of Justice Programs”, \$75,000,000; and*

20 *(3) “State and Local Law Enforcement Activi-*
21 *ties, Community Oriented Policing Services”,*
22 *\$15,000,000.*

23 *(d) Of the unobligated balances available to the De-*
24 *partment of Justice, the following funds are hereby perma-*

1 nently rescinded, not later than September 30, 2023, from
2 the following accounts in the specified amounts—

3 (1) “Working Capital Fund”, \$705,768,000; and

4 (2) “Legal Activities, Assets Forfeiture Fund”,
5 \$500,000,000.

6 (e) The Departments of Commerce and Justice shall
7 submit to the Committees on Appropriations of the House
8 of Representatives and the Senate a report no later than
9 September 1, 2023, specifying the amount of each rescission
10 made pursuant to subsections (a), (b), (c) and (d).

11 (f) The amounts rescinded in subsections (a), (b), (c)
12 and (d) shall not be from amounts that were designated
13 by the Congress as an emergency or disaster relief require-
14 ment pursuant to the concurrent resolution on the budget
15 or the Balanced Budget and Emergency Deficit Control Act
16 of 1985.

17 (g) The amounts rescinded pursuant to subsections (c)
18 and (d) shall not be from—

19 (1) amounts provided under subparagraph (Q) of
20 paragraph (1) under the heading “State and Local
21 Law Enforcement Activities—Office of Justice Pro-
22 grams—State and Local Law Enforcement Assist-
23 ance” in title II of division B of Public Law 117–
24 103; or

1 (2) amounts provided under paragraph (7)
2 under the heading “State and Local Law Enforce-
3 ment Activities—Community Oriented Policing Serv-
4 ices—Community Oriented Policing Services Pro-
5 grams” in title II of division B of Public Law 117–
6 103.

7 SEC. 522. None of the funds made available in this
8 Act may be used to purchase first class or premium airline
9 travel in contravention of sections 301–10.122 through 301–
10 10.124 of title 41 of the Code of Federal Regulations.

11 SEC. 523. None of the funds made available in this
12 Act may be used to send or otherwise pay for the attendance
13 of more than 50 employees from a Federal department or
14 agency, who are stationed in the United States, at any sin-
15 gle conference occurring outside the United States unless—

16 (1) such conference is a law enforcement training
17 or operational conference for law enforcement per-
18 sonnel and the majority of Federal employees in at-
19 tendance are law enforcement personnel stationed out-
20 side the United States; or

21 (2) such conference is a scientific conference and
22 the department or agency head determines that such
23 attendance is in the national interest and notifies the
24 Committees on Appropriations of the House of Rep-
25 resentatives and the Senate within at least 15 days

1 *of that determination and the basis for that deter-*
2 *mination.*

3 *SEC. 524. The Director of the Office of Management*
4 *and Budget shall instruct any department, agency, or in-*
5 *strumentality of the United States receiving funds appro-*
6 *priated under this Act to track undisbursed balances in ex-*
7 *pired grant accounts and include in its annual performance*
8 *plan and performance and accountability reports the fol-*
9 *lowing:*

10 *(1) Details on future action the department,*
11 *agency, or instrumentality will take to resolve*
12 *undisbursed balances in expired grant accounts.*

13 *(2) The method that the department, agency, or*
14 *instrumentality uses to track undisbursed balances in*
15 *expired grant accounts.*

16 *(3) Identification of undisbursed balances in ex-*
17 *pired grant accounts that may be returned to the*
18 *Treasury of the United States.*

19 *(4) In the preceding 3 fiscal years, details on the*
20 *total number of expired grant accounts with*
21 *undisbursed balances (on the first day of each fiscal*
22 *year) for the department, agency, or instrumentality*
23 *and the total finances that have not been obligated to*
24 *a specific project remaining in the accounts.*

1 *SEC. 525. To the extent practicable, funds made avail-*
2 *able in this Act should be used to purchase light bulbs that*
3 *are “Energy Star” qualified or have the “Federal Energy*
4 *Management Program” designation.*

5 *SEC. 526. (a) None of the funds made available by this*
6 *Act may be used for the National Aeronautics and Space*
7 *Administration (NASA), the Office of Science and Tech-*
8 *nology Policy (OSTP), or the National Space Council*
9 *(NSC) to develop, design, plan, promulgate, implement, or*
10 *execute a bilateral policy, program, order, or contract of*
11 *any kind to participate, collaborate, or coordinate bilat-*
12 *erally in any way with China or any Chinese-owned com-*
13 *pany unless such activities are specifically authorized by*
14 *a law enacted after the date of enactment of this Act.*

15 *(b) None of the funds made available by this Act may*
16 *be used to effectuate the hosting of official Chinese visitors*
17 *at facilities belonging to or utilized by NASA.*

18 *(c) The limitations described in subsections (a) and*
19 *(b) shall not apply to activities which NASA, OSTP, or*
20 *NSC, after consultation with the Federal Bureau of Inves-*
21 *tigation, have certified—*

22 *(1) pose no risk of resulting in the transfer of*
23 *technology, data, or other information with national*
24 *security or economic security implications to China*
25 *or a Chinese-owned company; and*

1 (2) *will not involve knowing interactions with*
2 *officials who have been determined by the United*
3 *States to have direct involvement with violations of*
4 *human rights.*

5 (d) *Any certification made under subsection (c) shall*
6 *be submitted to the Committees on Appropriations of the*
7 *House of Representatives and the Senate, and the Federal*
8 *Bureau of Investigation, no later than 30 days prior to the*
9 *activity in question and shall include a description of the*
10 *purpose of the activity, its agenda, its major participants,*
11 *and its location and timing.*

12 SEC. 527. (a) *None of the funds made available in this*
13 *Act may be used to maintain or establish a computer net-*
14 *work unless such network blocks the viewing, downloading,*
15 *and exchanging of pornography.*

16 (b) *Nothing in subsection (a) shall limit the use of*
17 *funds necessary for any Federal, State, Tribal, or local law*
18 *enforcement agency or any other entity carrying out crimi-*
19 *nal investigations, prosecution, adjudication, or other law*
20 *enforcement- or victim assistance-related activity.*

21 SEC. 528. *The Departments of Commerce and Justice,*
22 *the National Aeronautics and Space Administration, the*
23 *National Science Foundation, the Commission on Civil*
24 *Rights, the Equal Employment Opportunity Commission,*
25 *the International Trade Commission, the Legal Services*

1 *Corporation, the Marine Mammal Commission, the Offices*
2 *of Science and Technology Policy and the United States*
3 *Trade Representative, the National Space Council, and the*
4 *State Justice Institute shall submit spending plans, signed*
5 *by the respective department or agency head, to the Com-*
6 *mittees on Appropriations of the House of Representatives*
7 *and the Senate not later than 45 days after the date of en-*
8 *actment of this Act.*

9 *SEC. 529. Notwithstanding any other provision of this*
10 *Act, none of the funds appropriated or otherwise made*
11 *available by this Act may be used to pay award or incentive*
12 *fees for contractor performance that has been judged to be*
13 *below satisfactory performance or for performance that does*
14 *not meet the basic requirements of a contract.*

15 *SEC. 530. None of the funds made available by this*
16 *Act may be used in contravention of section 7606 (“Legiti-*
17 *macy of Industrial Hemp Research”) of the Agricultural*
18 *Act of 2014 (Public Law 113–79) by the Department of Jus-*
19 *tice or the Drug Enforcement Administration.*

20 *SEC. 531. None of the funds made available under this*
21 *Act to the Department of Justice may be used, with respect*
22 *to any of the States of Alabama, Alaska, Arizona, Arkansas,*
23 *California, Colorado, Connecticut, Delaware, Florida, Geor-*
24 *gia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana,*
25 *Maine, Maryland, Massachusetts, Michigan, Minnesota,*

250

1 *Mississippi, Missouri, Montana, Nevada, New Hampshire,*
2 *New Jersey, New Mexico, New York, North Carolina, North*
3 *Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Is-*
4 *land, South Carolina, South Dakota, Tennessee, Texas,*
5 *Utah, Vermont, Virginia, Washington, West Virginia, Wis-*
6 *consin, and Wyoming, or with respect to the District of Co-*
7 *lumbia, the Commonwealth of the Northern Mariana Is-*
8 *lands, the United States Virgin Islands, Guam, or Puerto*
9 *Rico, to prevent any of them from implementing their own*
10 *laws that authorize the use, distribution, possession, or cul-*
11 *tivation of medical marijuana.*

12 *SEC. 532. The Department of Commerce, the National*
13 *Aeronautics and Space Administration, and the National*
14 *Science Foundation shall provide a quarterly report to the*
15 *Committees on Appropriations of the House of Representa-*
16 *tives and the Senate on any official travel to China by any*
17 *employee of such Department or agency, including the pur-*
18 *pose of such travel.*

19 *SEC. 533. Of the amounts made available by this Act,*
20 *not less than 10 percent of each total amount provided, re-*
21 *spectively, for Public Works grants authorized by the Public*
22 *Works and Economic Development Act of 1965 and grants*
23 *authorized by section 27 of the Stevenson-Wydler Tech-*
24 *nology Innovation Act of 1980 (15 U.S.C. 3722) shall be*
25 *allocated for assistance in persistent poverty counties: Pro-*

251

1 *vided, That for purposes of this section, the term “persistent*
2 *poverty counties” means any county that has had 20 per-*
3 *cent or more of its population living in poverty over the*
4 *past 30 years, as measured by the 1993 Small Area Income*
5 *and Poverty Estimates, the 2000 decennial census, and the*
6 *most recent Small Area Income and Poverty Estimates, or*
7 *any Territory or possession of the United States.*

8 *SEC. 534. (a) Notwithstanding any other provision of*
9 *law or treaty, none of the funds appropriated or otherwise*
10 *made available under this Act or any other Act may be*
11 *expended or obligated by a department, agency, or instru-*
12 *mentality of the United States to pay administrative ex-*
13 *penses or to compensate an officer or employee of the United*
14 *States in connection with requiring an export license for*
15 *the export to Canada of components, parts, accessories or*
16 *attachments for firearms listed in Category I, section 121.1*
17 *of title 22, Code of Federal Regulations (International Traf-*
18 *ficking in Arms Regulations (ITAR), part 121, as it existed*
19 *on April 1, 2005) with a total value not exceeding \$500*
20 *wholesale in any transaction, provided that the conditions*
21 *of subsection (b) of this section are met by the exporting*
22 *party for such articles.*

23 *(b) The foregoing exemption from obtaining an export*
24 *license—*

252

1 (1) *does not exempt an exporter from filing any*
2 *Shipper's Export Declaration or notification letter re-*
3 *quired by law, or from being otherwise eligible under*
4 *the laws of the United States to possess, ship, trans-*
5 *port, or export the articles enumerated in subsection*
6 *(a); and*

7 (2) *does not permit the export without a license*
8 *of—*

9 (A) *fully automatic firearms and compo-*
10 *nents and parts for such firearms, other than for*
11 *end use by the Federal Government, or a Provin-*
12 *cial or Municipal Government of Canada;*

13 (B) *barrels, cylinders, receivers (frames) or*
14 *complete breech mechanisms for any firearm list-*
15 *ed in Category I, other than for end use by the*
16 *Federal Government, or a Provincial or Munic-*
17 *ipal Government of Canada; or*

18 (C) *articles for export from Canada to an-*
19 *other foreign destination.*

20 (c) *In accordance with this section, the District Direc-*
21 *tors of Customs and postmasters shall permit the permanent*
22 *or temporary export without a license of any unclassified*
23 *articles specified in subsection (a) to Canada for end use*
24 *in Canada or return to the United States, or temporary*
25 *import of Canadian-origin items from Canada for end use*

1 *in the United States or return to Canada for a Canadian*
2 *citizen.*

3 (d) *The President may require export licenses under*
4 *this section on a temporary basis if the President deter-*
5 *mines, upon publication first in the Federal Register, that*
6 *the Government of Canada has implemented or maintained*
7 *inadequate import controls for the articles specified in sub-*
8 *section (a), such that a significant diversion of such articles*
9 *has and continues to take place for use in international*
10 *terrorism or in the escalation of a conflict in another na-*
11 *tion. The President shall terminate the requirements of a*
12 *license when reasons for the temporary requirements have*
13 *ceased.*

14 SEC. 535. *Notwithstanding any other provision of law,*
15 *no department, agency, or instrumentality of the United*
16 *States receiving appropriated funds under this Act or any*
17 *other Act shall obligate or expend in any way such funds*
18 *to pay administrative expenses or the compensation of any*
19 *officer or employee of the United States to deny any appli-*
20 *cation submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and*
21 *qualified pursuant to 27 CFR section 478.112 or .113, for*
22 *a permit to import United States origin “curios or relics”*
23 *firearms, parts, or ammunition.*

24 SEC. 536. *None of the funds made available by this*
25 *Act may be used to pay the salaries or expenses of personnel*

1 *to deny, or fail to act on, an application for the importation*
2 *of any model of shotgun if—*

3 *(1) all other requirements of law with respect to*
4 *the proposed importation are met; and*

5 *(2) no application for the importation of such*
6 *model of shotgun, in the same configuration, had been*
7 *denied by the Attorney General prior to January 1,*
8 *2011, on the basis that the shotgun was not particu-*
9 *larly suitable for or readily adaptable to sporting*
10 *purposes.*

11 *SEC. 537. None of the funds made available by this*
12 *Act may be obligated or expended to implement the Arms*
13 *Trade Treaty until the Senate approves a resolution of rati-*
14 *fication for the Treaty.*

15 *SEC. 538. None of the funds appropriated or otherwise*
16 *made available in this or any other Act may be used to*
17 *transfer, release, or assist in the transfer or release to or*
18 *within the United States, its territories, or possessions*
19 *Khalid Sheikh Mohammed or any other detainee who—*

20 *(1) is not a United States citizen or a member*
21 *of the Armed Forces of the United States; and*

22 *(2) is or was held on or after June 24, 2009, at*
23 *the United States Naval Station, Guantanamo Bay,*
24 *Cuba, by the Department of Defense.*

255

1 *SEC. 539. (a) None of the funds appropriated or other-*
2 *wise made available in this or any other Act may be used*
3 *to construct, acquire, or modify any facility in the United*
4 *States, its territories, or possessions to house any individual*
5 *described in subsection (c) for the purposes of detention or*
6 *imprisonment in the custody or under the effective control*
7 *of the Department of Defense.*

8 *(b) The prohibition in subsection (a) shall not apply*
9 *to any modification of facilities at United States Naval*
10 *Station, Guantanamo Bay, Cuba.*

11 *(c) An individual described in this subsection is any*
12 *individual who, as of June 24, 2009, is located at United*
13 *States Naval Station, Guantanamo Bay, Cuba, and who—*

14 *(1) is not a citizen of the United States or a*
15 *member of the Armed Forces of the United States; and*

16 *(2) is—*

17 *(A) in the custody or under the effective*
18 *control of the Department of Defense; or*

19 *(B) otherwise under detention at United*
20 *States Naval Station, Guantanamo Bay, Cuba.*

21 *SEC. 540. (a) The remaining unobligated balances of*
22 *funds as of September 30, 2023, from amounts made avail-*
23 *able to “Office of the United States Trade Representative—*
24 *Salaries and Expenses” in title IX of the United States-*
25 *Mexico-Canada Agreement Implementation Act (Public*

256

1 *Law 116–113), are hereby rescinded, and an amount of ad-*
2 *ditional new budget authority equivalent to the amount re-*
3 *scinded pursuant to this subsection is hereby appropriated*
4 *on September 30, 2023, for an additional amount for fiscal*
5 *year 2023, to remain available until September 30, 2024,*
6 *and shall be available for the same purposes, in addition*
7 *to other funds as may be available for such purposes, and*
8 *under the same authorities for which the funds were origi-*
9 *nally provided in Public Law 116–113, except that all ref-*
10 *erences to “2023” under such heading in Public Law 116–*
11 *113 shall be deemed to refer instead to “2024”.*

12 **(b)** *The remaining unobligated balances of funds as of*
13 *September 30, 2023, from amounts made available to “Of-*
14 *fice of the United States Trade Representative—Trade En-*
15 *forcement Trust Fund” in title IX of the United States-*
16 *Mexico-Canada Agreement Implementation Act (Public*
17 *Law 116–113), are hereby rescinded, and an amount of ad-*
18 *ditional new budget authority equivalent to the amount re-*
19 *scinded pursuant to this subsection is hereby appropriated*
20 *on September 30, 2023, for an additional amount for fiscal*
21 *year 2023, to remain available until September 30, 2024,*
22 *and shall be available for the same purposes, in addition*
23 *to other funds as may be available for such purposes, and*
24 *under the same authorities for which the funds were origi-*
25 *nally provided in Public Law 116–113, except that the ref-*

1 erence to “2023” under such heading in Public Law 116–
2 113 shall be deemed to refer instead to “2024”.

3 (c) The amounts rescinded pursuant to this section
4 that were previously designated by the Congress as an emer-
5 gency requirement pursuant to section 251(b)(2)(A)(i) of
6 the Balanced Budget and Emergency Deficit Control Act
7 of 1985 are designated by the Congress as an emergency
8 requirement pursuant to section 4001(a)(1) of S. Con. Res.
9 14 (117th Congress), the concurrent resolution on the budget
10 for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th
11 Congress), as engrossed in the House of Representatives on
12 June 8, 2022.

13 (d) Each amount provided by this section is designated
14 by the Congress as being for an emergency requirement pur-
15 suant to section 4001(a)(1) of S. Con. Res. 14 (117th Con-
16 gress), the concurrent resolution on the budget for fiscal year
17 2022, and section 1(e) of H. Res. 1151 (117th Congress),
18 as engrossed in the House of Representatives on June 8,
19 2022.

20 SEC. 541. Funds made available to the Department of
21 Commerce and under the heading “Department of Justice—
22 Federal Bureau of Investigation—Salaries and Expenses”
23 in this Act and any remaining unobligated balances of
24 funds made available to the Department of Commerce and
25 under the heading “Department of Justice—Federal Bu-

1 *reau of Investigation—Salaries and Expenses” in prior*
2 *year Acts, other than amounts designated by the Congress*
3 *as being for an emergency requirement pursuant to a con-*
4 *current resolution on the budget or the Balanced Budget*
5 *and Emergency Deficit Control Act of 1985, shall be avail-*
6 *able to provide payments pursuant to section 901(i)(2) of*
7 *title IX of division J of the Further Consolidated Appro-*
8 *priations Act, 2020 (22 U.S.C. 2680b(i)(2)): Provided, That*
9 *payments made pursuant to the matter preceding this pro-*
10 *viso may not exceed \$5,000,000 for the Department of Com-*
11 *merce and \$5,000,000 for the Federal Bureau of Investiga-*
12 *tion.*

13 *SEC. 542. (a) None of the funds in this Act may be*
14 *used for design or construction of the Mobile Launcher 2*
15 *until 30 days after the Administrator of the National Aero-*
16 *nautics and Space Administration (the “Administrator”)*
17 *submits a plan to the Committees on Appropriations of the*
18 *House of Representatives and the Senate (the “Commit-*
19 *tees”), the Government Accountability Office, and the Office*
20 *of Inspector General of the National Aeronautics and Space*
21 *Administration detailing a cost and schedule baseline for*
22 *the Mobile Launcher 2. Such plan shall include each of the*
23 *requirements described in subsection (c)(2) of section 30104*
24 *of title 51, United States Code, as well as an estimated date*

1 *for completion of design and construction of the Mobile*
2 *Launcher 2.*

3 *(b) Not later than 90 days after the submission of the*
4 *plan described in subsection (a), and every 90 days there-*
5 *after, the Administrator shall report to the Committees, the*
6 *Government Accountability Office, and the Office of Inspec-*
7 *tor General of the National Aeronautics and Space Admin-*
8 *istration on steps taken to implement such plan.*

9 *SEC. 543. (a)(1) Within 45 days of enactment of this*
10 *Act, the Secretary of Commerce shall allocate amounts made*
11 *available from the Creating Helpful Incentives to Produce*
12 *Semiconductors (CHIPS) for America Fund for fiscal year*
13 *2023 pursuant to paragraphs (1) and (2) of section 102(a)*
14 *of the CHIPS Act of 2022 (division A of Public Law 117–*
15 *167), including the transfer authority in such paragraphs*
16 *of that section of that Act, to the accounts specified, in the*
17 *amounts specified, and for the projects and activities speci-*
18 *fied, in the table titled “Department of Commerce Alloca-*
19 *tion of National Institute of Standards and Technology*
20 *Funds: CHIPS Act Fiscal Year 2023” in the explanatory*
21 *statement described in section 4 (in the matter preceding*
22 *division A of this consolidated Act).*

23 *(2) Within 45 days of enactment of this Act, the Sec-*
24 *retary of Commerce shall allocate amounts made available*
25 *from the Public Wireless Supply Chain Innovation Fund*

260

1 *for fiscal year 2023 pursuant to section 106 of the CHIPS*
2 *Act of 2022 (division A of Public Law 117–167), including*
3 *the transfer authority in section 106(b)(2) of that Act, to*
4 *the accounts specified, in the amounts specified, and for the*
5 *projects and activities specified, in the table titled “Depart-*
6 *ment of Commerce Allocation of National Telecommuni-*
7 *cations and Information Administration Funds: CHIPS*
8 *Act Fiscal Year 2023” in the explanatory statement de-*
9 *scribed in section 4 (in the matter preceding division A of*
10 *this consolidated Act).*

11 (3) *Within 45 days of enactment of this Act, the Direc-*
12 *tor of the National Science Foundation shall allocate*
13 *amounts made available from the Creating Helpful Incen-*
14 *tives to Produce Semiconductors (CHIPS) for America*
15 *Workforce and Education Fund for fiscal year 2023 pursu-*
16 *ant to section 102(d)(1) of the CHIPS Act of 2022 (division*
17 *A of Public Law 117–167), to the account specified, in the*
18 *amounts specified, and for the projects and activities speci-*
19 *fied in the table titled “National Science Foundation Allo-*
20 *cation of Funds: CHIPS Act Fiscal Year 2023” in the ex-*
21 *planatory statement described in section 4 (in the matter*
22 *preceding division A of this consolidated Act).*

23 (b) *Neither the President nor his designee may allocate*
24 *any amounts that are made available for any fiscal year*
25 *under section 102(a)(2)(A) of the CHIPS Act of 2022 or*

261

1 *under section 102(d)(2) of such Act if there is in effect an*
2 *Act making or continuing appropriations for part of a fis-*
3 *cal year for the Departments of Commerce and Justice,*
4 *Science, and Related Agencies: Provided, That in any fiscal*
5 *year, the matter preceding this proviso shall not apply to*
6 *the allocation, apportionment, or allotment of amounts for*
7 *continuing administration of programs allocated funds*
8 *from the CHIPS for America Fund, which may be allocated*
9 *only in amounts that are no more than the allocation for*
10 *such purposes in subsection (a) of this section.*

11 *(c) Subject to prior consultation with, and the regular*
12 *notification procedures of, the Committees on Appropria-*
13 *tions of the House of Representatives and the Senate, and*
14 *subject to the terms and conditions in section 505 of this*
15 *Act—*

16 *(1) the Secretary of Commerce may reallocate*
17 *funds allocated to Industrial Technology Services for*
18 *section 9906 of Public Law 116–283 by subsection*
19 *(a)(1) of this section; and*

20 *(2) the Director of the National Science Founda-*
21 *tion may reallocate funds allocated to the CHIPS for*
22 *America Workforce and Education Fund by sub-*
23 *section (a)(3) of this section.*

24 *(d) Concurrent with the annual budget submission of*
25 *the President for fiscal year 2024, the Secretary of Com-*

262

1 *merce and the Director of the National Science Foundation,*
2 *as appropriate, shall each submit to the Committees on Ap-*
3 *propriations of the House of Representatives and the Senate*
4 *proposed allocations by account and by program, project,*
5 *or activity, with detailed justifications, for amounts made*
6 *available under section 102(a)(2) and section 102(d)(2) of*
7 *the CHIPS Act of 2022 for fiscal year 2024.*

8 *(e) The Department of Commerce and the National*
9 *Science Foundation, as appropriate, shall each provide the*
10 *Committees on Appropriations of the House of Representa-*
11 *tives and Senate quarterly reports on the status of balances*
12 *of projects and activities funded by the CHIPS for America*
13 *Fund for amounts allocated pursuant to subsection (a)(1)*
14 *of this section, the status of balances of projects and activi-*
15 *ties funded by the Public Wireless Supply Chain Innovation*
16 *Fund for amounts allocated pursuant to subsection (a)(2)*
17 *of this section, and the status of balances of projects and*
18 *activities funded by the CHIPS for America Workforce and*
19 *Education Fund for amounts allocated pursuant to sub-*
20 *section (a)(3) of this section, including all uncommitted,*
21 *committed, and unobligated funds.*

22 *This division may be cited as the “Commerce, Justice,*
23 *Science, and Related Agencies Appropriations Act, 2023”.*

263

1 ***DIVISION C—DEPARTMENT OF DEFENSE***
2 ***APPROPRIATIONS ACT, 2023***

3 ***TITLE I***

4 ***MILITARY PERSONNEL***

5 ***MILITARY PERSONNEL, ARMY***

6 *For pay, allowances, individual clothing, subsistence,*
7 *interest on deposits, gratuities, permanent change of station*
8 *travel (including all expenses thereof for organizational*
9 *movements), and expenses of temporary duty travel between*
10 *permanent duty stations, for members of the Army on active*
11 *duty (except members of reserve components provided for*
12 *elsewhere), cadets, and aviation cadets; for members of the*
13 *Reserve Officers' Training Corps; and for payments pursu-*
14 *ant to section 156 of Public Law 97–377, as amended (42*
15 *U.S.C. 402 note), and to the Department of Defense Mili-*
16 *tary Retirement Fund, \$49,628,305,000.*

17 ***MILITARY PERSONNEL, NAVY***

18 *For pay, allowances, individual clothing, subsistence,*
19 *interest on deposits, gratuities, permanent change of station*
20 *travel (including all expenses thereof for organizational*
21 *movements), and expenses of temporary duty travel between*
22 *permanent duty stations, for members of the Navy on active*
23 *duty (except members of the Reserve provided for elsewhere),*
24 *midshipmen, and aviation cadets; for members of the Re-*
25 *serve Officers' Training Corps; and for payments pursuant*

264

1 *to section 156 of Public Law 97–377, as amended (42*
2 *U.S.C. 402 note), and to the Department of Defense Mili-*
3 *tary Retirement Fund, \$36,706,395,000.*

4 *MILITARY PERSONNEL, MARINE CORPS*

5 *For pay, allowances, individual clothing, subsistence,*
6 *interest on deposits, gratuities, permanent change of station*
7 *travel (including all expenses thereof for organizational*
8 *movements), and expenses of temporary duty travel between*
9 *permanent duty stations, for members of the Marine Corps*
10 *on active duty (except members of the Reserve provided for*
11 *elsewhere); and for payments pursuant to section 156 of*
12 *Public Law 97–377, as amended (42 U.S.C. 402 note), and*
13 *to the Department of Defense Military Retirement Fund,*
14 *\$15,050,088,000.*

15 *MILITARY PERSONNEL, AIR FORCE*

16 *For pay, allowances, individual clothing, subsistence,*
17 *interest on deposits, gratuities, permanent change of station*
18 *travel (including all expenses thereof for organizational*
19 *movements), and expenses of temporary duty travel between*
20 *permanent duty stations, for members of the Air Force on*
21 *active duty (except members of reserve components provided*
22 *for elsewhere), cadets, and aviation cadets; for members of*
23 *the Reserve Officers' Training Corps; and for payments*
24 *pursuant to section 156 of Public Law 97–377, as amended*

265

1 *(42 U.S.C. 402 note), and to the Department of Defense*
2 *Military Retirement Fund, \$35,427,788,000.*

3 *MILITARY PERSONNEL, SPACE FORCE*

4 *For pay, allowances, individual clothing, subsistence,*
5 *interest on deposits, gratuities, permanent change of station*
6 *travel (including all expenses thereof for organizational*
7 *movements), and expenses of temporary duty travel between*
8 *permanent duty stations, for members of the Space Force*
9 *on active duty and cadets; for members of the Reserve Offi-*
10 *cers' Training Corps; and for payments pursuant to section*
11 *156 of Public Law 97-377, as amended (42 U.S.C. 402*
12 *note), and to the Department of Defense Military Retire-*
13 *ment Fund, \$1,109,400,000.*

14 *RESERVE PERSONNEL, ARMY*

15 *For pay, allowances, clothing, subsistence, gratuities,*
16 *travel, and related expenses for personnel of the Army Re-*
17 *serve on active duty under sections 10211, 10302, and 7038*
18 *of title 10, United States Code, or while serving on active*
19 *duty under section 12301(d) of title 10, United States Code,*
20 *in connection with performing duty specified in section*
21 *12310(a) of title 10, United States Code, or while under-*
22 *going reserve training, or while performing drills or equiva-*
23 *lent duty or other duty, and expenses authorized by section*
24 *16131 of title 10, United States Code; and for payments*

266

1 *to the Department of Defense Military Retirement Fund,*
2 *\$5,212,834,000.*

3 *RESERVE PERSONNEL, NAVY*

4 *For pay, allowances, clothing, subsistence, gratuities,*
5 *travel, and related expenses for personnel of the Navy Re-*
6 *serve on active duty under section 10211 of title 10, United*
7 *States Code, or while serving on active duty under section*
8 *12301(d) of title 10, United States Code, in connection with*
9 *performing duty specified in section 12310(a) of title 10,*
10 *United States Code, or while undergoing reserve training,*
11 *or while performing drills or equivalent duty, and expenses*
12 *authorized by section 16131 of title 10, United States Code;*
13 *and for payments to the Department of Defense Military*
14 *Retirement Fund, \$2,400,831,000.*

15 *RESERVE PERSONNEL, MARINE CORPS*

16 *For pay, allowances, clothing, subsistence, gratuities,*
17 *travel, and related expenses for personnel of the Marine*
18 *Corps Reserve on active duty under section 10211 of title*
19 *10, United States Code, or while serving on active duty*
20 *under section 12301(d) of title 10, United States Code, in*
21 *connection with performing duty specified in section*
22 *12310(a) of title 10, United States Code, or while under-*
23 *going reserve training, or while performing drills or equiva-*
24 *lent duty, and for members of the Marine Corps platoon*
25 *leaders class, and expenses authorized by section 16131 of*

267

1 *title 10, United States Code; and for payments to the De-*
2 *partment of Defense Military Retirement Fund,*
3 *\$826,712,000.*

4 *RESERVE PERSONNEL, AIR FORCE*

5 *For pay, allowances, clothing, subsistence, gratuities,*
6 *travel, and related expenses for personnel of the Air Force*
7 *Reserve on active duty under sections 10211, 10305, and*
8 *8038 of title 10, United States Code, or while serving on*
9 *active duty under section 12301(d) of title 10, United States*
10 *Code, in connection with performing duty specified in sec-*
11 *tion 12310(a) of title 10, United States Code, or while un-*
12 *dergoing reserve training, or while performing drills or*
13 *equivalent duty or other duty, and expenses authorized by*
14 *section 16131 of title 10, United States Code; and for pay-*
15 *ments to the Department of Defense Military Retirement*
16 *Fund, \$2,457,519,000.*

17 *NATIONAL GUARD PERSONNEL, ARMY*

18 *For pay, allowances, clothing, subsistence, gratuities,*
19 *travel, and related expenses for personnel of the Army Na-*
20 *tional Guard while on duty under sections 10211, 10302,*
21 *or 12402 of title 10 or section 708 of title 32, United States*
22 *Code, or while serving on duty under section 12301(d) of*
23 *title 10 or section 502(f) of title 32, United States Code,*
24 *in connection with performing duty specified in section*
25 *12310(a) of title 10, United States Code, or while under-*

268

1 *going training, or while performing drills or equivalent*
2 *duty or other duty, and expenses authorized by section*
3 *16131 of title 10, United States Code; and for payments*
4 *to the Department of Defense Military Retirement Fund,*
5 *\$9,232,554,000.*

6 *NATIONAL GUARD PERSONNEL, AIR FORCE*

7 *For pay, allowances, clothing, subsistence, gratuities,*
8 *travel, and related expenses for personnel of the Air Na-*
9 *tional Guard on duty under sections 10211, 10305, or*
10 *12402 of title 10 or section 708 of title 32, United States*
11 *Code, or while serving on duty under section 12301(d) of*
12 *title 10 or section 502(f) of title 32, United States Code,*
13 *in connection with performing duty specified in section*
14 *12310(a) of title 10, United States Code, or while under-*
15 *going training, or while performing drills or equivalent*
16 *duty or other duty, and expenses authorized by section*
17 *16131 of title 10, United States Code; and for payments*
18 *to the Department of Defense Military Retirement Fund,*
19 *\$4,913,538,000.*

269

1 *TITLE II*2 *OPERATION AND MAINTENANCE*3 *OPERATION AND MAINTENANCE, ARMY*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance of the Army, as authorized*
6 *by law, \$59,015,977,000: Provided, That not to exceed*
7 *\$12,478,000 may be used for emergencies and extraordinary*
8 *expenses, to be expended upon the approval or authority*
9 *of the Secretary of the Army, and payments may be made*
10 *upon the Secretary's certificate of necessity for confidential*
11 *military purposes.*

12 *OPERATION AND MAINTENANCE, NAVY*

13 *For expenses, not otherwise provided for, necessary for*
14 *the operation and maintenance of the Navy and the Marine*
15 *Corps, as authorized by law, \$68,260,046,000: Provided,*
16 *That not to exceed \$15,055,000 may be used for emergencies*
17 *and extraordinary expenses, to be expended upon the ap-*
18 *proval or authority of the Secretary of the Navy, and pay-*
19 *ments may be made upon the Secretary's certificate of ne-*
20 *cessity for confidential military purposes.*

21 *OPERATION AND MAINTENANCE, MARINE CORPS*

22 *For expenses, not otherwise provided for, necessary for*
23 *the operation and maintenance of the Marine Corps, as au-*
24 *thorized by law, \$9,891,998,000.*

270

1 *OPERATION AND MAINTENANCE, AIR FORCE*

2 *For expenses, not otherwise provided for, necessary for*
3 *the operation and maintenance of the Air Force, as author-*
4 *ized by law, \$60,279,937,000: Provided, That not to exceed*
5 *\$7,699,000 may be used for emergencies and extraordinary*
6 *expenses, to be expended upon the approval or authority*
7 *of the Secretary of the Air Force, and payments may be*
8 *made upon the Secretary's certificate of necessity for con-*
9 *fidential military purposes.*

10 *OPERATION AND MAINTENANCE, SPACE FORCE*

11 *For expenses, not otherwise provided for, necessary for*
12 *the operation and maintenance of the Space Force, as au-*
13 *thorized by law, \$4,086,883,000.*

14 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For expenses, not otherwise provided for, necessary for*
17 *the operation and maintenance of activities and agencies*
18 *of the Department of Defense (other than the military de-*
19 *partments), as authorized by law, \$49,574,779,000: Pro-*
20 *vided, That not more than \$2,981,000 may be used for the*
21 *Combatant Commander Initiative Fund authorized under*
22 *section 166a of title 10, United States Code: Provided fur-*
23 *ther, That not to exceed \$36,000,000 may be used for emer-*
24 *gencies and extraordinary expenses, to be expended upon*
25 *the approval or authority of the Secretary of Defense, and*

1 *payments may be made upon the Secretary's certificate of*
2 *necessity for confidential military purposes: Provided fur-*
3 *ther, That of the funds provided under this heading, not*
4 *less than \$55,000,000 shall be made available for the Pro-*
5 *curement Technical Assistance Cooperative Agreement Pro-*
6 *gram, of which not less than \$5,000,000 shall be available*
7 *for centers defined in 10 U.S.C. 2411(1)(D): Provided fur-*
8 *ther, That none of the funds appropriated or otherwise*
9 *made available by this Act may be used to plan or imple-*
10 *ment the consolidation of a budget or appropriations liai-*
11 *son office of the Office of the Secretary of Defense, the office*
12 *of the Secretary of a military department, or the service*
13 *headquarters of one of the Armed Forces into a legislative*
14 *affairs or legislative liaison office: Provided further, That*
15 *\$49,071,000 to remain available until expended, is avail-*
16 *able only for expenses relating to certain classified activi-*
17 *ties, and may be transferred as necessary by the Secretary*
18 *of Defense to operation and maintenance appropriations or*
19 *research, development, test and evaluation appropriations,*
20 *to be merged with and to be available for the same time*
21 *period as the appropriations to which transferred: Provided*
22 *further, That any ceiling on the investment item unit cost*
23 *of items that may be purchased with operation and mainte-*
24 *nance funds shall not apply to the funds described in the*
25 *preceding proviso: Provided further, That of the funds pro-*

272

1 *vided under this heading, \$2,467,009,000, of which*
2 *\$1,510,260,000, to remain available until September 30,*
3 *2024, shall be available to provide support and assistance*
4 *to foreign security forces or other groups or individuals to*
5 *conduct, support or facilitate counterterrorism, crisis re-*
6 *sponse, or other Department of Defense security cooperation*
7 *programs: Provided further, That the Secretary of Defense*
8 *shall provide quarterly reports to the Committees on Appro-*
9 *priations of the House of Representatives and the Senate*
10 *on the use and status of funds made available in this para-*
11 *graph: Provided further, That the transfer authority pro-*
12 *vided under this heading is in addition to any other trans-*
13 *fer authority provided elsewhere in this Act.*

14 *COUNTER-ISIS TRAIN AND EQUIP FUND*

15 *For the “Counter-Islamic State of Iraq and Syria*
16 *Train and Equip Fund”, \$475,000,000, to remain available*
17 *until September 30, 2024: Provided, That such funds shall*
18 *be available to the Secretary of Defense in coordination*
19 *with the Secretary of State, to provide assistance, including*
20 *training; equipment; logistics support, supplies, and serv-*
21 *ices; stipends; infrastructure repair and renovation; con-*
22 *struction for facility fortification and humane treatment;*
23 *and sustainment, to foreign security forces, irregular forces,*
24 *groups, or individuals participating, or preparing to par-*
25 *ticipate in activities to counter the Islamic State of Iraq*

1 *and Syria, and their affiliated or associated groups: Pro-*
2 *vided further, That amounts made available under this*
3 *heading shall be available to provide assistance only for ac-*
4 *tivities in a country designated by the Secretary of Defense,*
5 *in coordination with the Secretary of State, as having a*
6 *security mission to counter the Islamic State of Iraq and*
7 *Syria, and following written notification to the congres-*
8 *sional defense committees of such designation: Provided fur-*
9 *ther, That the Secretary of Defense shall ensure that prior*
10 *to providing assistance to elements of any forces or individ-*
11 *uals, such elements or individuals are appropriately vetted,*
12 *including at a minimum, assessing such elements for asso-*
13 *ciations with terrorist groups or groups associated with the*
14 *Government of Iran; and receiving commitments from such*
15 *elements to promote respect for human rights and the rule*
16 *of law: Provided further, That the Secretary of Defense*
17 *shall, not fewer than 15 days prior to obligating from this*
18 *appropriation account, notify the congressional defense*
19 *committees in writing of the details of any such obligation:*
20 *Provided further, That the Secretary of Defense may accept*
21 *and retain contributions, including assistance in-kind,*
22 *from foreign governments, including the Government of*
23 *Iraq and other entities, to carry out assistance authorized*
24 *under this heading: Provided further, That contributions of*
25 *funds for the purposes provided herein from any foreign*

1 *government or other entity may be credited to this Fund,*
2 *to remain available until expended, and used for such pur-*
3 *poses: Provided further, That the Secretary of Defense shall*
4 *prioritize such contributions when providing any assistance*
5 *for construction for facility fortification: Provided further,*
6 *That the Secretary of Defense may waive a provision of*
7 *law relating to the acquisition of items and support services*
8 *or sections 40 and 40A of the Arms Export Control Act*
9 *(22 U.S.C. 2780 and 2785) if the Secretary determines that*
10 *such provision of law would prohibit, restrict, delay or oth-*
11 *erwise limit the provision of such assistance and a notice*
12 *of and justification for such waiver is submitted to the con-*
13 *gressional defense committees, the Committees on Appro-*
14 *priations and Foreign Relations of the Senate and the Com-*
15 *mittees on Appropriations and Foreign Affairs of the House*
16 *of Representatives: Provided further, That the United States*
17 *may accept equipment procured using funds provided under*
18 *this heading, or under the heading, “Iraq Train and Equip*
19 *Fund” in prior Acts, that was transferred to security forces,*
20 *irregular forces, or groups participating, or preparing to*
21 *participate in activities to counter the Islamic State of Iraq*
22 *and Syria and returned by such forces or groups to the*
23 *United States, and such equipment may be treated as stocks*
24 *of the Department of Defense upon written notification to*
25 *the congressional defense committees: Provided further, That*

1 *equipment procured using funds provided under this head-*
2 *ing, or under the heading, “Iraq Train and Equip Fund”*
3 *in prior Acts, and not yet transferred to security forces,*
4 *irregular forces, or groups participating, or preparing to*
5 *participate in activities to counter the Islamic State of Iraq*
6 *and Syria may be treated as stocks of the Department of*
7 *Defense when determined by the Secretary to no longer be*
8 *required for transfer to such forces or groups and upon*
9 *written notification to the congressional defense committees:*
10 *Provided further, That the Secretary of Defense shall pro-*
11 *vide quarterly reports to the congressional defense commit-*
12 *tees on the use of funds provided under this heading, includ-*
13 *ing, but not limited to, the number of individuals trained,*
14 *the nature and scope of support and sustainment provided*
15 *to each group or individual, the area of operations for each*
16 *group, and the contributions of other countries, groups, or*
17 *individuals.*

18 *OPERATION AND MAINTENANCE, ARMY RESERVE*

19 *For expenses, not otherwise provided for, necessary for*
20 *the operation and maintenance, including training, organi-*
21 *zation, and administration, of the Army Reserve; repair of*
22 *facilities and equipment; hire of passenger motor vehicles;*
23 *travel and transportation; care of the dead; recruiting; pro-*
24 *curement of services, supplies, and equipment; and commu-*
25 *nications, \$3,206,434,000.*

276

1 *OPERATION AND MAINTENANCE, NAVY RESERVE*

2 *For expenses, not otherwise provided for, necessary for*
3 *the operation and maintenance, including training, organi-*
4 *zation, and administration, of the Navy Reserve; repair of*
5 *facilities and equipment; hire of passenger motor vehicles;*
6 *travel and transportation; care of the dead; recruiting; pro-*
7 *curement of services, supplies, and equipment; and commu-*
8 *nications, \$1,278,050,000.*

9 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

10 *For expenses, not otherwise provided for, necessary for*
11 *the operation and maintenance, including training, organi-*
12 *zation, and administration, of the Marine Corps Reserve;*
13 *repair of facilities and equipment; hire of passenger motor*
14 *vehicles; travel and transportation; care of the dead; recruit-*
15 *ing; procurement of services, supplies, and equipment; and*
16 *communications, \$347,633,000.*

17 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

18 *For expenses, not otherwise provided for, necessary for*
19 *the operation and maintenance, including training, organi-*
20 *zation, and administration, of the Air Force Reserve; repair*
21 *of facilities and equipment; hire of passenger motor vehicles;*
22 *travel and transportation; care of the dead; recruiting; pro-*
23 *curement of services, supplies, and equipment; and commu-*
24 *nications, \$3,700,800,000.*

1 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

2 *For expenses of training, organizing, and admin-*
3 *istering the Army National Guard, including medical and*
4 *hospital treatment and related expenses in non-Federal hos-*
5 *pitals; maintenance, operation, and repairs to structures*
6 *and facilities; hire of passenger motor vehicles; personnel*
7 *services in the National Guard Bureau; travel expenses*
8 *(other than mileage), as authorized by law for Army per-*
9 *sonnel on active duty, for Army National Guard division,*
10 *regimental, and battalion commanders while inspecting*
11 *units in compliance with National Guard Bureau regula-*
12 *tions when specifically authorized by the Chief, National*
13 *Guard Bureau; supplying and equipping the Army Na-*
14 *tional Guard as authorized by law; and expenses of repair,*
15 *modification, maintenance, and issue of supplies and*
16 *equipment (including aircraft), \$8,299,187,000.*

17 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

18 *For expenses of training, organizing, and admin-*
19 *istering the Air National Guard, including medical and*
20 *hospital treatment and related expenses in non-Federal hos-*
21 *pitals; maintenance, operation, and repairs to structures*
22 *and facilities; transportation of things, hire of passenger*
23 *motor vehicles; supplying and equipping the Air National*
24 *Guard, as authorized by law; expenses for repair, modifica-*
25 *tion, maintenance, and issue of supplies and equipment,*

1 *including those furnished from stocks under the control of*
2 *agencies of the Department of Defense; travel expenses (other*
3 *than mileage) on the same basis as authorized by law for*
4 *Air National Guard personnel on active Federal duty, for*
5 *Air National Guard commanders while inspecting units in*
6 *compliance with National Guard Bureau regulations when*
7 *specifically authorized by the Chief, National Guard Bu-*
8 *reau, \$7,382,079,000.*

9 *UNITED STATES COURT OF APPEALS FOR THE ARMED*
10 *FORCES*

11 *For salaries and expenses necessary for the United*
12 *States Court of Appeals for the Armed Forces, \$16,003,000,*
13 *of which not to exceed \$10,000 may be used for official rep-*
14 *resentation purposes.*

15 *ENVIRONMENTAL RESTORATION, ARMY*
16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For the Department of the Army, \$324,500,000, to re-*
18 *main available until transferred: Provided, That the Sec-*
19 *retary of the Army shall, upon determining that such funds*
20 *are required for environmental restoration, reduction and*
21 *recycling of hazardous waste, removal of unsafe buildings*
22 *and debris of the Department of the Army, or for similar*
23 *purposes, transfer the funds made available by this appro-*
24 *priation to other appropriations made available to the De-*
25 *partment of the Army, to be merged with and to be available*

1 *for the same purposes and for the same time period as the*
2 *appropriations to which transferred: Provided further, That*
3 *upon a determination that all or part of the funds trans-*
4 *ferred from this appropriation are not necessary for the*
5 *purposes provided herein, such amounts may be transferred*
6 *back to this appropriation: Provided further, That the*
7 *transfer authority provided under this heading is in addi-*
8 *tion to any other transfer authority provided elsewhere in*
9 *this Act.*

10 *ENVIRONMENTAL RESTORATION, NAVY*
11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For the Department of the Navy, \$400,113,000, to re-*
13 *main available until transferred: Provided, That the Sec-*
14 *retary of the Navy shall, upon determining that such funds*
15 *are required for environmental restoration, reduction and*
16 *recycling of hazardous waste, removal of unsafe buildings*
17 *and debris of the Department of the Navy, or for similar*
18 *purposes, transfer the funds made available by this appro-*
19 *priation to other appropriations made available to the De-*
20 *partment of the Navy, to be merged with and to be available*
21 *for the same purposes and for the same time period as the*
22 *appropriations to which transferred: Provided further, That*
23 *upon a determination that all or part of the funds trans-*
24 *ferred from this appropriation are not necessary for the*
25 *purposes provided herein, such amounts may be transferred*

1 *back to this appropriation: Provided further, That the*
2 *transfer authority provided under this heading is in addi-*
3 *tion to any other transfer authority provided elsewhere in*
4 *this Act.*

5 *ENVIRONMENTAL RESTORATION, AIR FORCE*
6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For the Department of the Air Force, \$573,810,000,*
8 *to remain available until transferred: Provided, That the*
9 *Secretary of the Air Force shall, upon determining that*
10 *such funds are required for environmental restoration, re-*
11 *duction and recycling of hazardous waste, removal of unsafe*
12 *buildings and debris of the Department of the Air Force,*
13 *or for similar purposes, transfer the funds made available*
14 *by this appropriation to other appropriations made avail-*
15 *able to the Department of the Air Force, to be merged with*
16 *and to be available for the same purposes and for the same*
17 *time period as the appropriations to which transferred:*
18 *Provided further, That upon a determination that all or*
19 *part of the funds transferred from this appropriation are*
20 *not necessary for the purposes provided herein, such*
21 *amounts may be transferred back to this appropriation:*
22 *Provided further, That the transfer authority provided*
23 *under this heading is in addition to any other transfer au-*
24 *thority provided elsewhere in this Act.*

281

1 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For the Department of Defense, \$10,979,000, to remain*
4 *available until transferred: Provided, That the Secretary of*
5 *Defense shall, upon determining that such funds are re-*
6 *quired for environmental restoration, reduction and recy-*
7 *cling of hazardous waste, removal of unsafe buildings and*
8 *debris of the Department of Defense, or for similar purposes,*
9 *transfer the funds made available by this appropriation to*
10 *other appropriations made available to the Department of*
11 *Defense, to be merged with and to be available for the same*
12 *purposes and for the same time period as the appropri-*
13 *ations to which transferred: Provided further, That upon a*
14 *determination that all or part of the funds transferred from*
15 *this appropriation are not necessary for the purposes pro-*
16 *vided herein, such amounts may be transferred back to this*
17 *appropriation: Provided further, That the transfer author-*
18 *ity provided under this heading is in addition to any other*
19 *transfer authority provided elsewhere in this Act.*

20 *ENVIRONMENTAL RESTORATION, FORMERLY USED*21 *DEFENSE SITES*22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For the Department of the Army, \$317,580,000, to re-*
24 *main available until transferred: Provided, That the Sec-*
25 *retary of the Army shall, upon determining that such funds*

1 *are required for environmental restoration, reduction and*
2 *recycling of hazardous waste, removal of unsafe buildings*
3 *and debris at sites formerly used by the Department of De-*
4 *fense, transfer the funds made available by this appropria-*
5 *tion to other appropriations made available to the Depart-*
6 *ment of the Army, to be merged with and to be available*
7 *for the same purposes and for the same time period as the*
8 *appropriations to which transferred: Provided further, That*
9 *upon a determination that all or part of the funds trans-*
10 *ferred from this appropriation are not necessary for the*
11 *purposes provided herein, such amounts may be transferred*
12 *back to this appropriation: Provided further, That the*
13 *transfer authority provided under this heading is in addi-*
14 *tion to any other transfer authority provided elsewhere in*
15 *this Act.*

16 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

17 *For expenses relating to the Overseas Humanitarian,*
18 *Disaster, and Civic Aid programs of the Department of De-*
19 *fense (consisting of the programs provided under sections*
20 *401, 402, 404, 407, 2557, and 2561 of title 10, United*
21 *States Code), \$170,000,000, to remain available until Sep-*
22 *tember 30, 2024: Provided, That such amounts shall not*
23 *be subject to the limitation in section 407(c)(3) of title 10,*
24 *United States Code.*

1 *COOPERATIVE THREAT REDUCTION ACCOUNT*

2 *For assistance, including assistance provided by con-*
3 *tract or by grants, under programs and activities of the*
4 *Department of Defense Cooperative Threat Reduction Pro-*
5 *gram authorized under the Department of Defense Coopera-*
6 *tive Threat Reduction Act, \$351,598,000, to remain avail-*
7 *able until September 30, 2025.*

8 *DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE*9 *DEVELOPMENT ACCOUNT*

10 *For the Department of Defense Acquisition Workforce*
11 *Development Account, \$111,791,000: Provided, That no*
12 *other amounts may be otherwise credited or transferred to*
13 *the Account, or deposited into the Account, in fiscal year*
14 *2023 pursuant to section 1705(d) of title 10, United States*
15 *Code.*

1 *TITLE III*2 *PROCUREMENT*3 *AIRCRAFT PROCUREMENT, ARMY*

4 *For construction, procurement, production, modifica-*
5 *tion, and modernization of aircraft, equipment, including*
6 *ordnance, ground handling equipment, spare parts, and ac-*
7 *cessories therefor; specialized equipment and training de-*
8 *vices; expansion of public and private plants, including the*
9 *land necessary therefor, for the foregoing purposes, and such*
10 *lands and interests therein, may be acquired, and construc-*
11 *tion prosecuted thereon prior to approval of title; and pro-*
12 *curement and installation of equipment, appliances, and*
13 *machine tools in public and private plants; reserve plant*
14 *and Government and contractor-owned equipment layaway;*
15 *and other expenses necessary for the foregoing purposes,*
16 *\$3,847,834,000, to remain available for obligation until*
17 *September 30, 2025.*

18 *MISSILE PROCUREMENT, ARMY*

19 *For construction, procurement, production, modifica-*
20 *tion, and modernization of missiles, equipment, including*
21 *ordnance, ground handling equipment, spare parts, and ac-*
22 *cessories therefor; specialized equipment and training de-*
23 *vices; expansion of public and private plants, including the*
24 *land necessary therefor, for the foregoing purposes, and such*
25 *lands and interests therein, may be acquired, and construc-*

285

1 *tion prosecuted thereon prior to approval of title; and pro-*
2 *curement and installation of equipment, appliances, and*
3 *machine tools in public and private plants; reserve plant*
4 *and Government and contractor-owned equipment layaway;*
5 *and other expenses necessary for the foregoing purposes,*
6 *\$3,848,853,000, to remain available for obligation until*
7 *September 30, 2025.*

8 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*
9 *VEHICLES, ARMY*

10 *For construction, procurement, production, and modi-*
11 *fication of weapons and tracked combat vehicles, equipment,*
12 *including ordnance, spare parts, and accessories therefor;*
13 *specialized equipment and training devices; expansion of*
14 *public and private plants, including the land necessary*
15 *therefor, for the foregoing purposes, and such lands and in-*
16 *terests therein, may be acquired, and construction pros-*
17 *ecuted thereon prior to approval of title; and procurement*
18 *and installation of equipment, appliances, and machine*
19 *tools in public and private plants; reserve plant and Gov-*
20 *ernment and contractor-owned equipment layaway; and*
21 *other expenses necessary for the foregoing purposes,*
22 *\$4,505,157,000, to remain available for obligation until*
23 *September 30, 2025.*

1 *PROCUREMENT OF AMMUNITION, ARMY*

2 *For construction, procurement, production, and modi-*
3 *fication of ammunition, and accessories therefor; specialized*
4 *equipment and training devices; expansion of public and*
5 *private plants, including ammunition facilities, authorized*
6 *by section 2854 of title 10, United States Code, and the*
7 *land necessary therefor, for the foregoing purposes, and such*
8 *lands and interests therein, may be acquired, and construc-*
9 *tion prosecuted thereon prior to approval of title; and pro-*
10 *curement and installation of equipment, appliances, and*
11 *machine tools in public and private plants; reserve plant*
12 *and Government and contractor-owned equipment layaway;*
13 *and other expenses necessary for the foregoing purposes,*
14 *\$2,770,120,000, to remain available for obligation until*
15 *September 30, 2025.*

16 *OTHER PROCUREMENT, ARMY*

17 *For construction, procurement, production, and modi-*
18 *fication of vehicles, including tactical, support, and non-*
19 *tracked combat vehicles; the purchase of passenger motor ve-*
20 *hicles for replacement only; communications and electronic*
21 *equipment; other support equipment; spare parts, ordnance,*
22 *and accessories therefor; specialized equipment and training*
23 *devices; expansion of public and private plants, including*
24 *the land necessary therefor, for the foregoing purposes, and*
25 *such lands and interests therein, may be acquired, and con-*

1 *struction prosecuted thereon prior to approval of title; and*
2 *procurement and installation of equipment, appliances,*
3 *and machine tools in public and private plants; reserve*
4 *plant and Government and contractor-owned equipment*
5 *layaway; and other expenses necessary for the foregoing*
6 *purposes, \$8,668,148,000, to remain available for obligation*
7 *until September 30, 2025.*

8 *AIRCRAFT PROCUREMENT, NAVY*

9 *For construction, procurement, production, modifica-*
10 *tion, and modernization of aircraft, equipment, including*
11 *ordnance, spare parts, and accessories therefor; specialized*
12 *equipment; expansion of public and private plants, includ-*
13 *ing the land necessary therefor, and such lands and inter-*
14 *ests therein, may be acquired, and construction prosecuted*
15 *thereon prior to approval of title; and procurement and in-*
16 *stallation of equipment, appliances, and machine tools in*
17 *public and private plants; reserve plant and Government*
18 *and contractor-owned equipment layaway,*
19 *\$19,031,864,000, to remain available for obligation until*
20 *September 30, 2025.*

21 *WEAPONS PROCUREMENT, NAVY*

22 *For construction, procurement, production, modifica-*
23 *tion, and modernization of missiles, torpedoes, other weap-*
24 *ons, and related support equipment including spare parts,*
25 *and accessories therefor; expansion of public and private*

1 *plants, including the land necessary therefor, and such*
2 *lands and interests therein, may be acquired, and construc-*
3 *tion prosecuted thereon prior to approval of title; and pro-*
4 *curement and installation of equipment, appliances, and*
5 *machine tools in public and private plants; reserve plant*
6 *and Government and contractor-owned equipment layaway,*
7 *\$4,823,113,000, to remain available for obligation until*
8 *September 30, 2025.*

9 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*

10 *CORPS*

11 *For construction, procurement, production, and modi-*
12 *fication of ammunition, and accessories therefor; specialized*
13 *equipment and training devices; expansion of public and*
14 *private plants, including ammunition facilities, authorized*
15 *by section 2854 of title 10, United States Code, and the*
16 *land necessary therefor, for the foregoing purposes, and such*
17 *lands and interests therein, may be acquired, and construc-*
18 *tion prosecuted thereon prior to approval of title; and pro-*
19 *curement and installation of equipment, appliances, and*
20 *machine tools in public and private plants; reserve plant*
21 *and Government and contractor-owned equipment layaway;*
22 *and other expenses necessary for the foregoing purposes,*
23 *\$920,884,000, to remain available for obligation until Sep-*
24 *tember 30, 2025.*

1 *SHIPBUILDING AND CONVERSION, NAVY*

2 *For expenses necessary for the construction, acquisi-*
3 *tion, or conversion of vessels as authorized by law, includ-*
4 *ing armor and armament thereof, plant equipment, appli-*
5 *ances, and machine tools and installation thereof in public*
6 *and private plants; reserve plant and Government and con-*
7 *tractor-owned equipment layaway; procurement of critical,*
8 *long lead time components and designs for vessels to be con-*
9 *structed or converted in the future; and expansion of public*
10 *and private plants, including land necessary therefor, and*
11 *such lands and interests therein, may be acquired, and con-*
12 *struction prosecuted thereon prior to approval of title, as*
13 *follows:*

14 *Columbia Class Submarine, \$3,079,223,000;*

15 *Columbia Class Submarine (AP),*
16 *\$2,778,553,000;*

17 *Carrier Replacement Program (CVN-80),*
18 *\$1,465,880,000;*

19 *Carrier Replacement Program (CVN-81),*
20 *\$1,052,024,000;*

21 *Virginia Class Submarine, \$4,534,184,000;*

22 *Virginia Class Submarine (AP), \$2,025,651,000;*

23 *CVN Refueling Overhauls (AP), \$612,081,000;*

24 *DDG-1000 Program, \$72,976,000;*

25 *DDG-51 Destroyer, \$6,946,537,000;*

290

1 *DDG–51 Destroyer (AP), \$695,652,000;*
2 *FFG–Frigate, \$1,135,224,000;*
3 *LPD Flight II, \$1,673,000,000;*
4 *LPD Flight II (AP), \$250,000,000;*
5 *LHA Replacement, \$1,374,470,000;*
6 *Expeditionary Fast Transport, \$645,000,000;*
7 *TAO Fleet Oiler, \$782,588,000;*
8 *Towing, Salvage, and Rescue Ship, \$95,915,000;*
9 *Ship to Shore Connector, \$454,533,000;*
10 *Service Craft, \$21,056,000;*
11 *Auxiliary Personnel Lighter, \$71,218,000;*
12 *LCAC SLEP, \$36,301,000;*
13 *Auxiliary Vessels, \$133,000,000;*
14 *For outfitting, post delivery, conversions, and*
15 *first destination transportation, \$707,412,000; and*
16 *Completion of Prior Year Shipbuilding Pro-*
17 *grams, \$1,312,646,000.*
18 *In all: \$31,955,124,000, to remain available for obligation*
19 *until September 30, 2027: Provided, That additional obli-*
20 *gations may be incurred after September 30, 2027, for engi-*
21 *neering services, tests, evaluations, and other such budgeted*
22 *work that must be performed in the final stage of ship con-*
23 *struction: Provided further, That none of the funds provided*
24 *under this heading for the construction or conversion of any*
25 *naval vessel to be constructed in shipyards in the United*

291

1 *States shall be expended in foreign facilities for the con-*
2 *struction of major components of such vessel: Provided fur-*
3 *ther, That none of the funds provided under this heading*
4 *shall be used for the construction of any naval vessel in*
5 *foreign shipyards: Provided further, That funds appro-*
6 *priated or otherwise made available by this Act for Colum-*
7 *bia Class Submarine (AP) may be available for the pur-*
8 *poses authorized by subsections (f), (g), (h) or (i) of section*
9 *2218a of title 10, United States Code, only in accordance*
10 *with the provisions of the applicable subsection.*

11 *OTHER PROCUREMENT, NAVY*

12 *For procurement, production, and modernization of*
13 *support equipment and materials not otherwise provided*
14 *for, Navy ordnance (except ordnance for new aircraft, new*
15 *ships, and ships authorized for conversion); the purchase*
16 *of passenger motor vehicles for replacement only; expansion*
17 *of public and private plants, including the land necessary*
18 *therefor, and such lands and interests therein, may be ac-*
19 *quired, and construction prosecuted thereon prior to ap-*
20 *proval of title; and procurement and installation of equip-*
21 *ment, appliances, and machine tools in public and private*
22 *plants; reserve plant and Government and contractor-owned*
23 *equipment layaway, \$12,138,590,000, to remain available*
24 *for obligation until September 30, 2025: Provided, That*
25 *such funds are also available for the maintenance, repair,*

292

1 *and modernization of ships under a pilot program estab-*
2 *lished for such purposes.*

3 *PROCUREMENT, MARINE CORPS*

4 *For expenses necessary for the procurement, manufac-*
5 *ture, and modification of missiles, armament, military*
6 *equipment, spare parts, and accessories therefor; plant*
7 *equipment, appliances, and machine tools, and installation*
8 *thereof in public and private plants; reserve plant and Gov-*
9 *ernment and contractor-owned equipment layaway; vehicles*
10 *for the Marine Corps, including the purchase of passenger*
11 *motor vehicles for replacement only; and expansion of pub-*
12 *lic and private plants, including land necessary therefor,*
13 *and such lands and interests therein, may be acquired, and*
14 *construction prosecuted thereon prior to approval of title,*
15 *\$3,669,510,000, to remain available for obligation until*
16 *September 30, 2025.*

17 *AIRCRAFT PROCUREMENT, AIR FORCE*

18 *For construction, procurement, and modification of*
19 *aircraft and equipment, including armor and armament,*
20 *specialized ground handling equipment, and training de-*
21 *vices, spare parts, and accessories therefor; specialized*
22 *equipment; expansion of public and private plants, Govern-*
23 *ment-owned equipment and installation thereof in such*
24 *plants, erection of structures, and acquisition of land, for*
25 *the foregoing purposes, and such lands and interests therein,*

293

1 *may be acquired, and construction prosecuted thereon prior*
2 *to approval of title; reserve plant and Government and con-*
3 *tractor-owned equipment layaway; and other expenses nec-*
4 *essary for the foregoing purposes including rents and trans-*
5 *portation of things, \$22,196,175,000, to remain available*
6 *for obligation until September 30, 2025.*

7 *MISSILE PROCUREMENT, AIR FORCE*

8 *For construction, procurement, and modification of*
9 *missiles, rockets, and related equipment, including spare*
10 *parts and accessories therefor; ground handling equipment,*
11 *and training devices; expansion of public and private*
12 *plants, Government-owned equipment and installation*
13 *thereof in such plants, erection of structures, and acquisi-*
14 *tion of land, for the foregoing purposes, and such lands and*
15 *interests therein, may be acquired, and construction pros-*
16 *ecuted thereon prior to approval of title; reserve plant and*
17 *Government and contractor-owned equipment layaway; and*
18 *other expenses necessary for the foregoing purposes includ-*
19 *ing rents and transportation of things, \$2,999,346,000, to*
20 *remain available for obligation until September 30, 2025.*

21 *PROCUREMENT OF AMMUNITION, AIR FORCE*

22 *For construction, procurement, production, and modi-*
23 *fication of ammunition, and accessories therefor; specialized*
24 *equipment and training devices; expansion of public and*
25 *private plants, including ammunition facilities, authorized*

1 *by section 2854 of title 10, United States Code, and the*
2 *land necessary therefor, for the foregoing purposes, and such*
3 *lands and interests therein, may be acquired, and construc-*
4 *tion prosecuted thereon prior to approval of title; and pro-*
5 *curement and installation of equipment, appliances, and*
6 *machine tools in public and private plants; reserve plant*
7 *and Government and contractor-owned equipment layaway;*
8 *and other expenses necessary for the foregoing purposes,*
9 *\$857,722,000, to remain available for obligation until Sep-*
10 *tember 30, 2025.*

11 *OTHER PROCUREMENT, AIR FORCE*

12 *For procurement and modification of equipment (in-*
13 *cluding ground guidance and electronic control equipment,*
14 *and ground electronic and communication equipment), and*
15 *supplies, materials, and spare parts therefor, not otherwise*
16 *provided for; the purchase of passenger motor vehicles for*
17 *replacement only; lease of passenger motor vehicles; and ex-*
18 *pansion of public and private plants, Government-owned*
19 *equipment and installation thereof in such plants, erection*
20 *of structures, and acquisition of land, for the foregoing pur-*
21 *poses, and such lands and interests therein, may be ac-*
22 *quired, and construction prosecuted thereon, prior to ap-*
23 *proval of title; reserve plant and Government and con-*
24 *tractor-owned equipment layaway, \$28,034,122,000, to re-*
25 *main available for obligation until September 30, 2025.*

295

1 *PROCUREMENT, SPACE FORCE*

2 *For construction, procurement, and modification of*
3 *spacecraft, rockets, and related equipment, including spare*
4 *parts and accessories therefor; ground handling equipment,*
5 *and training devices; expansion of public and private*
6 *plants, Government-owned equipment and installation*
7 *thereof in such plants, erection of structures, and acquisi-*
8 *tion of land, for the foregoing purposes, and such lands and*
9 *interests therein, may be acquired, and construction pros-*
10 *ecuted thereon prior to approval of title; reserve plant and*
11 *Government and contractor-owned equipment layaway; and*
12 *other expenses necessary for the foregoing purposes includ-*
13 *ing rents and transportation of things, \$4,462,188,000, to*
14 *remain available for obligation until September 30, 2025.*

15 *PROCUREMENT, DEFENSE-WIDE*

16 *For expenses of activities and agencies of the Depart-*
17 *ment of Defense (other than the military departments) nec-*
18 *essary for procurement, production, and modification of*
19 *equipment, supplies, materials, and spare parts therefor,*
20 *not otherwise provided for; the purchase of passenger motor*
21 *vehicles for replacement only; expansion of public and pri-*
22 *vate plants, equipment, and installation thereof in such*
23 *plants, erection of structures, and acquisition of land for*
24 *the foregoing purposes, and such lands and interests therein,*
25 *may be acquired, and construction prosecuted thereon prior*

296

1 *to approval of title; reserve plant and Government and con-*
2 *tractor-owned equipment layaway, \$6,139,674,000, to re-*
3 *main available for obligation until September 30, 2025.*

4 *DEFENSE PRODUCTION ACT PURCHASES*

5 *For activities by the Department of Defense pursuant*
6 *to sections 108, 301, 302, and 303 of the Defense Production*
7 *Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533),*
8 *\$372,906,000, to remain available for obligation until Sep-*
9 *tember 30, 2027, which shall be obligated and expended by*
10 *the Secretary of Defense as if delegated the necessary au-*
11 *thorities conferred by the Defense Production Act of 1950.*

12 *NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT*

13 *For procurement of rotary-wing aircraft; combat, tac-*
14 *tical and support vehicles; other weapons; and other pro-*
15 *curement items for the reserve components of the Armed*
16 *Forces, \$1,000,000,000, to remain available for obligation*
17 *until September 30, 2025: Provided, That the Chiefs of Na-*
18 *tional Guard and Reserve components shall, not later than*
19 *30 days after enactment of this Act, individually submit*
20 *to the congressional defense committees the modernization*
21 *priority assessment for their respective National Guard or*
22 *Reserve component: Provided further, That none of the*
23 *funds made available by this paragraph may be used to*
24 *procure manned fixed wing aircraft, or procure or modify*
25 *missiles, munitions, or ammunition.*

297

1 *TITLE IV*
2 *RESEARCH, DEVELOPMENT, TEST AND*
3 *EVALUATION*

4 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

5 *For expenses necessary for basic and applied scientific*
6 *research, development, test and evaluation, including main-*
7 *tenance, rehabilitation, lease, and operation of facilities*
8 *and equipment, \$17,150,141,000, to remain available for*
9 *obligation until September 30, 2024.*

10 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

11 *For expenses necessary for basic and applied scientific*
12 *research, development, test and evaluation, including main-*
13 *tenance, rehabilitation, lease, and operation of facilities*
14 *and equipment, \$26,017,309,000, to remain available for*
15 *obligation until September 30, 2024: Provided, That funds*
16 *appropriated in this paragraph which are available for the*
17 *V-22 may be used to meet unique operational requirements*
18 *of the Special Operations Forces.*

19 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
20 *FORCE*

21 *For expenses necessary for basic and applied scientific*
22 *research, development, test and evaluation, including main-*
23 *tenance, rehabilitation, lease, and operation of facilities*
24 *and equipment, \$44,946,927,000, to remain available for*
25 *obligation until September 30, 2024.*

298

1 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
2 *SPACE FORCE*

3 *For expenses necessary for basic and applied scientific*
4 *research, development, test and evaluation, including main-*
5 *tenance, rehabilitation, lease, and operation of facilities*
6 *and equipment, \$16,631,377,000, to remain available until*
7 *September 30, 2024.*

8 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
9 *DEFENSE-WIDE*

10 *For expenses of activities and agencies of the Depart-*
11 *ment of Defense (other than the military departments), nec-*
12 *essary for basic and applied scientific research, develop-*
13 *ment, test and evaluation; advanced research projects as*
14 *may be designated and determined by the Secretary of De-*
15 *fense, pursuant to law; maintenance, rehabilitation, lease,*
16 *and operation of facilities and equipment, \$34,565,478,000,*
17 *to remain available for obligation until September 30,*
18 *2024.*

19 *OPERATIONAL TEST AND EVALUATION, DEFENSE*

20 *For expenses, not otherwise provided for, necessary for*
21 *the independent activities of the Director, Operational Test*
22 *and Evaluation, in the direction and supervision of oper-*
23 *ational test and evaluation, including initial operational*
24 *test and evaluation which is conducted prior to, and in sup-*
25 *port of, production decisions; joint operational testing and*

299

1 *evaluation; and administrative expenses in connection*
2 *therewith, \$449,294,000, to remain available for obligation*
3 *until September 30, 2024.*

4 *TITLE V*

5 *REVOLVING AND MANAGEMENT FUNDS*

6 *DEFENSE WORKING CAPITAL FUNDS*

7 *For the Defense Working Capital Funds,*
8 *\$1,654,710,000.*

300

1 *TITLE VI*2 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*3 *DEFENSE HEALTH PROGRAM*

4 *For expenses, not otherwise provided for, for medical*
5 *and health care programs of the Department of Defense as*
6 *authorized by law, \$39,225,101,000; of which*
7 *\$35,613,417,000 shall be for operation and maintenance, of*
8 *which not to exceed one percent shall remain available for*
9 *obligation until September 30, 2024, and of which up to*
10 *\$18,577,877,000 may be available for contracts entered into*
11 *under the TRICARE program; of which \$570,074,000, to*
12 *remain available for obligation until September 30, 2025,*
13 *shall be for procurement; and of which \$3,041,610,000, to*
14 *remain available for obligation until September 30, 2024,*
15 *shall be for research, development, test and evaluation: Pro-*
16 *vided, That, notwithstanding any other provision of law,*
17 *of the amount made available under this heading for re-*
18 *search, development, test and evaluation, not less than*
19 *\$12,000,000 shall be available for HIV prevention edu-*
20 *cational activities undertaken in connection with United*
21 *States military training, exercises, and humanitarian as-*
22 *sistance activities conducted primarily in African nations:*
23 *Provided further, That of the funds provided under this*
24 *heading for research, development, test and evaluation, not*
25 *less than \$1,561,000,000 shall be made available to the De-*

301

1 *fense Health Agency to carry out the congressionally di-*
2 *rected medical research programs: Provided further, That*
3 *the Secretary of Defense shall submit to the congressional*
4 *defense committees quarterly reports on the current status*
5 *of the deployment of the electronic health record: Provided*
6 *further, That the Secretary of Defense shall provide notice*
7 *to the congressional defense committees not later than 10*
8 *business days after delaying the proposed timeline of such*
9 *deployment if such delay is longer than 1 week: Provided*
10 *further, That the Comptroller General of the United States*
11 *shall perform quarterly performance reviews of such deploy-*
12 *ment.*

13 *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,*
14 *DEFENSE*

15 *For expenses, not otherwise provided for, necessary for*
16 *the destruction of the United States stockpile of lethal chem-*
17 *ical agents and munitions in accordance with the provi-*
18 *sions of section 1412 of the Department of Defense Author-*
19 *ization Act, 1986 (50 U.S.C. 1521), and for the destruction*
20 *of other chemical warfare materials that are not in the*
21 *chemical weapon stockpile, \$1,059,818,000, of which*
22 *\$84,612,000 shall be for operation and maintenance, of*
23 *which no less than \$53,186,000 shall be for the Chemical*
24 *Stockpile Emergency Preparedness Program, consisting of*
25 *\$22,778,000 for activities on military installations and*

302

1 \$30,408,000, to remain available until September 30, 2024,
2 to assist State and local governments; and \$975,206,000,
3 to remain available until September 30, 2024, shall be for
4 research, development, test and evaluation, of which
5 \$971,742,000 shall only be for the Assembled Chemical
6 Weapons Alternatives program.

7 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*

8 *DEFENSE*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For drug interdiction and counter-drug activities of*
11 *the Department of Defense, for transfer to appropriations*
12 *available to the Department of Defense for military per-*
13 *sonnel of the reserve components serving under the provi-*
14 *sions of title 10 and title 32, United States Code; for oper-*
15 *ation and maintenance; for procurement; and for research,*
16 *development, test and evaluation, \$970,764,000, of which*
17 *\$614,510,000 shall be for counter-narcotics support;*
18 *\$130,060,000 shall be for the drug demand reduction pro-*
19 *gram; \$200,316,000 shall be for the National Guard*
20 *counter-drug program; and \$25,878,000 shall be for the Na-*
21 *tional Guard counter-drug schools program: Provided, That*
22 *the funds appropriated under this heading shall be avail-*
23 *able for obligation for the same time period and for the*
24 *same purpose as the appropriation to which transferred:*
25 *Provided further, That upon a determination that all or*

303

1 *part of the funds transferred from this appropriation are*
2 *not necessary for the purposes provided herein, such*
3 *amounts may be transferred back to this appropriation:*
4 *Provided further, That the transfer authority provided*
5 *under this heading is in addition to any other transfer au-*
6 *thority contained elsewhere in this Act: Provided further,*
7 *That funds appropriated under this heading may be used*
8 *to support a new start program or project only after written*
9 *prior notification to the Committees on Appropriations of*
10 *the House of Representatives and the Senate.*

11 *OFFICE OF THE INSPECTOR GENERAL*

12 *For expenses and activities of the Office of the Inspec-*
13 *tor General in carrying out the provisions of the Inspector*
14 *General Act of 1978, as amended, \$485,359,000, of which*
15 *\$481,971,000 shall be for operation and maintenance, of*
16 *which not to exceed \$700,000 is available for emergencies*
17 *and extraordinary expenses to be expended upon the ap-*
18 *proval or authority of the Inspector General, and payments*
19 *may be made upon the Inspector General's certificate of ne-*
20 *cessity for confidential military purposes; of which*
21 *\$1,524,000, to remain available for obligation until Sep-*
22 *tember 30, 2025, shall be for procurement; and of which*
23 *\$1,864,000, to remain available until September 30, 2024,*
24 *shall be for research, development, test and evaluation.*

304

1 *SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS*
2 *For logistical and security support for international*
3 *sporting competitions (including pay and non-travel re-*
4 *lated allowances only for members of the Reserve Compo-*
5 *nents of the Armed Forces of the United States called or*
6 *ordered to active duty in connection with providing such*
7 *support), \$10,377,000, to remain available until expended.*

305

1 *TITLE VII*2 *RELATED AGENCIES*3 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*4 *DISABILITY SYSTEM FUND*

5 *For payment to the Central Intelligence Agency Retire-*
6 *ment and Disability System Fund, to maintain the proper*
7 *funding level for continuing the operation of the Central*
8 *Intelligence Agency Retirement and Disability System,*
9 *\$514,000,000.*

10 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

11 *For necessary expenses of the Intelligence Community*
12 *Management Account, \$562,265,000.*

306

1 *TITLE VIII*2 *GENERAL PROVISIONS*

3 *SEC. 8001. No part of any appropriation contained*
4 *in this Act shall be used for publicity or propaganda pur-*
5 *poses not authorized by the Congress.*

6 *SEC. 8002. During the current fiscal year, provisions*
7 *of law prohibiting the payment of compensation to, or em-*
8 *ployment of, any person not a citizen of the United States*
9 *shall not apply to personnel of the Department of Defense:*
10 *Provided, That salary increases granted to direct and indi-*
11 *rect hire foreign national employees of the Department of*
12 *Defense funded by this Act shall not be at a rate in excess*
13 *of the percentage increase authorized by law for civilian*
14 *employees of the Department of Defense whose pay is com-*
15 *puted under the provisions of section 5332 of title 5, United*
16 *States Code, or at a rate in excess of the percentage increase*
17 *provided by the appropriate host nation to its own employ-*
18 *ees, whichever is higher: Provided further, That this section*
19 *shall not apply to Department of Defense foreign service*
20 *national employees serving at United States diplomatic*
21 *missions whose pay is set by the Department of State under*
22 *the Foreign Service Act of 1980: Provided further, That the*
23 *limitations of this provision shall not apply to foreign na-*
24 *tional employees of the Department of Defense in the Re-*
25 *public of Turkey.*

1 *SEC. 8003. No part of any appropriation contained*
2 *in this Act shall remain available for obligation beyond the*
3 *current fiscal year, unless expressly so provided herein.*

4 *SEC. 8004. No more than 20 percent of the appropria-*
5 *tions in this Act which are limited for obligation during*
6 *the current fiscal year shall be obligated during the last 2*
7 *months of the fiscal year: Provided, That this section shall*
8 *not apply to obligations for support of active duty training*
9 *of reserve components or summer camp training of the Re-*
10 *serve Officers' Training Corps.*

11 (TRANSFER OF FUNDS)

12 SEC. 8005. Upon determination by the Secretary of
13 Defense that such action is necessary in the national inter-
14 est, the Secretary may, with the approval of the Office of
15 Management and Budget, transfer not to exceed
16 \$6,000,000,000 of working capital funds of the Department
17 of Defense or funds made available in this Act to the De-
18 partment of Defense for military functions (except military
19 construction) between such appropriations or funds or any
20 subdivision thereof, to be merged with and to be available
21 for the same purposes, and for the same time period, as
22 the appropriation or fund to which transferred: Provided,
23 That such authority to transfer may not be used unless for
24 higher priority items, based on unforeseen military require-
25 ments, than those for which originally appropriated and

1 *in no case where the item for which funds are requested*
2 *has been denied by the Congress: Provided further, That the*
3 *Secretary of Defense shall notify the Congress promptly of*
4 *all transfers made pursuant to this authority or any other*
5 *authority in this Act: Provided further, That no part of*
6 *the funds in this Act shall be available to prepare or present*
7 *a request to the Committees on Appropriations of the House*
8 *of Representatives and the Senate for reprogramming of*
9 *funds, unless for higher priority items, based on unforeseen*
10 *military requirements, than those for which originally ap-*
11 *propriated and in no case where the item for which re-*
12 *programming is requested has been denied by the Congress:*
13 *Provided further, That a request for multiple*
14 *reprogrammings of funds using authority provided in this*
15 *section shall be made prior to June 30, 2023: Provided fur-*
16 *ther, That transfers among military personnel appropria-*
17 *tions shall not be taken into account for purposes of the*
18 *limitation on the amount of funds that may be transferred*
19 *under this section.*

20 *SEC. 8006. (a) With regard to the list of specific pro-*
21 *grams, projects, and activities (and the dollar amounts and*
22 *adjustments to budget activities corresponding to such pro-*
23 *grams, projects, and activities) contained in the tables titled*
24 *Explanation of Project Level Adjustments in the explana-*
25 *tory statement regarding this Act and the tables contained*

1 *in the classified annex accompanying this Act, the obliga-*
2 *tion and expenditure of amounts appropriated or otherwise*
3 *made available in this Act for those programs, projects, and*
4 *activities for which the amounts appropriated exceed the*
5 *amounts requested are hereby required by law to be carried*
6 *out in the manner provided by such tables to the same ex-*
7 *tent as if the tables were included in the text of this Act.*

8 *(b) Amounts specified in the referenced tables described*
9 *in subsection (a) shall not be treated as subdivisions of ap-*
10 *propriations for purposes of section 8005 of this Act: Pro-*
11 *vided, That section 8005 shall apply when transfers of the*
12 *amounts described in subsection (a) occur between appro-*
13 *priation accounts.*

14 *SEC. 8007. (a) Not later than 60 days after the date*
15 *of the enactment of this Act, the Department of Defense shall*
16 *submit a report to the congressional defense committees to*
17 *establish the baseline for application of reprogramming and*
18 *transfer authorities for fiscal year 2023: Provided, That the*
19 *report shall include—*

20 *(1) a table for each appropriation with a sepa-*
21 *rate column to display the President's budget request,*
22 *adjustments made by Congress, adjustments due to*
23 *enacted rescissions, if appropriate, and the fiscal year*
24 *enacted level;*

310

1 (2) *a delineation in the table for each appropri-*
2 *ation both by budget activity and program, project,*
3 *and activity as detailed in the Budget Appendix; and*
4 (3) *an identification of items of special congres-*
5 *sional interest.*

6 (b) *Notwithstanding section 8005 of this Act, none of*
7 *the funds provided in this Act shall be available for re-*
8 *programming or transfer until the report identified in sub-*
9 *section (a) is submitted to the congressional defense commit-*
10 *tees, unless the Secretary of Defense certifies in writing to*
11 *the congressional defense committees that such reprogram-*
12 *ming or transfer is necessary as an emergency requirement:*
13 *Provided, That this subsection shall not apply to transfers*
14 *from the following appropriations accounts:*

15 (1) *“Environmental Restoration, Army”;*
16 (2) *“Environmental Restoration, Navy”;*
17 (3) *“Environmental Restoration, Air Force”;*
18 (4) *“Environmental Restoration, Defense-Wide”;*
19 (5) *“Environmental Restoration, Formerly Used*
20 *Defense Sites”;* and
21 (6) *“Drug Interdiction and Counter-drug Activi-*
22 *ties, Defense”.*

23 (TRANSFER OF FUNDS)

24 SEC. 8008. *During the current fiscal year, cash bal-*
25 *ances in working capital funds of the Department of De-*

1 *fense established pursuant to section 2208 of title 10, United*
2 *States Code, may be maintained in only such amounts as*
3 *are necessary at any time for cash disbursements to be made*
4 *from such funds: Provided, That transfers may be made be-*
5 *tween such funds: Provided further, That transfers may be*
6 *made between working capital funds and the “Foreign Cur-*
7 *rency Fluctuations, Defense” appropriation and the “Oper-*
8 *ation and Maintenance” appropriation accounts in such*
9 *amounts as may be determined by the Secretary of Defense,*
10 *with the approval of the Office of Management and Budget,*
11 *except that such transfers may not be made unless the Sec-*
12 *retary of Defense has notified the Congress of the proposed*
13 *transfer: Provided further, That except in amounts equal*
14 *to the amounts appropriated to working capital funds in*
15 *this Act, no obligations may be made against a working*
16 *capital fund to procure or increase the value of war reserve*
17 *material inventory, unless the Secretary of Defense has no-*
18 *tified the Congress prior to any such obligation.*

19 *SEC. 8009. Funds appropriated by this Act may not*
20 *be used to initiate a special access program without prior*
21 *notification 30 calendar days in advance to the congres-*
22 *sional defense committees.*

23 *SEC. 8010. None of the funds provided in this Act shall*
24 *be available to initiate: (1) a multiyear contract that em-*
25 *ployes economic order quantity procurement in excess of*

312

1 \$20,000,000 in any one year of the contract or that includes
2 an unfunded contingent liability in excess of \$20,000,000;
3 or (2) a contract for advance procurement leading to a
4 multiyear contract that employs economic order quantity
5 procurement in excess of \$20,000,000 in any one year, un-
6 less the congressional defense committees have been notified
7 at least 30 days in advance of the proposed contract award:
8 Provided, That no part of any appropriation contained in
9 this Act shall be available to initiate a multiyear contract
10 for which the economic order quantity advance procurement
11 is not funded at least to the limits of the Government's li-
12 ability: Provided further, That no part of any appropria-
13 tion contained in this Act shall be available to initiate
14 multiyear procurement contracts for any systems or compo-
15 nent thereof if the value of the multiyear contract would
16 exceed \$500,000,000 unless specifically provided in this Act:
17 Provided further, That no multiyear procurement contract
18 can be terminated without 30-day prior notification to the
19 congressional defense committees: Provided further, That the
20 execution of multiyear authority shall require the use of a
21 present value analysis to determine lowest cost compared
22 to an annual procurement: Provided further, That none of
23 the funds provided in this Act may be used for a multiyear
24 contract executed after the date of the enactment of this Act
25 unless in the case of any such contract—

313

1 (1) *the Secretary of Defense has submitted to*
2 *Congress a budget request for full funding of units to*
3 *be procured through the contract and, in the case of*
4 *a contract for procurement of aircraft, that includes,*
5 *for any aircraft unit to be procured through the con-*
6 *tract for which procurement funds are requested in*
7 *that budget request for production beyond advance*
8 *procurement activities in the fiscal year covered by*
9 *the budget, full funding of procurement of such unit*
10 *in that fiscal year;*

11 (2) *cancellation provisions in the contract do not*
12 *include consideration of recurring manufacturing*
13 *costs of the contractor associated with the production*
14 *of unfunded units to be delivered under the contract;*

15 (3) *the contract provides that payments to the*
16 *contractor under the contract shall not be made in*
17 *advance of incurred costs on funded units; and*

18 (4) *the contract does not provide for a price ad-*
19 *justment based on a failure to award a follow-on con-*
20 *tract.*

21 *Funds appropriated in title III of this Act may be used*
22 *for multiyear procurement contracts for up to 15 DDG–*
23 *51 Arleigh Burke Class Guided Missile Destroyers.*

24 *SEC. 8011. Within the funds appropriated for the oper-*
25 *ation and maintenance of the Armed Forces, funds are here-*

1 *by appropriated pursuant to section 401 of title 10, United*
2 *States Code, for humanitarian and civic assistance costs*
3 *under chapter 20 of title 10, United States Code: Provided,*
4 *That such funds may also be obligated for humanitarian*
5 *and civic assistance costs incidental to authorized oper-*
6 *ations and pursuant to authority granted in section 401*
7 *of title 10, United States Code, and these obligations shall*
8 *be reported as required by section 401(d) of title 10, United*
9 *States Code: Provided further, That funds available for op-*
10 *eration and maintenance shall be available for providing*
11 *humanitarian and similar assistance by using Civic Action*
12 *Teams in the Trust Territories of the Pacific Islands and*
13 *freely associated states of Micronesia, pursuant to the Com-*
14 *pact of Free Association as authorized by Public Law 99–*
15 *239: Provided further, That upon a determination by the*
16 *Secretary of the Army that such action is beneficial for*
17 *graduate medical education programs conducted at Army*
18 *medical facilities located in Hawaii, the Secretary of the*
19 *Army may authorize the provision of medical services at*
20 *such facilities and transportation to such facilities, on a*
21 *nonreimbursable basis, for civilian patients from American*
22 *Samoa, the Commonwealth of the Northern Mariana Is-*
23 *lands, the Marshall Islands, the Federated States of Micro-*
24 *nesia, Palau, and Guam.*

1 *SEC. 8012. (a) During the current fiscal year, the ci-*
2 *vilian personnel of the Department of Defense may not be*
3 *managed on the basis of any constraint or limitation in*
4 *terms of man years, end strength, full-time equivalent posi-*
5 *tions, or maximum number of employees, but are to be man-*
6 *aged solely on the basis of, and in a manner consistent*
7 *with—*

8 *(1) the total force management policies and pro-*
9 *cedures established under section 129a of title 10,*
10 *United States Code;*

11 *(2) the workload required to carry out the func-*
12 *tions and activities of the Department; and*

13 *(3) the funds made available to the Department*
14 *for such fiscal year.*

15 *(b) None of the funds appropriated by this Act may*
16 *be used to reduce the civilian workforce programmed full*
17 *time equivalent levels absent the appropriate analysis of the*
18 *impact of these reductions on workload, military force*
19 *structure, lethality, readiness, operational effectiveness,*
20 *stress on the military force, and fully burdened costs.*

21 *(c) A projection of the number of full-time equivalent*
22 *positions shall not be considered a constraint or limitation*
23 *for purposes of subsection (a) and reducing funding for*
24 *under-execution of such a projection shall not be considered*

1 *managing based on a constraint or limitation for purposes*
2 *of such subsection.*

3 *(d) The fiscal year 2024 budget request for the Depart-*
4 *ment of Defense, and any justification material and other*
5 *documentation supporting such a request, shall be prepared*
6 *and submitted to Congress as if subsections (a) and (b) were*
7 *effective with respect to such fiscal year.*

8 *(e) Nothing in this section shall be construed to apply*
9 *to military (civilian) technicians.*

10 *SEC. 8013. None of the funds made available by this*
11 *Act shall be used in any way, directly or indirectly, to in-*
12 *fluence congressional action on any legislation or appro-*
13 *priation matters pending before the Congress.*

14 *SEC. 8014. None of the funds available in this Act to*
15 *the Department of Defense, other than appropriations made*
16 *for necessary or routine refurbishments, upgrades, or main-*
17 *tenance activities, shall be used to reduce or to prepare to*
18 *reduce the number of deployed and non-deployed strategic*
19 *delivery vehicles and launchers below the levels set forth in*
20 *the report submitted to Congress in accordance with section*
21 *1042 of the National Defense Authorization Act for Fiscal*
22 *Year 2012.*

23 *(TRANSFER OF FUNDS)*

24 *SEC. 8015. (a) Funds appropriated in title III of this*
25 *Act for the Department of Defense Pilot Mentor-Protégé*

317

1 *Program may be transferred to any other appropriation*
2 *contained in this Act solely for the purpose of implementing*
3 *a Mentor-Protégé Program developmental assistance agree-*
4 *ment pursuant to section 831 of the National Defense Au-*
5 *thorization Act for Fiscal Year 1991 (Public Law 101–510;*
6 *10 U.S.C. 2302 note), as amended, under the authority of*
7 *this provision or any other transfer authority contained in*
8 *this Act.*

9 **(b)** *The Secretary of Defense shall include with the*
10 *budget justification documents in support of the budget for*
11 *fiscal year 2024 (as submitted to Congress pursuant to sec-*
12 *tion 1105 of title 31, United States Code) a description of*
13 *each transfer under this section that occurred during the*
14 *last fiscal year before the fiscal year in which such budget*
15 *is submitted.*

16 **SEC. 8016.** *None of the funds in this Act may be avail-*
17 *able for the purchase by the Department of Defense (and*
18 *its departments and agencies) of welded shipboard anchor*
19 *and mooring chain unless the anchor and mooring chain*
20 *are manufactured in the United States from components*
21 *which are substantially manufactured in the United States:*
22 *Provided, That for the purpose of this section, the term*
23 *“manufactured” shall include cutting, heat treating, qual-*
24 *ity control, testing of chain and welding (including the*
25 *forging and shot blasting process): Provided further, That*

1 *for the purpose of this section substantially all of the compo-*
2 *nents of anchor and mooring chain shall be considered to*
3 *be produced or manufactured in the United States if the*
4 *aggregate cost of the components produced or manufactured*
5 *in the United States exceeds the aggregate cost of the compo-*
6 *nents produced or manufactured outside the United States:*
7 *Provided further, That when adequate domestic supplies are*
8 *not available to meet Department of Defense requirements*
9 *on a timely basis, the Secretary of the Service responsible*
10 *for the procurement may waive this restriction on a case-*
11 *by-case basis by certifying in writing to the Committees on*
12 *Appropriations of the House of Representatives and the*
13 *Senate that such an acquisition must be made in order to*
14 *acquire capability for national security purposes.*

15 *SEC. 8017. None of the funds appropriated by this Act*
16 *shall be used for the support of any nonappropriated funds*
17 *activity of the Department of Defense that procures malt*
18 *beverages and wine with nonappropriated funds for resale*
19 *(including such alcoholic beverages sold by the drink) on*
20 *a military installation located in the United States unless*
21 *such malt beverages and wine are procured within that*
22 *State, or in the case of the District of Columbia, within*
23 *the District of Columbia, in which the military installation*
24 *is located: Provided, That, in a case in which the military*
25 *installation is located in more than one State, purchases*

1 *may be made in any State in which the installation is lo-*
2 *cated: Provided further, That such local procurement re-*
3 *quirements for malt beverages and wine shall apply to all*
4 *alcoholic beverages only for military installations in States*
5 *which are not contiguous with another State: Provided fur-*
6 *ther, That alcoholic beverages other than wine and malt bev-*
7 *erages, in contiguous States and the District of Columbia*
8 *shall be procured from the most competitive source, price*
9 *and other factors considered.*

10 *SEC. 8018. None of the funds available to the Depart-*
11 *ment of Defense may be used to demilitarize or dispose of*
12 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*
13 *rifles, .30 caliber rifles, or M-1911 pistols, or to demili-*
14 *tarize or destroy small arms ammunition or ammunition*
15 *components that are not otherwise prohibited from commer-*
16 *cial sale under Federal law, unless the small arms ammuni-*
17 *tion or ammunition components are certified by the Sec-*
18 *retary of the Army or designee as unserviceable or unsafe*
19 *for further use.*

20 *SEC. 8019. No more than \$500,000 of the funds appro-*
21 *priated or made available in this Act shall be used during*
22 *a single fiscal year for any single relocation of an organiza-*
23 *tion, unit, activity or function of the Department of Defense*
24 *into or within the National Capital Region: Provided, That*
25 *the Secretary of Defense may waive this restriction on a*

1 *case-by-case basis by certifying in writing to the congres-*
2 *sional defense committees that such a relocation is required*
3 *in the best interest of the Government.*

4 *SEC. 8020. In addition to the funds provided elsewhere*
5 *in this Act, \$25,000,000 is appropriated only for incentive*
6 *payments authorized by section 504 of the Indian Financ-*
7 *ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime*
8 *contractor or a subcontractor at any tier that makes a sub-*
9 *contract award to any subcontractor or supplier as defined*
10 *in section 1544 of title 25, United States Code, or a small*
11 *business owned and controlled by an individual or individ-*
12 *uals defined under section 4221(9) of title 25, United States*
13 *Code, shall be considered a contractor for the purposes of*
14 *being allowed additional compensation under section 504*
15 *of the Indian Financing Act of 1974 (25 U.S.C. 1544)*
16 *whenever the prime contract or subcontract amount is over*
17 *\$500,000 and involves the expenditure of funds appro-*
18 *priated by an Act making appropriations for the Depart-*
19 *ment of Defense with respect to any fiscal year: Provided*
20 *further, That notwithstanding section 1906 of title 41,*
21 *United States Code, this section shall be applicable to any*
22 *Department of Defense acquisition of supplies or services,*
23 *including any contract and any subcontract at any tier for*
24 *acquisition of commercial items produced or manufactured,*
25 *in whole or in part, by any subcontractor or supplier de-*

321

1 *fined in section 1544 of title 25, United States Code, or*
2 *a small business owned and controlled by an individual or*
3 *individuals defined under section 4221(9) of title 25,*
4 *United States Code.*

5 *SEC. 8021. (a) Notwithstanding any other provision*
6 *of law, the Secretary of the Air Force may convey at no*
7 *cost to the Air Force, without consideration, to Indian*
8 *tribes located in the States of Nevada, Idaho, North Dakota,*
9 *South Dakota, Montana, Oregon, Minnesota, and Wash-*
10 *ington relocatable military housing units located at Grand*
11 *Forks Air Force Base, Malmstrom Air Force Base, Moun-*
12 *tain Home Air Force Base, Ellsworth Air Force Base, and*
13 *Minot Air Force Base that are excess to the needs of the*
14 *Air Force.*

15 *(b) The Secretary of the Air Force shall convey, at no*
16 *cost to the Air Force, military housing units under sub-*
17 *section (a) in accordance with the request for such units*
18 *that are submitted to the Secretary by the Operation Walk-*
19 *ing Shield Program on behalf of Indian tribes located in*
20 *the States of Nevada, Idaho, North Dakota, South Dakota,*
21 *Montana, Oregon, Minnesota, and Washington. Any such*
22 *conveyance shall be subject to the condition that the housing*
23 *units shall be removed within a reasonable period of time,*
24 *as determined by the Secretary.*

322

1 (c) *The Operation Walking Shield Program shall re-*
2 *solve any conflicts among requests of Indian tribes for hous-*
3 *ing units under subsection (a) before submitting requests*
4 *to the Secretary of the Air Force under subsection (b).*

5 (d) *In this section, the term “Indian tribe” means any*
6 *recognized Indian tribe included on the current list pub-*
7 *lished by the Secretary of the Interior under section 104*
8 *of the Federally Recognized Indian Tribe Act of 1994 (Pub-*
9 *lic Law 103–454; 108 Stat. 4792; 25 U.S.C. 5131).*

10 *SEC. 8022. Of the funds appropriated to the Depart-*
11 *ment of Defense under the heading “Operation and Mainte-*
12 *nance, Defense-Wide”, not less than \$20,000,000 shall be*
13 *made available only for the mitigation of environmental*
14 *impacts, including training and technical assistance to*
15 *tribes, related administrative support, the gathering of in-*
16 *formation, documenting of environmental damage, and de-*
17 *veloping a system for prioritization of mitigation and cost*
18 *to complete estimates for mitigation, on Indian lands re-*
19 *sulting from Department of Defense activities.*

20 *SEC. 8023. Funds appropriated by this Act for the De-*
21 *fense Media Activity shall not be used for any national or*
22 *international political or psychological activities.*

23 *SEC. 8024. Of the amounts appropriated for “Working*
24 *Capital Fund, Army”, \$115,000,000 shall be available to*
25 *maintain competitive rates at the arsenals.*

1 *SEC. 8025. (a) Of the funds made available in this*
2 *Act, not less than \$64,800,000 shall be available for the*
3 *Civil Air Patrol Corporation, of which—*

4 *(1) \$51,300,000 shall be available from “Oper-*
5 *ation and Maintenance, Air Force” to support Civil*
6 *Air Patrol Corporation operation and maintenance,*
7 *readiness, counter-drug activities, and drug demand*
8 *reduction activities involving youth programs;*

9 *(2) \$11,600,000 shall be available from “Aircraft*
10 *Procurement, Air Force”; and*

11 *(3) \$1,900,000 shall be available from “Other*
12 *Procurement, Air Force” for vehicle procurement.*

13 *(b) The Secretary of the Air Force should waive reim-*
14 *bursement for any funds used by the Civil Air Patrol for*
15 *counter-drug activities in support of Federal, State, and*
16 *local government agencies.*

17 *SEC. 8026. (a) None of the funds appropriated in this*
18 *Act are available to establish a new Department of Defense*
19 *(department) federally funded research and development*
20 *center (FFRDC), either as a new entity, or as a separate*
21 *entity administrated by an organization managing another*
22 *FFRDC, or as a nonprofit membership corporation con-*
23 *sisting of a consortium of other FFRDCs and other non-*
24 *profit entities.*

1 (b) No member of a Board of Directors, Trustees, Over-
2 seers, Advisory Group, Special Issues Panel, Visiting Com-
3 mittee, or any similar entity of a defense FFRDC, and no
4 paid consultant to any defense FFRDC, except when acting
5 in a technical advisory capacity, may be compensated for
6 his or her services as a member of such entity, or as a paid
7 consultant by more than one FFRDC in a fiscal year: Pro-
8 vided, That a member of any such entity referred to pre-
9 viously in this subsection shall be allowed travel expenses
10 and per diem as authorized under the Federal Joint Travel
11 Regulations, when engaged in the performance of member-
12 ship duties.

13 (c) Notwithstanding any other provision of law, none
14 of the funds available to the department from any source
15 during the current fiscal year may be used by a defense
16 FFRDC, through a fee or other payment mechanism, for
17 construction of new buildings not located on a military in-
18 stallation, for payment of cost sharing for projects funded
19 by Government grants, for absorption of contract overruns,
20 or for certain charitable contributions, not to include em-
21 ployee participation in community service and/or develop-
22 ment.

23 (d) Notwithstanding any other provision of law, of the
24 funds available to the department during fiscal year 2023,
25 not more than \$2,788,107,000 may be funded for profes-

1 sional technical staff-related costs of the defense FFRDCs:
2 Provided, That within such funds, not more than
3 \$446,097,000 shall be available for the defense studies and
4 analysis FFRDCs: Provided further, That this subsection
5 shall not apply to staff years funded in the National Intel-
6 ligence Program and the Military Intelligence Program:
7 Provided further, That the Secretary of Defense shall, with
8 the submission of the department's fiscal year 2024 budget
9 request, submit a report presenting the specific amounts of
10 staff years of technical effort to be allocated for each defense
11 FFRDC by program during that fiscal year and the associ-
12 ated budget estimates, by appropriation account and pro-
13 gram.

14 (e) Notwithstanding any other provision of this Act,
15 the total amount appropriated in this Act for FFRDCs is
16 hereby reduced by \$129,893,000: Provided, That this sub-
17 section shall not apply to appropriations for the National
18 Intelligence Program and Military Intelligence Program.

19 SEC. 8027. For the purposes of this Act, the term “con-
20 gressional defense committees” means the Armed Services
21 Committee of the House of Representatives, the Armed Serv-
22 ices Committee of the Senate, the Subcommittee on Defense
23 of the Committee on Appropriations of the Senate, and the
24 Subcommittee on Defense of the Committee on Appropria-
25 tions of the House of Representatives.

1 *SEC. 8028. For the purposes of this Act, the term “con-*
2 *gressional intelligence committees” means the Permanent*
3 *Select Committee on Intelligence of the House of Represent-*
4 *atives, the Select Committee on Intelligence of the Senate,*
5 *the Subcommittee on Defense of the Committee on Appro-*
6 *priations of the House of Representatives, and the Sub-*
7 *committee on Defense of the Committee on Appropriations*
8 *of the Senate.*

9 *SEC. 8029. During the current fiscal year, the Depart-*
10 *ment of Defense may acquire the modification, depot main-*
11 *tenance and repair of aircraft, vehicles and vessels as well*
12 *as the production of components and other Defense-related*
13 *articles, through competition between Department of De-*
14 *fense depot maintenance activities and private firms: Pro-*
15 *vided, That the Senior Acquisition Executive of the military*
16 *department or Defense Agency concerned, with power of del-*
17 *egation, shall certify that successful bids include comparable*
18 *estimates of all direct and indirect costs for both public and*
19 *private bids: Provided further, That Office of Management*
20 *and Budget Circular A-76 shall not apply to competitions*
21 *conducted under this section.*

22 *SEC. 8030. (a) None of the funds appropriated in this*
23 *Act may be expended by an entity of the Department of*
24 *Defense unless the entity, in expending the funds, complies*
25 *with the Buy American Act. For purposes of this subsection,*

1 *the term “Buy American Act” means chapter 83 of title*
2 *41, United States Code.*

3 *(b) If the Secretary of Defense determines that a person*
4 *has been convicted of intentionally affixing a label bearing*
5 *a “Made in America” inscription to any product sold in*
6 *or shipped to the United States that is not made in Amer-*
7 *ica, the Secretary shall determine, in accordance with sec-*
8 *tion 4658 of title 10, United States Code, whether the person*
9 *should be debarred from contracting with the Department*
10 *of Defense.*

11 *(c) In the case of any equipment or products purchased*
12 *with appropriations provided under this Act, it is the sense*
13 *of the Congress that any entity of the Department of De-*
14 *fense, in expending the appropriation, purchase only Amer-*
15 *ican-made equipment and products, provided that Amer-*
16 *ican-made equipment and products are cost-competitive,*
17 *quality competitive, and available in a timely fashion.*

18 *SEC. 8031. None of the funds appropriated or made*
19 *available in this Act shall be used to procure carbon, alloy,*
20 *or armor steel plate for use in any Government-owned facil-*
21 *ity or property under the control of the Department of De-*
22 *fense which were not melted and rolled in the United States*
23 *or Canada: Provided, That these procurement restrictions*
24 *shall apply to any and all Federal Supply Class 9515,*
25 *American Society of Testing and Materials (ASTM) or*

1 *American Iron and Steel Institute (AISI) specifications of*
2 *carbon, alloy or armor steel plate: Provided further, That*
3 *the Secretary of the military department responsible for the*
4 *procurement may waive this restriction on a case-by-case*
5 *basis by certifying in writing to the Committees on Appro-*
6 *priations of the House of Representatives and the Senate*
7 *that adequate domestic supplies are not available to meet*
8 *Department of Defense requirements on a timely basis and*
9 *that such an acquisition must be made in order to acquire*
10 *capability for national security purposes: Provided further,*
11 *That these restrictions shall not apply to contracts which*
12 *are in being as of the date of the enactment of this Act.*

13 *SEC. 8032. (a)(1) If the Secretary of Defense, after con-*
14 *sultation with the United States Trade Representative, de-*
15 *termines that a foreign country which is party to an agree-*
16 *ment described in paragraph (2) has violated the terms of*
17 *the agreement by discriminating against certain types of*
18 *products produced in the United States that are covered by*
19 *the agreement, the Secretary of Defense shall rescind the*
20 *Secretary's blanket waiver of the Buy American Act with*
21 *respect to such types of products produced in that foreign*
22 *country.*

23 *(2) An agreement referred to in paragraph (1) is any*
24 *reciprocal defense procurement memorandum of under-*
25 *standing, between the United States and a foreign country*

1 *pursuant to which the Secretary of Defense has prospec-*
2 *tively waived the Buy American Act for certain products*
3 *in that country.*

4 *(b) The Secretary of Defense shall submit to the Con-*
5 *gress a report on the amount of Department of Defense pur-*
6 *chases from foreign entities in fiscal year 2023. Such report*
7 *shall separately indicate the dollar value of items for which*
8 *the Buy American Act was waived pursuant to any agree-*
9 *ment described in subsection (a)(2), the Trade Agreements*
10 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
11 *agreement to which the United States is a party.*

12 *(c) For purposes of this section, the term “Buy Amer-*
13 *ican Act” means chapter 83 of title 41, United States Code.*

14 *SEC. 8033. None of the funds appropriated by this Act*
15 *may be used for the procurement of ball and roller bearings*
16 *other than those produced by a domestic source and of do-*
17 *mestic origin: Provided, That the Secretary of the military*
18 *department responsible for such procurement may waive*
19 *this restriction on a case-by-case basis by certifying in writ-*
20 *ing to the Committees on Appropriations of the House of*
21 *Representatives and the Senate, that adequate domestic*
22 *supplies are not available to meet Department of Defense*
23 *requirements on a timely basis and that such an acquisition*
24 *must be made in order to acquire capability for national*
25 *security purposes: Provided further, That this restriction*

1 *shall not apply to the purchase of “commercial products”,*
2 *as defined by section 103 of title 41, United States Code,*
3 *except that the restriction shall apply to ball or roller bear-*
4 *ings purchased as end items.*

5 *SEC. 8034. In addition to any other funds made avail-*
6 *able for such purposes, there is appropriated \$93,500,000,*
7 *for an additional amount for the “National Defense Stock-*
8 *pile Transaction Fund”, to remain available until Sep-*
9 *tember 30, 2025, for activities pursuant to the Strategic and*
10 *Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.):*
11 *Provided, That none of the funds provided under this sec-*
12 *tion may be obligated or expended until 90 days after the*
13 *Secretary of Defense provides the Committees on Appro-*
14 *priations of the House of Representatives and the Senate*
15 *a detailed execution plan for such funds.*

16 *SEC. 8035. None of the funds in this Act may be used*
17 *to purchase any supercomputer which is not manufactured*
18 *in the United States, unless the Secretary of Defense cer-*
19 *tifies to the congressional defense committees that such an*
20 *acquisition must be made in order to acquire capability for*
21 *national security purposes that is not available from*
22 *United States manufacturers.*

23 *SEC. 8036. (a) The Secretary of Defense may, on a*
24 *case-by-case basis, waive with respect to a foreign country*
25 *each limitation on the procurement of defense items from*

331

1 *foreign sources provided in law if the Secretary determines*
2 *that the application of the limitation with respect to that*
3 *country would invalidate cooperative programs entered into*
4 *between the Department of Defense and the foreign country,*
5 *or would invalidate reciprocal trade agreements for the pro-*
6 *curement of defense items entered into under section 4851*
7 *of title 10, United States Code, and the country does not*
8 *discriminate against the same or similar defense items pro-*
9 *duced in the United States for that country.*

10 *(b) Subsection (a) applies with respect to—*

11 *(1) contracts and subcontracts entered into on or*
12 *after the date of the enactment of this Act; and*

13 *(2) options for the procurement of items that are*
14 *exercised after such date under contracts that are en-*
15 *tered into before such date if the option prices are ad-*
16 *justed for any reason other than the application of a*
17 *waiver granted under subsection (a).*

18 *(c) Subsection (a) does not apply to a limitation re-*
19 *garding construction of public vessels, ball and roller bear-*
20 *ings, food, and clothing or textile materials as defined by*
21 *section XI (chapters 50–65) of the Harmonized Tariff*
22 *Schedule of the United States and products classified under*
23 *headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019,*
24 *7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502*
25 *through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

332

1 *SEC. 8037. None of the funds made available in this*
2 *Act, or any subsequent Act making appropriations for the*
3 *Department of Defense, may be used for the purchase or*
4 *manufacture of a flag of the United States unless such flags*
5 *are treated as covered items under section 4862(b) of title*
6 *10, United States Code.*

7 *SEC. 8038. During the current fiscal year, amounts*
8 *contained in the Department of Defense Overseas Military*
9 *Facility Investment Recovery Account shall be available*
10 *until expended for the payments specified by section*
11 *2687a(b)(2) of title 10, United States Code.*

12 *SEC. 8039. During the current fiscal year, appropria-*
13 *tions which are available to the Department of Defense for*
14 *operation and maintenance may be used to purchase items*
15 *having an investment item unit cost of not more than*
16 *\$350,000: Provided, That upon determination by the Sec-*
17 *retary of Defense that such action is necessary to meet the*
18 *operational requirements of a Commander of a Combatant*
19 *Command engaged in a named contingency operation over-*
20 *seas, such funds may be used to purchase items having an*
21 *investment item unit cost of not more than \$500,000.*

22 *SEC. 8040. Up to \$13,720,000 of the funds appro-*
23 *priated under the heading “Operation and Maintenance,*
24 *Navy” may be made available for the Asia Pacific Regional*
25 *Initiative Program for the purpose of enabling the United*

333

1 *States Indo-Pacific Command to execute Theater Security*
2 *Cooperation activities such as humanitarian assistance,*
3 *and payment of incremental and personnel costs of training*
4 *and exercising with foreign security forces: Provided, That*
5 *funds made available for this purpose may be used, notwith-*
6 *standing any other funding authorities for humanitarian*
7 *assistance, security assistance or combined exercise ex-*
8 *penses: Provided further, That funds may not be obligated*
9 *to provide assistance to any foreign country that is other-*
10 *wise prohibited from receiving such type of assistance under*
11 *any other provision of law.*

12 *SEC. 8041. The Secretary of Defense shall issue regula-*
13 *tions to prohibit the sale of any tobacco or tobacco-related*
14 *products in military resale outlets in the United States, its*
15 *territories and possessions at a price below the most com-*
16 *petitive price in the local community: Provided, That such*
17 *regulations shall direct that the prices of tobacco or tobacco-*
18 *related products in overseas military retail outlets shall be*
19 *within the range of prices established for military retail*
20 *system stores located in the United States.*

21 *SEC. 8042. (a) During the current fiscal year, none*
22 *of the appropriations or funds available to the Department*
23 *of Defense Working Capital Funds shall be used for the pur-*
24 *chase of an investment item for the purpose of acquiring*
25 *a new inventory item for sale or anticipated sale during*

1 *the current fiscal year or a subsequent fiscal year to cus-*
2 *tomers of the Department of Defense Working Capital*
3 *Funds if such an item would not have been chargeable to*
4 *the Department of Defense Business Operations Fund dur-*
5 *ing fiscal year 1994 and if the purchase of such an invest-*
6 *ment item would be chargeable during the current fiscal*
7 *year to appropriations made to the Department of Defense*
8 *for procurement.*

9 (b) *The fiscal year 2024 budget request for the Depart-*
10 *ment of Defense as well as all justification material and*
11 *other documentation supporting the fiscal year 2024 De-*
12 *partment of Defense budget shall be prepared and submitted*
13 *to the Congress on the basis that any equipment which was*
14 *classified as an end item and funded in a procurement ap-*
15 *propriation contained in this Act shall be budgeted for in*
16 *a proposed fiscal year 2024 procurement appropriation and*
17 *not in the supply management business area or any other*
18 *area or category of the Department of Defense Working*
19 *Capital Funds.*

20 SEC. 8043. *None of the funds appropriated by this Act*
21 *for programs of the Central Intelligence Agency shall re-*
22 *main available for obligation beyond the current fiscal year,*
23 *except for funds appropriated for the Reserve for Contin-*
24 *gencies, which shall remain available until September 30,*
25 *2024: Provided, That funds appropriated, transferred, or*

335

1 *otherwise credited to the Central Intelligence Agency Cen-*
2 *tral Services Working Capital Fund during this or any*
3 *prior or subsequent fiscal year shall remain available until*
4 *expended: Provided further, That any funds appropriated*
5 *or transferred to the Central Intelligence Agency for ad-*
6 *vanced research and development acquisition, for agent op-*
7 *erations, and for covert action programs authorized by the*
8 *President under section 503 of the National Security Act*
9 *of 1947 (50 U.S.C. 3093) shall remain available until Sep-*
10 *tember 30, 2024: Provided further, That any funds appro-*
11 *priated or transferred to the Central Intelligence Agency for*
12 *the construction, improvement, or alteration of facilities,*
13 *including leased facilities, to be used primarily by per-*
14 *sonnel of the intelligence community, shall remain available*
15 *until September 30, 2025.*

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8044. *Of the funds appropriated in this Act*
18 *under the heading “Operation and Maintenance, Defense-*
19 *Wide”, \$47,000,000 shall be for continued implementation*
20 *and expansion of the Sexual Assault Special Victims’ Coun-*
21 *sel Program: Provided, That the funds are made available*
22 *for transfer to the Department of the Army, the Department*
23 *of the Navy, and the Department of the Air Force: Provided*
24 *further, That funds transferred shall be merged with and*
25 *available for the same purposes and for the same time pe-*

1 *riod as the appropriations to which the funds are trans-*
2 *ferred: Provided further, That this transfer authority is in*
3 *addition to any other transfer authority provided in this*
4 *Act.*

5 *SEC. 8045. (a) Except as provided in subsections (b)*
6 *and (c), none of the funds made available by this Act may*
7 *be used—*

8 *(1) to establish a field operating agency; or*

9 *(2) to pay the basic pay of a member of the*
10 *Armed Forces or civilian employee of the department*
11 *who is transferred or reassigned from a headquarters*
12 *activity if the member or employee's place of duty re-*
13 *mains at the location of that headquarters.*

14 *(b) The Secretary of Defense or Secretary of a military*
15 *department may waive the limitations in subsection (a),*
16 *on a case-by-case basis, if the Secretary determines, and cer-*
17 *tifies to the Committees on Appropriations of the House of*
18 *Representatives and the Senate that the granting of the*
19 *waiver will reduce the personnel requirements or the finan-*
20 *cial requirements of the department.*

21 *(c) This section does not apply to—*

22 *(1) field operating agencies funded within the*
23 *National Intelligence Program;*

24 *(2) an Army field operating agency established*
25 *to eliminate, mitigate, or counter the effects of impro-*

1 *vised explosive devices, and, as determined by the Sec-*
2 *retary of the Army, other similar threats;*

3 *(3) an Army field operating agency established*
4 *to improve the effectiveness and efficiencies of biomet-*
5 *ric activities and to integrate common biometric tech-*
6 *nologies throughout the Department of Defense; or*

7 *(4) an Air Force field operating agency estab-*
8 *lished to administer the Air Force Mortuary Affairs*
9 *Program and Mortuary Operations for the Depart-*
10 *ment of Defense and authorized Federal entities.*

11 *SEC. 8046. (a) None of the funds appropriated by this*
12 *Act shall be available to convert to contractor performance*
13 *an activity or function of the Department of Defense that,*
14 *on or after the date of the enactment of this Act, is per-*
15 *formed by Department of Defense civilian employees un-*
16 *less—*

17 *(1) the conversion is based on the result of a pub-*
18 *lic-private competition that includes a most efficient*
19 *and cost effective organization plan developed by such*
20 *activity or function;*

21 *(2) the Competitive Sourcing Official determines*
22 *that, over all performance periods stated in the solici-*
23 *tation of offers for performance of the activity or*
24 *function, the cost of performance of the activity or*
25 *function by a contractor would be less costly to the*

1 *Department of Defense by an amount that equals or*
2 *exceeds the lesser of—*

3 *(A) 10 percent of the most efficient organi-*
4 *zation's personnel-related costs for performance*
5 *of that activity or function by Federal employ-*
6 *ees; or*

7 *(B) \$10,000,000; and*

8 *(3) the contractor does not receive an advantage*
9 *for a proposal that would reduce costs for the Depart-*
10 *ment of Defense by—*

11 *(A) not making an employer-sponsored*
12 *health insurance plan available to the workers*
13 *who are to be employed in the performance of*
14 *that activity or function under the contract; or*

15 *(B) offering to such workers an employer-*
16 *sponsored health benefits plan that requires the*
17 *employer to contribute less towards the premium*
18 *or subscription share than the amount that is*
19 *paid by the Department of Defense for health*
20 *benefits for civilian employees under chapter 89*
21 *of title 5, United States Code.*

22 *(b)(1) The Department of Defense, without regard to*
23 *subsection (a) of this section or subsection (a), (b), or (c)*
24 *of section 2461 of title 10, United States Code, and notwith-*
25 *standing any administrative regulation, requirement, or*

1 *policy to the contrary shall have full authority to enter into*
2 *a contract for the performance of any commercial or indus-*
3 *trial type function of the Department of Defense that—*

4 *(A) is included on the procurement list estab-*
5 *lished pursuant to section 2 of the Javits-Wagner-*
6 *O'Day Act (section 8503 of title 41, United States*
7 *Code);*

8 *(B) is planned to be converted to performance by*
9 *a qualified nonprofit agency for the blind or by a*
10 *qualified nonprofit agency for other severely handi-*
11 *capped individuals in accordance with that Act; or*

12 *(C) is planned to be converted to performance by*
13 *a qualified firm under at least 51 percent ownership*
14 *by an Indian tribe, as defined in section 4(e) of the*
15 *Indian Self-Determination and Education Assistance*
16 *Act (25 U.S.C. 450b(e)), or a Native Hawaiian Orga-*
17 *nization, as defined in section 8(a)(15) of the Small*
18 *Business Act (15 U.S.C. 637(a)(15)).*

19 *(2) This section shall not apply to depot contracts or*
20 *contracts for depot maintenance as provided in sections*
21 *2469 and 2474 of title 10, United States Code.*

22 *(c) The conversion of any activity or function of the*
23 *Department of Defense under the authority provided by this*
24 *section shall be credited toward any competitive or out-*
25 *sourcing goal, target, or measurement that may be estab-*

340

1 *lished by statute, regulation, or policy and is deemed to*
2 *be awarded under the authority of, and in compliance with,*
3 *subsection (h) of section 2304 of title 10, United States*
4 *Code, for the competition or outsourcing of commercial ac-*
5 *tivities.*

6 *(RESCISSIONS)*

7 *SEC. 8047. Of the funds appropriated in Department*
8 *of Defense Appropriations Acts, the following funds are*
9 *hereby rescinded from the following accounts and programs*
10 *in the specified amounts: Provided, That no amounts may*
11 *be rescinded from amounts that were designated by the Con-*
12 *gress as an emergency requirement pursuant to a concur-*
13 *rent resolution on the budget or the Balanced Budget and*
14 *Emergency Deficit Control Act of 1985:*

15 *“Aircraft Procurement, Army”, 2021/2023,*
16 *\$7,300,000;*

17 *“Other Procurement, Army”, 2021/2023,*
18 *\$3,177,000;*

19 *“Aircraft Procurement, Air Force”, 2021/2023,*
20 *\$115,804,000;*

21 *“Operation and Maintenance, Defense-Wide”,*
22 *2022/2023, \$105,000,000;*

23 *“Counter-ISIS Train and Equip Fund”, 2022/*
24 *2023, \$65,000,000;*

341

1 *“Aircraft Procurement, Army”, 2022/2024,*
2 *\$9,437,000;*

3 *“Other Procurement, Army”, 2022/2024,*
4 *\$71,544,000;*

5 *“Shipbuilding and Conversion, Navy: CVN Re-*
6 *fueling Overhauls”, 2022/2026, \$191,000,000;*

7 *“Shipbuilding and Conversion, Navy: Service*
8 *Craft”, 2022/2026, \$6,092,000;*

9 *“Aircraft Procurement, Air Force”, 2022/2024,*
10 *\$205,568,000;*

11 *“Other Procurement, Air Force”, 2022/2024,*
12 *\$9,100,000;*

13 *“Procurement, Space Force”, 2022/2024,*
14 *\$7,000,000;*

15 *“Research, Development, Test and Evaluation,*
16 *Army”, 2022/2023, \$26,700,000;*

17 *“Research, Development, Test and Evaluation,*
18 *Air Force”, 2022/2023, \$117,727,000;*

19 *“Research, Development, Test and Evaluation,*
20 *Space Force”, 2022/2023, \$113,400,000; and*

21 *“Defense Counterintelligence and Security Agen-*
22 *cy Working Capital Fund”, XXXX/XXXX,*
23 *\$30,000,000.*

24 *SEC. 8048. None of the funds available in this Act may*
25 *be used to reduce the authorized positions for military tech-*

1 *nicians (dual status) of the Army National Guard, Air Na-*
2 *tional Guard, Army Reserve and Air Force Reserve for the*
3 *purpose of applying any administratively imposed civilian*
4 *personnel ceiling, freeze, or reduction on military techni-*
5 *cians (dual status), unless such reductions are a direct re-*
6 *sult of a reduction in military force structure.*

7 *SEC. 8049. None of the funds appropriated or other-*
8 *wise made available in this Act may be obligated or ex-*
9 *pended for assistance to the Democratic People's Republic*
10 *of Korea unless specifically appropriated for that purpose:*
11 *Provided, That this restriction shall not apply to any ac-*
12 *tivities incidental to the Defense POW/MIA Accounting*
13 *Agency mission to recover and identify the remains of*
14 *United States Armed Forces personnel from the Democratic*
15 *People's Republic of Korea.*

16 *SEC. 8050. Funds appropriated in this Act for oper-*
17 *ation and maintenance of the Military Departments, Com-*
18 *batant Commands and Defense Agencies shall be available*
19 *for reimbursement of pay, allowances and other expenses*
20 *which would otherwise be incurred against appropriations*
21 *for the National Guard and Reserve when members of the*
22 *National Guard and Reserve provide intelligence or coun-*
23 *terintelligence support to Combatant Commands, Defense*
24 *Agencies and Joint Intelligence Activities, including the ac-*
25 *tivities and programs included within the National Intel-*

1 *ligence Program and the Military Intelligence Program:*
2 *Provided, That nothing in this section authorizes deviation*
3 *from established Reserve and National Guard personnel and*
4 *training procedures.*

5 *SEC. 8051. (a) None of the funds available to the De-*
6 *partment of Defense for any fiscal year for drug interdic-*
7 *tion or counter-drug activities may be transferred to any*
8 *other department or agency of the United States except as*
9 *specifically provided in an appropriations law.*

10 *(b) None of the funds available to the Central Intel-*
11 *ligence Agency for any fiscal year for drug interdiction or*
12 *counter-drug activities may be transferred to any other de-*
13 *partment or agency of the United States except as specifi-*
14 *cally provided in an appropriations law.*

15 *SEC. 8052. In addition to the amounts appropriated*
16 *or otherwise made available elsewhere in this Act,*
17 *\$49,000,000 is hereby appropriated to the Department of*
18 *Defense: Provided, That upon the determination of the Sec-*
19 *retary of Defense that it shall serve the national interest,*
20 *the Secretary shall make grants in the amounts specified*
21 *as follows: \$24,000,000 to the United Service Organizations*
22 *and \$25,000,000 to the Red Cross.*

23 *SEC. 8053. Notwithstanding any other provision in*
24 *this Act, the Small Business Innovation Research program*
25 *and the Small Business Technology Transfer program set-*

1 *asides shall be taken proportionally from all programs,*
2 *projects, or activities to the extent they contribute to the*
3 *extramural budget. The Secretary of each military depart-*
4 *ment, the Director of each Defense Agency, and the head*
5 *of each other relevant component of the Department of De-*
6 *fense shall submit to the congressional defense committees,*
7 *concurrent with submission of the budget justification docu-*
8 *ments to Congress pursuant to section 1105 of title 31,*
9 *United States Code, a report with a detailed accounting*
10 *of the Small Business Innovation Research program and*
11 *the Small Business Technology Transfer program set-asides*
12 *taken from programs, projects, or activities within such de-*
13 *partment, agency, or component during the most recently*
14 *completed fiscal year.*

15 *SEC. 8054. None of the funds available to the Depart-*
16 *ment of Defense under this Act shall be obligated or ex-*
17 *pended to pay a contractor under a contract with the De-*
18 *partment of Defense for costs of any amount paid by the*
19 *contractor to an employee when—*

20 *(1) such costs are for a bonus or otherwise in ex-*
21 *cess of the normal salary paid by the contractor to the*
22 *employee; and*

23 *(2) such bonus is part of restructuring costs asso-*
24 *ciated with a business combination.*

345

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8055. During the current fiscal year, no more
3 than \$30,000,000 of appropriations made in this Act under
4 the heading “Operation and Maintenance, Defense-Wide”
5 may be transferred to appropriations available for the pay
6 of military personnel, to be merged with, and to be available
7 for the same time period as the appropriations to which
8 transferred, to be used in support of such personnel in con-
9 nection with support and services for eligible organizations
10 and activities outside the Department of Defense pursuant
11 to section 2012 of title 10, United States Code.

12 SEC. 8056. During the current fiscal year, in the case
13 of an appropriation account of the Department of Defense
14 for which the period of availability for obligation has ex-
15 pired or which has closed under the provisions of section
16 1552 of title 31, United States Code, and which has a nega-
17 tive unliquidated or unexpended balance, an obligation or
18 an adjustment of an obligation may be charged to any cur-
19 rent appropriation account for the same purpose as the ex-
20 pired or closed account if—

21 (1) the obligation would have been properly
22 chargeable (except as to amount) to the expired or
23 closed account before the end of the period of avail-
24 ability or closing of that account;

346

1 (2) *the obligation is not otherwise properly*
2 *chargeable to any current appropriation account of*
3 *the Department of Defense; and*

4 (3) *in the case of an expired account, the obliga-*
5 *tion is not chargeable to a current appropriation of*
6 *the Department of Defense under the provisions of sec-*
7 *tion 1405(b)(8) of the National Defense Authorization*
8 *Act for Fiscal Year 1991, Public Law 101–510, as*
9 *amended (31 U.S.C. 1551 note): Provided, That in*
10 *the case of an expired account, if subsequent review*
11 *or investigation discloses that there was not in fact a*
12 *negative unliquidated or unexpended balance in the*
13 *account, any charge to a current account under the*
14 *authority of this section shall be reversed and re-*
15 *corded against the expired account: Provided further,*
16 *That the total amount charged to a current appro-*
17 *priation under this section may not exceed an*
18 *amount equal to 1 percent of the total appropriation*
19 *for that account:*

20 *Provided, That the Under Secretary of Defense (Comp-*
21 *troller) shall include with the budget of the President for*
22 *fiscal year 2024 (as submitted to Congress pursuant to sec-*
23 *tion 1105 of title 31, United States Code) a statement de-*
24 *scribing each instance if any, during each of the fiscal years*

1 *2016 through 2023 in which the authority in this section*
2 *was exercised.*

3 *SEC. 8057. (a) Notwithstanding any other provision*
4 *of law, the Chief of the National Guard Bureau may permit*
5 *the use of equipment of the National Guard Distance Learn-*
6 *ing Project by any person or entity on a space-available,*
7 *reimbursable basis. The Chief of the National Guard Bu-*
8 *reau shall establish the amount of reimbursement for such*
9 *use on a case-by-case basis.*

10 *(b) Amounts collected under subsection (a) shall be*
11 *credited to funds available for the National Guard Distance*
12 *Learning Project and be available to defray the costs associ-*
13 *ated with the use of equipment of the project under that*
14 *subsection. Such funds shall be available for such purposes*
15 *without fiscal year limitation.*

16 *SEC. 8058. (a) None of the funds appropriated or oth-*
17 *erwise made available by this or prior Acts may be obli-*
18 *gated or expended to retire, prepare to retire, or place in*
19 *storage or on backup aircraft inventory status any C-40*
20 *aircraft.*

21 *(b) The limitation under subsection (a) shall not apply*
22 *to an individual C-40 aircraft that the Secretary of the*
23 *Air Force determines, on a case-by-case basis, to be no*
24 *longer mission capable due to a Class A mishap.*

1 (c) If the Secretary determines under subsection (b)
2 that an aircraft is no longer mission capable, the Secretary
3 shall submit to the congressional defense committees a cer-
4 tification in writing that the status of such aircraft is due
5 to a Class A mishap and not due to lack of maintenance,
6 repairs, or other reasons.

7 (d) Not later than 90 days after the date of the enact-
8 ment of this Act, the Secretary of Defense shall submit to
9 the congressional defense committees a report on the nec-
10 essary steps taken by the Department of Defense to meet
11 the travel requirements for official or representational du-
12 ties of members of Congress and the Cabinet in fiscal years
13 2023 and 2024.

14 SEC. 8059. (a) None of the funds appropriated in title
15 IV of this Act may be used to procure end-items for delivery
16 to military forces for operational training, operational use,
17 or inventory requirements: Provided, That this restriction
18 does not apply to end-items used in development, proto-
19 typing in accordance with an approved test strategy, and
20 test activities preceding and leading to acceptance for oper-
21 ational use.

22 (b) If the number of end-items budgeted with funds ap-
23 propriated in title IV of this Act exceeds the number re-
24 quired in an approved test strategy, the Under Secretary
25 of Defense (Research and Engineering) and the Under Sec-

1 *retary of Defense (Acquisition and Sustainment), in coordi-*
2 *nation with the responsible Service Acquisition Executive,*
3 *shall certify in writing to the congressional defense commit-*
4 *tees that there is a bonafide need for the additional end-*
5 *items at the time of submittal to Congress of the budget*
6 *of the President for fiscal year 2024 pursuant to section*
7 *1105 of title 31, United States Code: Provided, That this*
8 *restriction does not apply to programs funded within the*
9 *National Intelligence Program.*

10 *(c) The Secretary of Defense shall, at the time of the*
11 *submittal to Congress of the budget of the President for fis-*
12 *cal year 2024 pursuant to section 1105 of title 31, United*
13 *States Code, submit to the congressional defense committees*
14 *a report detailing the use of funds requested in research,*
15 *development, test and evaluation accounts for end-items*
16 *used in development, prototyping and test activities pre-*
17 *ceding and leading to acceptance for operational use: Pro-*
18 *vided, That the report shall set forth, for each end item cov-*
19 *ered by the preceding proviso, a detailed list of the statutory*
20 *authorities under which amounts in the accounts described*
21 *in that proviso were used for such item: Provided further,*
22 *That the Secretary of Defense shall, at the time of the sub-*
23 *mittal to Congress of the budget of the President for fiscal*
24 *year 2024 pursuant to section 1105 of title 31, United*
25 *States Code, submit to the congressional defense committees*

350

1 *a certification that funds requested for fiscal year 2024 in*
2 *research, development, test and evaluation accounts are in*
3 *compliance with this section: Provided further, That the*
4 *Secretary of Defense may waive this restriction on a case-*
5 *by-case basis by certifying in writing to the Committees on*
6 *Appropriations of the House of Representatives and the*
7 *Senate that it is in the national security interest to do so.*

8 *SEC. 8060. None of the funds appropriated or other-*
9 *wise made available by this or other Department of Defense*
10 *Appropriations Acts may be obligated or expended for the*
11 *purpose of performing repairs or maintenance to military*
12 *family housing units of the Department of Defense, includ-*
13 *ing areas in such military family housing units that may*
14 *be used for the purpose of conducting official Department*
15 *of Defense business.*

16 *SEC. 8061. Notwithstanding any other provision of*
17 *law, funds appropriated in this Act under the heading “Re-*
18 *search, Development, Test and Evaluation, Defense-Wide”*
19 *for any new start defense innovation acceleration or rapid*
20 *prototyping program demonstration project with a value of*
21 *more than \$5,000,000 may only be obligated 15 days after*
22 *a report, including a description of the project, the planned*
23 *acquisition and transition strategy and its estimated an-*
24 *nual and total cost, has been provided in writing to the*
25 *congressional defense committees: Provided, That the Sec-*

351

1 *retary of Defense may waive this restriction on a case-by-*
2 *case basis by certifying to the congressional defense commit-*
3 *tees that it is in the national interest to do so.*

4 *SEC. 8062. The Secretary of Defense shall continue to*
5 *provide a classified quarterly report to the Committees on*
6 *Appropriations of the House of Representatives and the*
7 *Senate, Subcommittees on Defense on certain matters as di-*
8 *rected in the classified annex accompanying this Act.*

9 *SEC. 8063. Notwithstanding section 12310(b) of title*
10 *10, United States Code, a Reserve who is a member of the*
11 *National Guard serving on full-time National Guard duty*
12 *under section 502(f) of title 32, United States Code, may*
13 *perform duties in support of the ground-based elements of*
14 *the National Ballistic Missile Defense System.*

15 *SEC. 8064. None of the funds provided in this Act may*
16 *be used to transfer to any nongovernmental entity ammuni-*
17 *tion held by the Department of Defense that has a center-*
18 *fire cartridge and a United States military nomenclature*
19 *designation of “armor penetrator”, “armor piercing (AP)”,*
20 *“armor piercing incendiary (API)”, or “armor-piercing in-*
21 *cendiary tracer (API-T)”, except to an entity performing*
22 *demilitarization services for the Department of Defense*
23 *under a contract that requires the entity to demonstrate to*
24 *the satisfaction of the Department of Defense that armor*
25 *piercing projectiles are either: (1) rendered incapable of*

1 *reuse by the demilitarization process; or (2) used to manu-*
2 *facture ammunition pursuant to a contract with the De-*
3 *partment of Defense or the manufacture of ammunition for*
4 *export pursuant to a License for Permanent Export of Un-*
5 *classified Military Articles issued by the Department of*
6 *State.*

7 *SEC. 8065. Notwithstanding any other provision of*
8 *law, the Chief of the National Guard Bureau, or their des-*
9 *ignee, may waive payment of all or part of the consider-*
10 *ation that otherwise would be required under section 2667*
11 *of title 10, United States Code, in the case of a lease of*
12 *personal property for a period not in excess of 1 year to*
13 *any organization specified in section 508(d) of title 32,*
14 *United States Code, or any other youth, social, or fraternal*
15 *nonprofit organization as may be approved by the Chief*
16 *of the National Guard Bureau, or their designee, on a case-*
17 *by-case basis.*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *SEC. 8066. Of the amounts appropriated in this Act*
20 *under the heading “Operation and Maintenance, Army”,*
21 *\$158,967,374 shall remain available until expended: Pro-*
22 *vided, That, notwithstanding any other provision of law,*
23 *the Secretary of Defense is authorized to transfer such funds*
24 *to other activities of the Federal Government: Provided fur-*
25 *ther, That the Secretary of Defense is authorized to enter*

1 *into and carry out contracts for the acquisition of real*
2 *property, construction, personal services, and operations re-*
3 *lated to projects carrying out the purposes of this section:*
4 *Provided further, That contracts entered into under the au-*
5 *thority of this section may provide for such indemnification*
6 *as the Secretary determines to be necessary: Provided fur-*
7 *ther, That projects authorized by this section shall comply*
8 *with applicable Federal, State, and local law to the max-*
9 *imum extent consistent with the national security, as deter-*
10 *mined by the Secretary of Defense.*

11 *SEC. 8067. (a) None of the funds appropriated in this*
12 *or any other Act may be used to take any action to mod-*
13 *ify—*

14 *(1) the appropriations account structure for the*
15 *National Intelligence Program budget, including*
16 *through the creation of a new appropriation or new*
17 *appropriation account;*

18 *(2) how the National Intelligence Program budg-*
19 *et request is presented in the unclassified P–1, R–1,*
20 *and O–1 documents supporting the Department of*
21 *Defense budget request;*

22 *(3) the process by which the National Intelligence*
23 *Program appropriations are apportioned to the exe-*
24 *cuting agencies; or*

1 (4) *the process by which the National Intelligence*
2 *Program appropriations are allotted, obligated and*
3 *disbursed.*

4 (b) *Nothing in subsection (a) shall be construed to pro-*
5 *hibit the merger of programs or changes to the National*
6 *Intelligence Program budget at or below the Expenditure*
7 *Center level, provided such change is otherwise in accord-*
8 *ance with paragraphs (1)–(3) of subsection (a).*

9 (c) *The Director of National Intelligence and the Sec-*
10 *retary of Defense may jointly, only for the purposes of*
11 *achieving auditable financial statements and improving fis-*
12 *cal reporting, study and develop detailed proposals for al-*
13 *ternative financial management processes. Such study shall*
14 *include a comprehensive counterintelligence risk assessment*
15 *to ensure that none of the alternative processes will ad-*
16 *versely affect counterintelligence.*

17 (d) *Upon development of the detailed proposals defined*
18 *under subsection (c), the Director of National Intelligence*
19 *and the Secretary of Defense shall—*

20 (1) *provide the proposed alternatives to all af-*
21 *ected agencies;*

22 (2) *receive certification from all affected agencies*
23 *attesting that the proposed alternatives will help*
24 *achieve auditability, improve fiscal reporting, and*
25 *will not adversely affect counterintelligence; and*

1 (3) not later than 30 days after receiving all nec-
2 essary certifications under paragraph (2), present the
3 proposed alternatives and certifications to the con-
4 gressional defense and intelligence committees.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8068. In addition to amounts made available
7 elsewhere in this Act, \$200,000,000 is hereby appropriated
8 to the Department of Defense and made available for trans-
9 fer to operation and maintenance accounts, procurement
10 accounts, and research, development, test and evaluation ac-
11 counts only for those efforts by the United States Africa
12 Command or United States Southern Command to expand
13 cooperation or improve the capabilities of our allies and
14 partners in their areas of operation: Provided, That none
15 of the funds provided under this section may be obligated
16 or expended until 60 days after the Secretary of Defense
17 provides to the congressional defense committees an execu-
18 tion plan: Provided further, That not less than 30 days
19 prior to any transfer of funds, the Secretary of Defense shall
20 notify the congressional defense committees of the details of
21 any such transfer: Provided further, That upon transfer, the
22 funds shall be merged with and available for the same pur-
23 poses, and for the same time period, as the appropriation
24 to which transferred: Provided further, That the transfer

356

1 *authority provided under this section is in addition to any*
2 *other transfer authority provided elsewhere in this Act.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 8069. During the current fiscal year, not to ex-*
5 *ceed \$11,000,000 from each of the appropriations made in*
6 *title II of this Act for “Operation and Maintenance, Army”,*
7 *“Operation and Maintenance, Navy”, and “Operation and*
8 *Maintenance, Air Force” may be transferred by the mili-*
9 *tary department concerned to its central fund established*
10 *for Fisher Houses and Suites pursuant to section 2493(d)*
11 *of title 10, United States Code.*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *SEC. 8070. Of the amounts appropriated for “Oper-*
14 *ation and Maintenance, Navy”, up to \$1,000,000 shall be*
15 *available for transfer to the John C. Stennis Center for Pub-*
16 *lic Service Development Trust Fund established under sec-*
17 *tion 116 of the John C. Stennis Center for Public Service*
18 *Training and Development Act (2 U.S.C. 1105).*

19 *SEC. 8071. None of the funds available to the Depart-*
20 *ment of Defense may be obligated to modify command and*
21 *control relationships to give Fleet Forces Command oper-*
22 *ational and administrative control of United States Navy*
23 *forces assigned to the Pacific fleet: Provided, That the com-*
24 *mand and control relationships which existed on October*
25 *1, 2004, shall remain in force until a written modification*

1 *has been proposed to the Committees on Appropriations of*
2 *the House of Representatives and the Senate: Provided fur-*
3 *ther, That the proposed modification may be implemented*
4 *30 days after the notification unless an objection is received*
5 *from either the House or Senate Appropriations Commit-*
6 *tees: Provided further, That any proposed modification*
7 *shall not preclude the ability of the commander of United*
8 *States Indo-Pacific Command to meet operational require-*
9 *ments.*

10 *SEC. 8072. Any notice that is required to be submitted*
11 *to the Committees on Appropriations of the House of Rep-*
12 *resentatives and the Senate under section 3601 of title 10,*
13 *United States Code, as added by section 804(a) of the James*
14 *M. Inhofe National Defense Authorization Act for Fiscal*
15 *Year 2023, after the date of the enactment of this Act shall*
16 *be submitted pursuant to that requirement concurrently to*
17 *the Subcommittees on Defense of the Committees on Appro-*
18 *priations of the House of Representatives and the Senate.*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *SEC. 8073. Of the amounts appropriated in this Act*
21 *under the headings “Procurement, Defense-Wide” and “Re-*
22 *search, Development, Test and Evaluation, Defense-Wide”,*
23 *\$500,000,000 shall be for the Israeli Cooperative Programs:*
24 *Provided, That of this amount, \$80,000,000 shall be for the*
25 *Secretary of Defense to provide to the Government of Israel*

1 *for the procurement of the Iron Dome defense system to*
2 *counter short-range rocket threats, subject to the U.S.-Israel*
3 *Iron Dome Procurement Agreement, as amended;*
4 *\$127,000,000 shall be for the Short Range Ballistic Missile*
5 *Defense (SRBMD) program, including cruise missile de-*
6 *fense research and development under the SRBMD pro-*
7 *gram; \$40,000,000 shall be for co-production activities of*
8 *SRBMD systems in the United States and in Israel to meet*
9 *Israel's defense requirements consistent with each nation's*
10 *laws, regulations, and procedures, subject to the U.S.-Israeli*
11 *co-production agreement for SRBMD, as amended;*
12 *\$80,000,000 shall be for an upper-tier component to the*
13 *Israeli Missile Defense Architecture, of which \$80,000,000*
14 *shall be for co-production activities of Arrow 3 Upper Tier*
15 *systems in the United States and in Israel to meet Israel's*
16 *defense requirements consistent with each nation's laws,*
17 *regulations, and procedures, subject to the U.S.-Israeli co-*
18 *production agreement for Arrow 3 Upper Tier, as amended;*
19 *and \$173,000,000 shall be for the Arrow System Improve-*
20 *ment Program including development of a long range,*
21 *ground and airborne, detection suite: Provided further,*
22 *That the transfer authority provided under this provision*
23 *is in addition to any other transfer authority contained in*
24 *this Act.*

359

1 *SEC. 8074. Of the amounts appropriated in this Act*
2 *under the heading “Shipbuilding and Conversion, Navy”,*
3 *\$1,312,646,000 shall be available until September 30, 2023,*
4 *to fund prior year shipbuilding cost increases for the fol-*
5 *lowing programs:*

6 *(1) Under the heading “Shipbuilding and Con-*
7 *version, Navy”, 2013/2023: Carrier Replacement Pro-*
8 *gram, \$461,700,000;*

9 *(2) Under the heading “Shipbuilding and Con-*
10 *version, Navy”, 2015/2023: Virginia Class Submarine*
11 *Program, \$46,060,000;*

12 *(3) Under the heading “Shipbuilding and Con-*
13 *version, Navy”, 2015/2023: DDG–51 Destroyer,*
14 *\$30,231,000;*

15 *(4) Under the heading “Shipbuilding and Con-*
16 *version, Navy”, 2015/2023: Littoral Combat Ship,*
17 *\$4,250,000;*

18 *(5) Under the heading “Shipbuilding and Con-*
19 *version, Navy”, 2016/2023: DDG–51 Destroyer,*
20 *\$24,238,000;*

21 *(6) Under the heading “Shipbuilding and Con-*
22 *version, Navy”, 2016/2023: Virginia Class Submarine*
23 *Program, \$58,642,000;*

360

1 (7) *Under the heading “Shipbuilding and Con-*
2 *version, Navy”, 2016/2023: TAO Fleet Oiler,*
3 *\$9,200,000;*

4 (8) *Under the heading “Shipbuilding and Con-*
5 *version, Navy”, 2016/2023: Littoral Combat Ship,*
6 *\$18,000,000;*

7 (9) *Under the heading “Shipbuilding and Con-*
8 *version, Navy”, 2016/2023: CVN Refueling Overhauls,*
9 *\$62,000,000;*

10 (10) *Under the heading “Shipbuilding and Con-*
11 *version, Navy”, 2016/2023: Towing, Salvage, and*
12 *Rescue Ship Program, \$1,750,000;*

13 (11) *Under the heading “Shipbuilding and Con-*
14 *version, Navy”, 2017/2023: DDG–51 Destroyer,*
15 *\$168,178,000;*

16 (12) *Under the heading “Shipbuilding and Con-*
17 *version, Navy”, 2017/2023: LPD–17, \$17,739,000;*

18 (13) *Under the heading “Shipbuilding and Con-*
19 *version, Navy”, 2017/2023: LHA Replacement Pro-*
20 *gram, \$19,300,000;*

21 (14) *Under the heading “Shipbuilding and Con-*
22 *version, Navy”, 2017/2023: Littoral Combat Ship,*
23 *\$29,030,000;*

361

1 (15) *Under the heading “Shipbuilding and Con-*
2 *version, Navy”, 2018/2023: DDG–51 Destroyer,*
3 *\$5,930,000;*

4 (16) *Under the heading “Shipbuilding and Con-*
5 *version, Navy”, 2018/2023: Littoral Combat Ship,*
6 *\$9,538,000;*

7 (17) *Under the heading “Shipbuilding and Con-*
8 *version, Navy”, 2018/2023: TAO Fleet Oiler,*
9 *\$12,500,000;*

10 (18) *Under the heading “Shipbuilding and Con-*
11 *version, Navy”, 2018/2023: Towing, Salvage, and*
12 *Rescue Ship Program, \$2,800,000;*

13 (19) *Under the heading “Shipbuilding and Con-*
14 *version, Navy”, 2019/2023: Littoral Combat Ship,*
15 *\$6,983,000;*

16 (20) *Under the heading “Shipbuilding and Con-*
17 *version, Navy”, 2019/2023: TAO Fleet Oiler,*
18 *\$106,400,000;*

19 (21) *Under the heading “Shipbuilding and Con-*
20 *version, Navy”, 2019/2023: Towing, Salvage, and*
21 *Rescue Ship Program, \$2,450,000;*

22 (22) *Under the heading “Shipbuilding and Con-*
23 *version, Navy”, 2021/2023: Virginia Class Submarine*
24 *Program, \$200,000,000; and*

362

1 (23) *Under the heading “Shipbuilding and Con-*
2 *version, Navy”, 2021/2023: Towing, Salvage, and*
3 *Rescue Ship Program, \$15,727,000.*

4 *SEC. 8075. Funds appropriated by this Act, or made*
5 *available by the transfer of funds in this Act, for intelligence*
6 *activities and intelligence-related activities not otherwise*
7 *authorized in the Intelligence Authorization Act for Fiscal*
8 *Year 2023 are deemed to be specifically authorized by the*
9 *Congress for purposes of section 504 of the National Secu-*
10 *rity Act of 1947 (50 U.S.C. 3094).*

11 *SEC. 8076. None of the funds provided in this Act shall*
12 *be available for obligation or expenditure through a re-*
13 *programming of funds that creates or initiates a new pro-*
14 *gram, project, or activity unless such program, project, or*
15 *activity must be undertaken immediately in the interest of*
16 *national security and only after written prior notification*
17 *to the congressional defense committees.*

18 *SEC. 8077. In addition to amounts provided elsewhere*
19 *in this Act, \$5,000,000 is hereby appropriated to the De-*
20 *partment of Defense, to remain available for obligation*
21 *until expended: Provided, That notwithstanding any other*
22 *provision of law, that upon the determination of the Sec-*
23 *retary of Defense that it shall serve the national interest,*
24 *these funds shall be available only for a grant to the Fisher*
25 *House Foundation, Inc., only for the construction and fur-*

363

1 *nishing of additional Fisher Houses to meet the needs of*
2 *military family members when confronted with the illness*
3 *or hospitalization of an eligible military beneficiary.*

4 *SEC. 8078. None of the funds in this Act may be used*
5 *for research, development, test, evaluation, procurement or*
6 *deployment of nuclear armed interceptors of a missile de-*
7 *fense system.*

8 *SEC. 8079. None of the funds made available by this*
9 *Act may be obligated or expended for the purpose of decom-*
10 *missioning the USS Fort Worth, the USS Wichita, the USS*
11 *Billings, the USS Indianapolis, or the USS St. Louis.*

12 *SEC. 8080. None of the funds appropriated or made*
13 *available in this Act shall be used to reduce or disestablish*
14 *the operation of the 53rd Weather Reconnaissance Squad-*
15 *ron of the Air Force Reserve, if such action would reduce*
16 *the WC-130 Weather Reconnaissance mission below the lev-*
17 *els funded in this Act: Provided, That the Air Force shall*
18 *allow the 53rd Weather Reconnaissance Squadron to per-*
19 *form other missions in support of national defense require-*
20 *ments during the non-hurricane season.*

21 *SEC. 8081. None of the funds provided in this Act shall*
22 *be available for integration of foreign intelligence informa-*
23 *tion unless the information has been lawfully collected and*
24 *processed during the conduct of authorized foreign intel-*
25 *ligence activities: Provided, That information pertaining to*

1 *United States persons shall only be handled in accordance*
2 *with protections provided in the Fourth Amendment of the*
3 *United States Constitution as implemented through Execu-*
4 *tive Order No. 12333.*

5 *SEC. 8082. (a) None of the funds appropriated by this*
6 *Act may be used to transfer research and development, ac-*
7 *quisition, or other program authority relating to current*
8 *tactical unmanned aerial vehicles (TUAVs) from the Army.*

9 *(b) The Army shall retain responsibility for and oper-*
10 *ational control of the MQ-1C Gray Eagle Unmanned Aerial*
11 *Vehicle (UAV) in order to support the Secretary of Defense*
12 *in matters relating to the employment of unmanned aerial*
13 *vehicles.*

14 *SEC. 8083. None of the funds appropriated by this Act*
15 *for programs of the Office of the Director of National Intel-*
16 *ligence shall remain available for obligation beyond the cur-*
17 *rent fiscal year, except for funds appropriated for research*
18 *and technology, which shall remain available until Sep-*
19 *tember 30, 2024, and except for funds appropriated for the*
20 *purchase of real property, which shall remain available*
21 *until September 30, 2025.*

22 *SEC. 8084. For purposes of section 1553(b) of title 31,*
23 *United States Code, any subdivision of appropriations*
24 *made in this Act under the heading “Shipbuilding and*
25 *Conversion, Navy” shall be considered to be for the same*

1 *purpose as any subdivision under the heading “Ship-*
2 *building and Conversion, Navy” appropriations in any*
3 *prior fiscal year, and the 1 percent limitation shall apply*
4 *to the total amount of the appropriation.*

5 *SEC. 8085. (a) Not later than 60 days after the date*
6 *of enactment of this Act, the Director of National Intel-*
7 *ligence shall submit a report to the congressional intel-*
8 *ligence committees to establish the baseline for application*
9 *of reprogramming and transfer authorities for fiscal year*
10 *2023: Provided, That the report shall include—*

11 *(1) a table for each appropriation with a sepa-*
12 *rate column to display the President’s budget request,*
13 *adjustments made by Congress, adjustments due to*
14 *enacted rescissions, if appropriate, and the fiscal year*
15 *enacted level;*

16 *(2) a delineation in the table for each appropria-*
17 *tion by Expenditure Center and project; and*

18 *(3) an identification of items of special congres-*
19 *sional interest.*

20 *(b) None of the funds provided for the National Intel-*
21 *ligence Program in this Act shall be available for re-*
22 *programming or transfer until the report identified in sub-*
23 *section (a) is submitted to the congressional intelligence*
24 *committees, unless the Director of National Intelligence cer-*
25 *tifies in writing to the congressional intelligence committees*

1 *that such reprogramming or transfer is necessary as an*
2 *emergency requirement.*

3 *SEC. 8086. Any transfer of amounts appropriated to*
4 *the Department of Defense Acquisition Workforce Develop-*
5 *ment Account in or for fiscal year 2023 to a military de-*
6 *partment or Defense Agency pursuant to section 1705(e)(1)*
7 *of title 10, United States Code, shall be covered by and sub-*
8 *ject to section 8005 of this Act.*

9 *SEC. 8087. (a) None of the funds provided for the Na-*
10 *tional Intelligence Program in this or any prior appropria-*
11 *tions Act shall be available for obligation or expenditure*
12 *through a reprogramming or transfer of funds in accord-*
13 *ance with section 102A(d) of the National Security Act of*
14 *1947 (50 U.S.C. 3024(d)) that—*

15 *(1) creates a new start effort;*

16 *(2) terminates a program with appropriated*
17 *funding of \$10,000,000 or more;*

18 *(3) transfers funding into or out of the National*
19 *Intelligence Program; or*

20 *(4) transfers funding between appropriations,*
21 *unless the congressional intelligence committees are*
22 *notified 30 days in advance of such reprogramming*
23 *of funds; this notification period may be reduced for*
24 *urgent national security requirements.*

1 (b) None of the funds provided for the National Intel-
2 ligence Program in this or any prior appropriations Act
3 shall be available for obligation or expenditure through a
4 reprogramming or transfer of funds in accordance with sec-
5 tion 102A(d) of the National Security Act of 1947 (50
6 U.S.C. 3024(d)) that results in a cumulative increase or
7 decrease of the levels specified in the classified annex accom-
8 panying the Act unless the congressional intelligence com-
9 mittees are notified 30 days in advance of such reprogram-
10 ming of funds; this notification period may be reduced for
11 urgent national security requirements.

12 SEC. 8088. (a) Any agency receiving funds made
13 available in this Act, shall, subject to subsections (b) and
14 (c), post on the public Web site of that agency any report
15 required to be submitted by the Congress in this or any
16 other Act, upon the determination by the head of the agency
17 that it shall serve the national interest.

18 (b) Subsection (a) shall not apply to a report if—

19 (1) the public posting of the report compromises
20 national security; or

21 (2) the report contains proprietary information.

22 (c) The head of the agency posting such report shall
23 do so only after such report has been made available to the
24 requesting Committee or Committees of Congress for no less
25 than 45 days.

1 *SEC. 8089. (a) None of the funds appropriated or oth-*
2 *erwise made available by this Act may be expended for any*
3 *Federal contract for an amount in excess of \$1,000,000, un-*
4 *less the contractor agrees not to—*

5 *(1) enter into any agreement with any of its em-*
6 *ployees or independent contractors that requires, as a*
7 *condition of employment, that the employee or inde-*
8 *pendent contractor agree to resolve through arbitra-*
9 *tion any claim under title VII of the Civil Rights Act*
10 *of 1964 or any tort related to or arising out of sexual*
11 *assault or harassment, including assault and battery,*
12 *intentional infliction of emotional distress, false im-*
13 *prisonment, or negligent hiring, supervision, or reten-*
14 *tion; or*

15 *(2) take any action to enforce any provision of*
16 *an existing agreement with an employee or inde-*
17 *pendent contractor that mandates that the employee*
18 *or independent contractor resolve through arbitration*
19 *any claim under title VII of the Civil Rights Act of*
20 *1964 or any tort related to or arising out of sexual*
21 *assault or harassment, including assault and battery,*
22 *intentional infliction of emotional distress, false im-*
23 *prisonment, or negligent hiring, supervision, or reten-*
24 *tion.*

1 (b) None of the funds appropriated or otherwise made
2 available by this Act may be expended for any Federal con-
3 tract unless the contractor certifies that it requires each cov-
4 ered subcontractor to agree not to enter into, and not to
5 take any action to enforce any provision of, any agreement
6 as described in paragraphs (1) and (2) of subsection (a),
7 with respect to any employee or independent contractor per-
8 forming work related to such subcontract. For purposes of
9 this subsection, a “covered subcontractor” is an entity that
10 has a subcontract in excess of \$1,000,000 on a contract sub-
11 ject to subsection (a).

12 (c) The prohibitions in this section do not apply with
13 respect to a contractor’s or subcontractor’s agreements with
14 employees or independent contractors that may not be en-
15 forced in a court of the United States.

16 (d) The Secretary of Defense may waive the applica-
17 tion of subsection (a) or (b) to a particular contractor or
18 subcontractor for the purposes of a particular contract or
19 subcontract if the Secretary or the Deputy Secretary per-
20 sonally determines that the waiver is necessary to avoid
21 harm to national security interests of the United States,
22 and that the term of the contract or subcontract is not
23 longer than necessary to avoid such harm. The determina-
24 tion shall set forth with specificity the grounds for the waiv-
25 er and for the contract or subcontract term selected, and

370

1 *shall state any alternatives considered in lieu of a waiver*
2 *and the reasons each such alternative would not avoid harm*
3 *to national security interests of the United States. The Sec-*
4 *retary of Defense shall transmit to Congress, and simulta-*
5 *neously make public, any determination under this sub-*
6 *section not less than 15 business days before the contract*
7 *or subcontract addressed in the determination may be*
8 *awarded.*

9 (INCLUDING TRANSFER OF FUNDS)

10 *SEC. 8090. From within the funds appropriated for*
11 *operation and maintenance for the Defense Health Program*
12 *in this Act, up to \$168,000,000, shall be available for trans-*
13 *fer to the Joint Department of Defense-Department of Vet-*
14 *erans Affairs Medical Facility Demonstration Fund in ac-*
15 *cordance with the provisions of section 1704 of the National*
16 *Defense Authorization Act for Fiscal Year 2010, Public Law*
17 *111–84: Provided, That for purposes of section 1704(b), the*
18 *facility operations funded are operations of the integrated*
19 *Captain James A. Lovell Federal Health Care Center, con-*
20 *sisting of the North Chicago Veterans Affairs Medical Cen-*
21 *ter, the Navy Ambulatory Care Center, and supporting fa-*
22 *cilities designated as a combined Federal medical facility*
23 *as described by section 706 of Public Law 110–417: Pro-*
24 *vided further, That additional funds may be transferred*
25 *from funds appropriated for operation and maintenance for*

1 *the Defense Health Program to the Joint Department of De-*
2 *fense-Department of Veterans Affairs Medical Facility*
3 *Demonstration Fund upon written notification by the Sec-*
4 *retary of Defense to the Committees on Appropriations of*
5 *the House of Representatives and the Senate.*

6 *SEC. 8091. None of the funds appropriated or other-*
7 *wise made available by this Act may be used by the Depart-*
8 *ment of Defense or a component thereof in contravention*
9 *of the provisions of section 130h of title 10, United States*
10 *Code.*

11 *SEC. 8092. Appropriations available to the Depart-*
12 *ment of Defense may be used for the purchase of heavy and*
13 *light armored vehicles for the physical security of personnel*
14 *or for force protection purposes up to a limit of \$450,000*
15 *per vehicle, notwithstanding price or other limitations ap-*
16 *plicable to the purchase of passenger carrying vehicles.*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *SEC. 8093. Upon a determination by the Director of*
19 *National Intelligence that such action is necessary and in*
20 *the national interest, the Director may, with the approval*
21 *of the Office of Management and Budget, transfer not to*
22 *exceed \$1,500,000,000 of the funds made available in this*
23 *Act for the National Intelligence Program: Provided, That*
24 *such authority to transfer may not be used unless for higher*
25 *priority items, based on unforeseen intelligence require-*

1 ments, than those for which originally appropriated and
2 in no case where the item for which funds are requested
3 has been denied by the Congress: Provided further, That a
4 request for multiple reprogrammings of funds using author-
5 ity provided in this section shall be made prior to June
6 30, 2023.

7 SEC. 8094. Of the amounts appropriated in this Act
8 for “Shipbuilding and Conversion, Navy”, \$133,000,000, to
9 remain available for obligation until September 30, 2027,
10 may be used for the purchase of two used sealift vessels for
11 the National Defense Reserve Fleet, established under sec-
12 tion 11 of the Merchant Ship Sales Act of 1946 (46 U.S.C.
13 57100): Provided, That such amounts are available for re-
14 imbursements to the Ready Reserve Force, Maritime Ad-
15 ministration account of the United States Department of
16 Transportation for programs, projects, activities, and ex-
17 penses related to the National Defense Reserve Fleet: Pro-
18 vided further, That notwithstanding section 2218 of title 10,
19 United States Code, none of these funds shall be transferred
20 to the National Defense Sealift Fund for execution.

21 SEC. 8095. The Secretary of Defense shall post grant
22 awards on a public website in a searchable format.

23 SEC. 8096. None of the funds made available by this
24 Act may be used by the National Security Agency to—

373

1 (1) conduct an acquisition pursuant to section
2 702 of the Foreign Intelligence Surveillance Act of
3 1978 for the purpose of targeting a United States per-
4 son; or

5 (2) acquire, monitor, or store the contents (as
6 such term is defined in section 2510(8) of title 18,
7 United States Code) of any electronic communication
8 of a United States person from a provider of elec-
9 tronic communication services to the public pursuant
10 to section 501 of the Foreign Intelligence Surveillance
11 Act of 1978.

12 SEC. 8097. None of the funds made available in this
13 or any other Act may be used to pay the salary of any
14 officer or employee of any agency funded by this Act who
15 approves or implements the transfer of administrative re-
16 sponsibilities or budgetary resources of any program,
17 project, or activity financed by this Act to the jurisdiction
18 of another Federal agency not financed by this Act without
19 the express authorization of Congress: Provided, That this
20 limitation shall not apply to transfers of funds expressly
21 provided for in Defense Appropriations Acts, or provisions
22 of Acts providing supplemental appropriations for the De-
23 partment of Defense.

24 SEC. 8098. Of the amounts appropriated in this Act
25 for “Operation and Maintenance, Navy”, \$589,325,000, to

1 *remain available until expended, may be used for any pur-*
2 *poses related to the National Defense Reserve Fleet estab-*
3 *lished under section 11 of the Merchant Ship Sales Act of*
4 *1946 (46 U.S.C. 57100): Provided, That such amounts are*
5 *available for reimbursements to the Ready Reserve Force,*
6 *Maritime Administration account of the United States De-*
7 *partment of Transportation for programs, projects, activi-*
8 *ties, and expenses related to the National Defense Reserve*
9 *Fleet.*

10 *SEC. 8099. None of the funds made available by this*
11 *Act may be used for Government Travel Charge Card ex-*
12 *penses by military or civilian personnel of the Department*
13 *of Defense for gaming, or for entertainment that includes*
14 *topless or nude entertainers or participants, as prohibited*
15 *by Department of Defense FMR, Volume 9, Chapter 3 and*
16 *Department of Defense Instruction 1015.10 (enclosure 3,*
17 *14a and 14b).*

18 *SEC. 8100. (a) None of the funds provided in this Act*
19 *for the TAO Fleet Oiler program shall be used to award*
20 *a new contract that provides for the acquisition of the fol-*
21 *lowing components unless those components are manufac-*
22 *tured in the United States: Auxiliary equipment (including*
23 *pumps) for shipboard services; propulsion equipment (in-*
24 *cluding engines, reduction gears, and propellers); shipboard*

1 cranes; spreaders for shipboard cranes; and anchor chains,
2 specifically for the seventh and subsequent ships of the fleet.

3 (b) None of the funds provided in this Act for the
4 FFG(X) Frigate program shall be used to award a new con-
5 tract that provides for the acquisition of the following com-
6 ponents unless those components are manufactured in the
7 United States: Air circuit breakers; gyrocompasses; elec-
8 tronic navigation chart systems; steering controls; pumps;
9 propulsion and machinery control systems; totally enclosed
10 lifeboats; auxiliary equipment pumps; shipboard cranes;
11 auxiliary chill water systems; and propulsion propellers:
12 Provided, That the Secretary of the Navy shall incorporate
13 United States manufactured propulsion engines and pro-
14 pulsion reduction gears into the FFG(X) Frigate program
15 beginning not later than with the eleventh ship of the pro-
16 gram.

17 SEC. 8101. None of the funds provided in this Act for
18 requirements development, performance specification devel-
19 opment, concept design and development, ship configura-
20 tion development, systems engineering, naval architecture,
21 marine engineering, operations research analysis, industry
22 studies, preliminary design, development of the Detailed
23 Design and Construction Request for Proposals solicitation
24 package, or related activities for the T-ARC(X) Cable Lay-
25 ing and Repair Ship or the T-AGOS(X) Oceanographic

1 *Surveillance Ship may be used to award a new contract*
2 *for such activities unless these contracts include specifica-*
3 *tions that all auxiliary equipment, including pumps and*
4 *propulsion shafts, are manufactured in the United States.*

5 *SEC. 8102. No amounts credited or otherwise made*
6 *available in this or any other Act to the Department of De-*
7 *fense Acquisition Workforce Development Account may be*
8 *transferred to:*

9 *(1) the Rapid Prototyping Fund established*
10 *under section 804(d) of the National Defense Author-*
11 *ization Act for Fiscal Year 2016 (10 U.S.C. 2302*
12 *note); or*

13 *(2) credited to a military-department specific*
14 *fund established under section 804(d)(2) of the Na-*
15 *tional Defense Authorization Act for Fiscal Year 2016*
16 *(as amended by section 897 of the National Defense*
17 *Authorization Act for Fiscal Year 2017).*

18 *SEC. 8103. From funds made available in title II of*
19 *this Act, the Secretary of Defense may purchase for use by*
20 *military and civilian employees of the Department of De-*
21 *fense in the United States Central Command area of re-*
22 *sponsibility: (1) passenger motor vehicles up to a limit of*
23 *\$75,000 per vehicle; and (2) heavy and light armored vehi-*
24 *cles for the physical security of personnel or for force protec-*
25 *tion purposes up to a limit of \$450,000 per vehicle, notwith-*

1 *standing price or other limitations applicable to the pur-*
2 *chase of passenger carrying vehicles.*

3 *SEC. 8104. (a) None of the funds made available in*
4 *this Act may be used to maintain or establish a computer*
5 *network unless such network is designed to block access to*
6 *pornography websites.*

7 *(b) Nothing in subsection (a) shall limit the use of*
8 *funds necessary for any Federal, State, tribal, or local law*
9 *enforcement agency or any other entity carrying out crimi-*
10 *nal investigations, prosecution, or adjudication activities,*
11 *or for any activity necessary for the national defense, in-*
12 *cluding intelligence activities.*

13 *SEC. 8105. None of the funds provided for, or otherwise*
14 *made available, in this or any other Act, may be obligated*
15 *or expended by the Secretary of Defense to provide motor-*
16 *ized vehicles, aviation platforms, munitions other than*
17 *small arms and munitions appropriate for customary cere-*
18 *monial honors, operational military units, or operational*
19 *military platforms if the Secretary determines that pro-*
20 *viding such units, platforms, or equipment would under-*
21 *mine the readiness of such units, platforms, or equipment.*

22 *SEC. 8106. (a) None of the funds made available by*
23 *this or any other Act may be used to enter into a contract,*
24 *memorandum of understanding, or cooperative agreement*
25 *with, make a grant to, or provide a loan or loan guarantee*

1 *to any corporation that has any unpaid Federal tax liabil-*
2 *ity that has been assessed, for which all judicial and admin-*
3 *istrative remedies have been exhausted or have lapsed, and*
4 *that is not being paid in a timely manner pursuant to an*
5 *agreement with the authority responsible for collecting such*
6 *tax liability, provided that the applicable Federal agency*
7 *is aware of the unpaid Federal tax liability.*

8 (b) *Subsection (a) shall not apply if the applicable*
9 *Federal agency has considered suspension or debarment of*
10 *the corporation described in such subsection and has made*
11 *a determination that such suspension or debarment is not*
12 *necessary to protect the interests of the Federal Government.*

13 SEC. 8107. (a) *Amounts appropriated under title IV*
14 *of this Act, as detailed in budget activity eight of the “Ex-*
15 *planation of Project Level Adjustments” tables in the ex-*
16 *planatory statement regarding this Act, may be used for*
17 *expenses for the agile research, development, test and eval-*
18 *uation, procurement, production, modification, and oper-*
19 *ation and maintenance, only for the following Software and*
20 *Digital Technology Pilot programs—*

21 (1) *Defensive CYBER (PE 0608041A);*

22 (2) *Risk Management Information (PE*
23 *0608013N);*

24 (3) *Maritime Tactical Command and Control*
25 *(PE 0608231N);*

1 (4) *Space Command & Control (PE*
2 *1208248SF)*;

3 (5) *National Background Investigation Services*
4 *(PE 0608197V)*;

5 (6) *Global Command and Control System (PE*
6 *0303150K)*; and

7 (7) *Acquisition Visibility (PE 0608648D8Z)*.

8 (b) *None of the funds appropriated by this or prior*
9 *Department of Defense Appropriations Acts may be obli-*
10 *gated or expended to initiate additional Software and Dig-*
11 *ital Technology Pilot Programs in fiscal year 2023.*

12 SEC. 8108. *In addition to amounts provided elsewhere*
13 *in this Act, there is appropriated \$686,500,000, for an ad-*
14 *ditional amount for “Operation and Maintenance, Defense-*
15 *Wide”, to remain available until expended: Provided, That*
16 *such funds shall only be available to the Secretary of De-*
17 *fense, acting through the Office of Local Defense Community*
18 *Cooperation of the Department of Defense, or for transfer*
19 *to the Secretary of Education, notwithstanding any other*
20 *provision of law, to make grants, conclude cooperative*
21 *agreements, or supplement other Federal funds to construct,*
22 *renovate, repair, or expand elementary and secondary pub-*
23 *lic schools on military installations in order to address ca-*
24 *pacities or facility condition deficiencies at such schools: Pro-*
25 *vided further, That in making such funds available, the Of-*

1 *fice of Local Defense Community Cooperation or the Sec-*
2 *retary of Education shall give priority consideration to*
3 *those military installations with schools having the most*
4 *serious capacity or facility condition deficiencies as deter-*
5 *mined by the Secretary of Defense: Provided further, That*
6 *as a condition of receiving funds under this section a local*
7 *educational agency or State shall provide a matching share*
8 *as described in the notice titled “Department of Defense*
9 *Program for Construction, Renovation, Repair or Expan-*
10 *sion of Public Schools Located on Military Installations”*
11 *published by the Department of Defense in the Federal Reg-*
12 *ister on September 9, 2011 (76 Fed. Reg. 55883 et seq.):*
13 *Provided further, That these provisions apply to funds pro-*
14 *vided under this section, and to funds previously provided*
15 *by Congress to construct, renovate, repair, or expand ele-*
16 *mentary and secondary public schools on military installa-*
17 *tions in order to address capacity or facility condition defi-*
18 *ciencies at such schools to the extent such funds remain un-*
19 *obligated on the date of enactment of this section.*

20 *SEC. 8109. None of the funds made available in this*
21 *Act may be used in contravention of the following laws en-*
22 *acted or regulations promulgated to implement the United*
23 *Nations Convention Against Torture and Other Cruel, In-*
24 *human or Degrading Treatment or Punishment (done at*
25 *New York on December 10, 1984):*

381

1 (1) *Section 2340A of title 18, United States*
2 *Code.*

3 (2) *Section 2242 of the Foreign Affairs Reform*
4 *and Restructuring Act of 1998 (division G of Public*
5 *Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231*
6 *note) and regulations prescribed thereto, including*
7 *regulations under part 208 of title 8, Code of Federal*
8 *Regulations, and part 95 of title 22, Code of Federal*
9 *Regulations.*

10 (3) *Sections 1002 and 1003 of the Department of*
11 *Defense, Emergency Supplemental Appropriations to*
12 *Address Hurricanes in the Gulf of Mexico, and Pan-*
13 *demic Influenza Act, 2006 (Public Law 109–148).*

14 *SEC. 8110. Of the amounts appropriated in this Act*
15 *under the heading “Operation and Maintenance, Defense-*
16 *Wide”, for the Defense Security Cooperation Agency,*
17 *\$300,000,000, to remain available until September 30,*
18 *2024, shall be for the Ukraine Security Assistance Initia-*
19 *tive: Provided, That such funds shall be available to the Sec-*
20 *retary of Defense, with the concurrence of the Secretary of*
21 *State, to provide assistance, including training; equipment;*
22 *lethal assistance; logistics support, supplies and services;*
23 *salaries and stipends; sustainment; and intelligence support*
24 *to the military and national security forces of Ukraine, and*
25 *to other forces or groups recognized by and under the au-*

1 *thority of the Government of Ukraine, including govern-*
2 *mental entities within Ukraine, engaged in resisting Rus-*
3 *sian aggression against Ukraine, for replacement of any*
4 *weapons or articles provided to the Government of Ukraine*
5 *from the inventory of the United States, and to recover or*
6 *dispose of equipment procured using funds made available*
7 *in this section in this or prior Acts: Provided further, That*
8 *the Secretary of Defense shall, not less than 15 days prior*
9 *to obligating funds made available in this section, notify*
10 *the congressional defense committees in writing of the de-*
11 *tails of any such obligation: Provided further, That the Sec-*
12 *retary of Defense shall, not more than 60 days after such*
13 *notification is made, inform such committees if such funds*
14 *have not been obligated and the reasons therefor: Provided*
15 *further, That the Secretary of Defense shall consult with*
16 *such committees in advance of the provision of support pro-*
17 *vided to other forces or groups recognized by and under the*
18 *authority of the Government of Ukraine: Provided further,*
19 *That the United States may accept equipment procured*
20 *using funds made available in this section in this or prior*
21 *Acts transferred to the security forces of Ukraine and re-*
22 *turned by such forces to the United States: Provided further,*
23 *That equipment procured using funds made available in*
24 *this section in this or prior Acts, and not yet transferred*
25 *to the military or national security forces of Ukraine or*

1 *to other assisted entities, or returned by such forces or other*
2 *assisted entities to the United States, may be treated as*
3 *stocks of the Department of Defense upon written notifica-*
4 *tion to the congressional defense committees: Provided fur-*
5 *ther, That the Secretary of Defense shall provide quarterly*
6 *reports to the congressional defense committees on the use*
7 *and status of funds made available in this section.*

8 *SEC. 8111. During the current fiscal year, the Depart-*
9 *ment of Defense is authorized to incur obligations of not*
10 *to exceed \$350,000,000 for purposes specified in section*
11 *2350j(c) of title 10, United States Code, in anticipation of*
12 *receipt of contributions, only from the Government of Ku-*
13 *wait, under that section: Provided, That, such contributions*
14 *shall, upon receipt, be credited to the appropriations or*
15 *fund which incurred such obligations.*

16 *SEC. 8112. Of the amounts appropriated in this Act*
17 *under the heading “Operation and Maintenance, Defense-*
18 *Wide”, for the Defense Security Cooperation Agency,*
19 *\$1,510,260,000, to remain available until September 30,*
20 *2024, shall be available for International Security Coopera-*
21 *tion Programs and other programs to provide support and*
22 *assistance to foreign security forces or other groups or indi-*
23 *viduals to conduct, support or facilitate counterterrorism,*
24 *crisis response, or building partner capacity programs:*
25 *Provided, That the Secretary of Defense shall, not less than*

1 15 days prior to obligating funds made available in this
2 section, notify the congressional defense committees in writ-
3 ing of the details of any planned obligation: Provided fur-
4 ther, That the Secretary of Defense shall provide quarterly
5 reports to the Committees on Appropriations of the House
6 of Representatives and the Senate on the use and status of
7 funds made available in this section.

8 SEC. 8113. Of the amounts appropriated in this Act
9 under the heading “Operation and Maintenance, Defense-
10 Wide”, for the Defense Security Cooperation Agency,
11 \$410,000,000, to remain available until September 30,
12 2024, shall be available to reimburse Jordan, Lebanon,
13 Egypt, Tunisia, and Oman under section 1226 of the Na-
14 tional Defense Authorization Act for Fiscal Year 2016 (22
15 U.S.C. 2151 note), for enhanced border security, of which
16 not less than \$150,000,000 shall be for Jordan: Provided,
17 That the Secretary of Defense shall, not less than 15 days
18 prior to obligating funds made available in this section, no-
19 tify the congressional defense committees in writing of the
20 details of any planned obligation and the nature of the ex-
21 penses incurred: Provided further, That the Secretary of De-
22 fense shall provide quarterly reports to the Committees on
23 Appropriations of the House of Representatives and the
24 Senate on the use and status of funds made available in
25 this section.

385

1 *SEC. 8114. None of the funds made available by this*
2 *Act may be used in contravention of the War Powers Reso-*
3 *lution (50 U.S.C. 1541 et seq.).*

4 *SEC. 8115. None of the funds made available by this*
5 *Act for excess defense articles, assistance under section 333*
6 *of title 10, United States Code, or peacekeeping operations*
7 *for the countries designated annually to be in violation of*
8 *the standards of the Child Soldiers Prevention Act of 2008*
9 *(Public Law 110–457; 22 U.S.C. 2370c–1) may be used to*
10 *support any military training or operation that includes*
11 *child soldiers, as defined by the Child Soldiers Prevention*
12 *Act of 2008, unless such assistance is otherwise permitted*
13 *under section 404 of the Child Soldiers Prevention Act of*
14 *2008.*

15 *SEC. 8116. None of the funds made available by this*
16 *Act may be made available for any member of the Taliban.*

17 *SEC. 8117. Notwithstanding any other provision of*
18 *law, any transfer of funds, appropriated or otherwise made*
19 *available by this Act, for support to friendly foreign coun-*
20 *tries in connection with the conduct of operations in which*
21 *the United States is not participating, pursuant to section*
22 *331(d) of title 10, United States Code, shall be made in*
23 *accordance with section 8005 of this Act.*

24 *SEC. 8118. (a) None of the funds appropriated or oth-*
25 *erwise made available by this or any other Act may be used*

1 *by the Secretary of Defense, or any other official or officer*
2 *of the Department of Defense, to enter into a contract,*
3 *memorandum of understanding, or cooperative agreement*
4 *with, or make a grant to, or provide a loan or loan guar-*
5 *antee to Rosoboronexport or any subsidiary of*
6 *Rosoboronexport.*

7 *(b) The Secretary of Defense may waive the limitation*
8 *in subsection (a) if the Secretary, in consultation with the*
9 *Secretary of State and the Director of National Intelligence,*
10 *determines that it is in the vital national security interest*
11 *of the United States to do so, and certifies in writing to*
12 *the congressional defense committees that—*

13 *(1) Rosoboronexport has ceased the transfer of le-*
14 *thal military equipment to, and the maintenance of*
15 *existing lethal military equipment for, the Govern-*
16 *ment of the Syrian Arab Republic;*

17 *(2) the armed forces of the Russian Federation*
18 *have withdrawn from Ukraine; and*

19 *(3) agents of the Russian Federation have ceased*
20 *taking active measures to destabilize the control of the*
21 *Government of Ukraine over eastern Ukraine.*

22 *(c) The Inspector General of the Department of Defense*
23 *shall conduct a review of any action involving*
24 *Rosoboronexport with respect to a waiver issued by the Sec-*
25 *retary of Defense pursuant to subsection (b), and not later*

1 *than 90 days after the date on which such a waiver is issued*
2 *by the Secretary of Defense, the Inspector General shall sub-*
3 *mit to the congressional defense committees a report con-*
4 *taining the results of the review conducted with respect to*
5 *such waiver.*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *SEC. 8119. In addition to the amounts appropriated*
8 *or otherwise made available elsewhere in this Act,*
9 *\$1,000,000,000, to remain available until September 30,*
10 *2024, is hereby appropriated to the Department of Defense*
11 *and made available for transfer only to other appropria-*
12 *tions available to the Department of Defense in Department*
13 *of Defense Appropriations Acts: Provided, That such funds*
14 *shall be available to the Secretary of Defense for the purpose*
15 *of conducting activities relating to improvements of infra-*
16 *structure and defueling at the Red Hill Bulk Fuel Storage*
17 *Facility: Provided further, That amounts transferred pur-*
18 *suant to this appropriation shall be merged with, and be*
19 *available for the same purposes and time period as the ap-*
20 *propriations to which transferred: Provided further, That*
21 *upon a determination that all or part of the funds trans-*
22 *ferred from this appropriation are not necessary for the*
23 *purposes provided in this section, such amounts may be*
24 *transferred back to this section: Provided further, That the*
25 *transfer authority provided pursuant to this section is in*

1 *addition to any other transfer authority provided by law:*
2 *Provided further, That not less than 30 days prior to any*
3 *transfer of funds pursuant to this section, the Secretary of*
4 *Defense shall notify the congressional defense committees of*
5 *the details of any such transfer: Provided further, That not*
6 *later than 60 days after the enactment of this Act and every*
7 *30 days thereafter through fiscal year 2024, the Secretary*
8 *of Defense shall submit a report to the Committees on Ap-*
9 *propriations of the House of Representatives and Senate,*
10 *setting forth all categories and amounts of obligations and*
11 *expenditures made under the authority provided in this sec-*
12 *tion.*

13 *SEC. 8120. (a) Notwithstanding section 2215 of title*
14 *10, United States Code, the Secretary of Defense may trans-*
15 *fer to the Secretary of State, for use by the United States*
16 *Agency for International Development, amounts to be used*
17 *for the Bien Hoa dioxin cleanup in Vietnam.*

18 *(b) Not more than \$15,000,000 may be transferred in*
19 *each of fiscal years 2024 through 2030 under the transfer*
20 *authority in subsection (a).*

21 *(c) The transfer authority in subsection (a) is in addi-*
22 *tion to any other transfer authority available to the Depart-*
23 *ment of Defense.*

24 *(d) If the Secretary of Defense determines to use the*
25 *transfer authority in subsection (a), the Secretary shall no-*

1 *tify the congressional defense committees of that determina-*
2 *tion not later than 30 days before the Secretary uses the*
3 *transfer authority.*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 8121. In addition to amounts appropriated in*
6 *title III, title IV, or otherwise made available elsewhere in*
7 *this Act, \$1,052,501,000 is hereby appropriated to the De-*
8 *partment of Defense and made available for transfer to the*
9 *procurement and research, development, test and evaluation*
10 *accounts of the Army, Navy, Marine Corps, Air Force, and*
11 *Space Force to reflect revised economic assumptions: Pro-*
12 *vided, That the transfer authority provided under this sec-*
13 *tion is in addition to any other transfer authority provided*
14 *elsewhere in this Act: Provided further, That none of the*
15 *funds provided under this section may be obligated or ex-*
16 *pended until 30 days after the Secretary of Defense provides*
17 *the Committees on Appropriations of the House of Rep-*
18 *resentatives and the Senate a detailed execution plan for*
19 *such funds.*

20 *SEC. 8122. Notwithstanding any other provision of*
21 *this Act, to reflect savings due to favorable foreign exchange*
22 *rates, the total amount appropriated in this Act is hereby*
23 *reduced by \$956,400,000.*

24 *SEC. 8123. Equipment procured using funds provided*
25 *in prior Acts under the heading “Counterterrorism Part-*

390

1 *nerships Fund” for the program authorized by section 1209*
2 *of the Carl Levin and Howard P. “Buck” McKeon National*
3 *Defense Authorization Act for Fiscal Year 2015 (Public*
4 *Law 113–291), or under the heading “Iraq Train and*
5 *Equip Fund” for the program authorized by section 1236*
6 *of such Act, and not yet transferred to authorized recipients*
7 *may be transferred to foreign security forces, irregular*
8 *forces, groups, or individuals, authorized to receive assist-*
9 *ance using amounts provided under the heading “Counter-*
10 *ISIS Train and Equip Fund” in this Act: Provided, That*
11 *such equipment may be transferred 15 days following writ-*
12 *ten notification to the congressional defense committees.*

13 *SEC. 8124. Of the amounts appropriated in this Act*
14 *under the heading “Operation and Maintenance, Defense-*
15 *Wide”, for the Defense Security Cooperation Agency,*
16 *\$25,000,000, to remain available until September 30, 2024,*
17 *shall be for payments to reimburse key cooperating nations*
18 *for logistical, military, and other support, including access,*
19 *provided to United States military and stability operations*
20 *to counter the Islamic State of Iraq and Syria: Provided,*
21 *That such reimbursement payments may be made in such*
22 *amounts as the Secretary of Defense, with the concurrence*
23 *of the Secretary of State, and in consultation with the Di-*
24 *rector of the Office of Management and Budget, may deter-*
25 *mine, based on documentation determined by the Secretary*

391

1 *of Defense to adequately account for the support provided,*
2 *and such determination is final and conclusive upon the*
3 *accounting officers of the United States, and 15 days fol-*
4 *lowing written notification to the appropriate congressional*
5 *committees: Provided further, That these funds may be used*
6 *for the purpose of providing specialized training and pro-*
7 *curing supplies and specialized equipment and providing*
8 *such supplies and loaning such equipment on a non-reim-*
9 *bursable basis to coalition forces supporting United States*
10 *military and stability operations to counter the Islamic*
11 *State of Iraq and Syria, and 15 days following written no-*
12 *tification to the appropriate congressional committees: Pro-*
13 *vided further, That the Secretary of Defense shall provide*
14 *quarterly reports to the Committees on Appropriations of*
15 *the House of Representatives and the Senate on the use and*
16 *status of funds made available in this section.*

17 *SEC. 8125. In carrying out the program described in*
18 *the memorandum on the subject of “Policy for Assisted Re-*
19 *productive Services for the Benefit of Seriously or Severely*
20 *Ill/Injured (Category II or III) Active Duty Service Mem-*
21 *bers” issued by the Assistant Secretary of Defense for*
22 *Health Affairs on April 3, 2012, and the guidance issued*
23 *to implement such memorandum, the Secretary of Defense*
24 *shall apply such policy and guidance, except that—*

392

1 (1) *the limitation on periods regarding embryo*
2 *cryopreservation and storage set forth in part III(G)*
3 *and in part IV(H) of such memorandum shall not*
4 *apply; and*

5 (2) *the term “assisted reproductive technology”*
6 *shall include embryo cryopreservation and storage*
7 *without limitation on the duration of such*
8 *cryopreservation and storage.*

9 *SEC. 8126. None of the funds appropriated or other-*
10 *wise made available by this Act may be used to transfer*
11 *the National Reconnaissance Office to the Space Force: Pro-*
12 *vided, That nothing in this Act shall be construed to limit*
13 *or prohibit cooperation, collaboration, and coordination be-*
14 *tween the National Reconnaissance Office and the Space*
15 *Force or any other elements of the Department of Defense.*

16 *SEC. 8127. Funds awarded pursuant to the authority*
17 *in section 8085 of the Department of Defense Appropria-*
18 *tions Act, 2010 (Public Law 111–118) to the Edward M.*
19 *Kennedy Institute for the Senate may be used for facility*
20 *operations and maintenance, and program activities, with-*
21 *out regard to any previous endowment disbursement limita-*
22 *tions.*

23 *SEC. 8128. The Secretary of Defense shall notify the*
24 *congressional defense committees in writing not more than*
25 *30 days after the receipt of any contribution of funds re-*

1 *ceived from the government of a foreign country for any*
2 *purpose relating to the stationing or operations of the*
3 *United States Armed Forces: Provided, That such notifica-*
4 *tion shall include the amount of the contribution; the pur-*
5 *pose for which such contribution was made; and the author-*
6 *ity under which such contribution was accepted by the Sec-*
7 *retary of Defense: Provided further, That not fewer than*
8 *15 days prior to obligating such funds, the Secretary of De-*
9 *fense shall submit to the congressional defense committees*
10 *in writing a notification of the planned use of such con-*
11 *tributions, including whether such contributions would sup-*
12 *port existing or new stationing or operations of the United*
13 *States Armed Forces.*

14 *SEC. 8129. (a) The Chairman of the Joint Chiefs, in*
15 *coordination with the Secretaries of the military depart-*
16 *ments and the Chiefs of the Armed Forces, shall submit to*
17 *the congressional defense committees, not later than 30 days*
18 *after the last day of each quarter of the fiscal year, a report*
19 *on the use of operation and maintenance funds for activities*
20 *or exercises in excess of \$5,000,000 that have been des-*
21 *ignated by the Secretary of Defense as unplanned activities*
22 *for fiscal year 2023.*

23 *(b) Each report required by subsection (a) shall also*
24 *include—*

1 (1) *the title, date, and location, of each activity*
2 *and exercise covered by the report;*

3 (2) *an identification of the military department*
4 *and units that participated in each such activity or*
5 *exercise (including an estimate of the number of par-*
6 *ticipants);*

7 (3) *the total cost of the activity or exercise, by*
8 *budget line item (with a breakdown by cost element*
9 *such as transportation); and*

10 (4) *a short explanation of the objective of the ac-*
11 *tivity or exercise.*

12 (c) *The report required by subsection (a) shall be sub-*
13 *mitted in unclassified form, but may include a classified*
14 *annex.*

15 SEC. 8130. *Not later than 15 days after the date on*
16 *which any foreign base that involves the stationing or oper-*
17 *ations of the United States Armed Forces, including a tem-*
18 *porary base, permanent base, or base owned and operated*
19 *by a foreign country, is opened or closed, the Secretary of*
20 *Defense shall notify the congressional defense committees in*
21 *writing of the opening or closing of such base: Provided,*
22 *That such notification shall also include information on*
23 *any personnel changes, costs, and savings associated with*
24 *the opening or closing of such base.*

395

1 *SEC. 8131. None of the funds made available by this*
2 *Act may be used with respect to Iraq in contravention of*
3 *the War Powers Resolution (50 U.S.C. 1541 et seq.), includ-*
4 *ing for the introduction of United States Armed Forces into*
5 *hostilities in Iraq, into situations in Iraq where imminent*
6 *involvement in hostilities is clearly indicated by the cir-*
7 *cumstances, or into Iraqi territory, airspace, or waters*
8 *while equipped for combat, in contravention of the congres-*
9 *sional consultation and reporting requirements of sections*
10 *3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).*

11 *SEC. 8132. None of the funds made available by this*
12 *Act may be used with respect to Syria in contravention of*
13 *the War Powers Resolution (50 U.S.C. 1541 et seq.), includ-*
14 *ing for the introduction of United States armed or military*
15 *forces into hostilities in Syria, into situations in Syria*
16 *where imminent involvement in hostilities is clearly indi-*
17 *cated by the circumstances, or into Syrian territory, air-*
18 *space, or waters while equipped for combat, in contraven-*
19 *tion of the congressional consultation and reporting require-*
20 *ments of sections 3 and 4 of that law (50 U.S.C. 1542 and*
21 *1543).*

22 *SEC. 8133. Nothing in this Act may be construed as*
23 *authorizing the use of force against Iran or the Democratic*
24 *People's Republic of Korea.*

396

1 *SEC. 8134. None of the funds appropriated or other-*
2 *wise made available by this or any other Act shall be obli-*
3 *gated or expended by the United States Government for a*
4 *purpose as follows:*

5 *(1) To establish any military installation or base*
6 *for the purpose of providing for the permanent sta-*
7 *tioning of United States Armed Forces in Iraq.*

8 *(2) To exercise United States control over any*
9 *oil resource of Iraq or Syria.*

10 *SEC. 8135. None of the funds made available by this*
11 *Act under the heading “Counter-ISIS Train and Equip*
12 *Fund”, and under the heading “Operation and Mainte-*
13 *nance, Defense-Wide” for Department of Defense security*
14 *cooperation grant programs, may be used to procure or*
15 *transfer man-portable air defense systems.*

16 *SEC. 8136. Up to \$500,000,000 of funds appropriated*
17 *by this Act for the Defense Security Cooperation Agency*
18 *in “Operation and Maintenance, Defense-Wide” may be*
19 *used to provide assistance to the Government of Jordan to*
20 *support the armed forces of Jordan and to enhance security*
21 *along its borders.*

22 *SEC. 8137. None of the funds made available by this*
23 *Act may be used to support any activity conducted by, or*
24 *associated with, the Wuhan Institute of Virology.*

1 *SEC. 8138. None of the funds made available by this*
2 *Act may be used to provide arms, training, or other assist-*
3 *ance to the Azov Battalion.*

4 *SEC. 8139. None of the funds appropriated or other-*
5 *wise made available in this or any other Act may be used*
6 *to transfer, release, or assist in the transfer or release to*
7 *or within the United States, its territories, or possessions*
8 *Khalid Sheikh Mohammed or any other detainee who—*

9 *(1) is not a United States citizen or a member*
10 *of the Armed Forces of the United States; and*

11 *(2) is or was held on or after June 24, 2009, at*
12 *United States Naval Station, Guantánamo Bay,*
13 *Cuba, by the Department of Defense.*

14 *SEC. 8140. None of the funds appropriated or other-*
15 *wise made available in this Act may be used to transfer*
16 *any individual detained at United States Naval Station*
17 *Guantánamo Bay, Cuba, to the custody or control of the*
18 *individual's country of origin, any other foreign country,*
19 *or any other foreign entity except in accordance with sec-*
20 *tion 1034 of the National Defense Authorization Act for Fis-*
21 *cal Year 2016 (Public Law 114–92) and section 1035 of*
22 *the John S. McCain National Defense Authorization Act for*
23 *Fiscal Year 2019 (Public Law 115–232).*

24 *SEC. 8141. (a) None of the funds appropriated or oth-*
25 *erwise made available in this or any other Act may be used*

1 *to construct, acquire, or modify any facility in the United*
2 *States, its territories, or possessions to house any individual*
3 *described in subsection (c) for the purposes of detention or*
4 *imprisonment in the custody or under the effective control*
5 *of the Department of Defense.*

6 *(b) The prohibition in subsection (a) shall not apply*
7 *to any modification of facilities at United States Naval*
8 *Station, Guantánamo Bay, Cuba.*

9 *(c) An individual described in this subsection is any*
10 *individual who, as of June 24, 2009, is located at United*
11 *States Naval Station, Guantánamo Bay, Cuba, and who—*

12 *(1) is not a citizen of the United States or a*
13 *member of the Armed Forces of the United States; and*

14 *(2) is—*

15 *(A) in the custody or under the effective*
16 *control of the Department of Defense; or*

17 *(B) otherwise under detention at United*
18 *States Naval Station, Guantánamo Bay, Cuba.*

19 *SEC. 8142. None of the funds made available by this*
20 *Act may be used to carry out the closure or realignment*
21 *of the United States Naval Station, Guantánamo Bay,*
22 *Cuba.*

23 *SEC. 8143. None of the funds made available by this*
24 *Act may be used to fund any work to be performed by*
25 *EcoHealth Alliance, Inc. in China on research supported*

1 *by the government of China unless the Secretary of Defense*
2 *determines that a waiver to such prohibition is in the na-*
3 *tional security interests of the United States and, not later*
4 *than 14 days after granting such a waiver, submits to the*
5 *congressional defense committees a detailed justification for*
6 *the waiver, including—*

7 (1) *an identification of the Department of De-*
8 *fense entity obligating or expending the funds;*

9 (2) *an identification of the amount of such*
10 *funds;*

11 (3) *an identification of the intended purpose of*
12 *such funds;*

13 (4) *an identification of the recipient or prospec-*
14 *tive recipient of such funds (including any third-*
15 *party entity recipient, as applicable);*

16 (5) *an explanation for how the waiver is in the*
17 *national security interests of the United States; and*

18 (6) *any other information the Secretary deter-*
19 *mines appropriate.*

20 *SEC. 8144. (a) Within 45 days of enactment of this*
21 *Act, the Secretary of Defense shall allocate amounts made*
22 *available from the Creating Helpful Incentives to Produce*
23 *Semiconductors (CHIPS) for America Defense Fund for fis-*
24 *cal year 2023 pursuant to the transfer authority in section*
25 *102(b)(1) of the CHIPS Act of 2022 (division A of Public*

400

1 *Law 117–167), to the account specified, in the amounts*
2 *specified, and for the projects and activities specified, in*
3 *the table titled “Department of Defense Allocation of Funds:*
4 *CHIPS and Science Act Fiscal Year 2023” in the explana-*
5 *tory statement described in section 4 (in the matter pre-*
6 *ceding division A of this consolidated Act).*

7 *(b) Neither the President nor his designee may allocate*
8 *any amounts that are made available for any fiscal year*
9 *under section 102(b)(2) of the CHIPS Act of 2022 if there*
10 *is in effect an Act making or continuing appropriations*
11 *for part of a fiscal year for the Department of Defense: Pro-*
12 *vided, That in any fiscal year, the matter preceding this*
13 *proviso shall not apply to the allocation, apportionment,*
14 *or allotment of amounts for continuing administration of*
15 *programs allocated using funds transferred from the*
16 *CHIPS for America Defense Fund, which may be allocated*
17 *pursuant to the transfer authority in section 102(b)(1) of*
18 *the CHIPS Act of 2022 only in amounts that are no more*
19 *than the allocation for such purposes in subsection (a) of*
20 *this section.*

21 *(c) The Secretary of Defense may reallocate funds allo-*
22 *cated by subsection (a) of this section, subject to the terms*
23 *and conditions contained in the provisos in section 8005*
24 *of this Act: Provided, That amounts may be reallocated pur-*
25 *suant to this subsection only for those requirements nec-*

1 *essary to carry out section 9903(b) of the William M. (Mac)*
2 *Thornberry National Defense Authorization Act for Fiscal*
3 *Year 2021 (Public Law 116–283).*

4 *(d) Concurrent with the annual budget submission of*
5 *the President for fiscal year 2024, the Secretary of Defense*
6 *shall submit to the Committees on Appropriations of the*
7 *House of Representatives and the Senate proposed alloca-*
8 *tions by account and by program, project, or activity, with*
9 *detailed justifications, for amounts made available under*
10 *section 102(b)(2) of the CHIPS Act of 2022 for fiscal year*
11 *2024.*

12 *(e) The Department of Defense shall provide the Com-*
13 *mittees on Appropriations of the House of Representatives*
14 *and Senate quarterly reports on the status of balances of*
15 *projects and activities funded by the CHIPS for America*
16 *Defense Fund for amounts allocated pursuant to subsection*
17 *(a) of this section, including all uncommitted, committed,*
18 *and unobligated funds.*

19 *SEC. 8145. The Secretary of the Navy shall continue*
20 *to provide pay and allowances to Lieutenant Ridge Alkonis,*
21 *United States Navy, until such time as the Secretary of*
22 *the Navy makes a determination with respect to the separa-*
23 *tion of Lieutenant Alkonis from the Navy.*

24 *This division may be cited as the “Department of De-*
25 *fense Appropriations Act, 2023”.*

1 ***DIVISION D—ENERGY AND WATER DEVEL-***
2 ***OPMENT AND RELATED AGENCIES AP-***
3 ***PROPRIATIONS ACT, 2023***

4 ***TITLE I***

5 ***CORPS OF ENGINEERS—CIVIL***

6 ***DEPARTMENT OF THE ARMY***

7 ***CORPS OF ENGINEERS—CIVIL***

8 *The following appropriations shall be expended under*
9 *the direction of the Secretary of the Army and the super-*
10 *vision of the Chief of Engineers for authorized civil func-*
11 *tions of the Department of the Army pertaining to river*
12 *and harbor, flood and storm damage reduction, shore pro-*
13 *tection, aquatic ecosystem restoration, and related efforts.*

14 ***INVESTIGATIONS***

15 *For expenses necessary where authorized by law for the*
16 *collection and study of basic information pertaining to*
17 *river and harbor, flood and storm damage reduction, shore*
18 *protection, aquatic ecosystem restoration, and related needs;*
19 *for surveys and detailed studies, and plans and specifica-*
20 *tions of proposed river and harbor, flood and storm damage*
21 *reduction, shore protection, and aquatic ecosystem restora-*
22 *tion projects, and related efforts prior to construction; for*
23 *restudy of authorized projects; and for miscellaneous inves-*
24 *tigations, and, when authorized by law, surveys and de-*
25 *tailed studies, and plans and specifications of projects prior*

403

1 *to construction, \$172,500,000, to remain available until ex-*
2 *pended: Provided, That the Secretary shall not deviate from*
3 *the work plan, once the plan has been submitted to the Com-*
4 *mittees on Appropriations of both Houses of Congress.*

5 CONSTRUCTION

6 *For expenses necessary for the construction of river*
7 *and harbor, flood and storm damage reduction, shore pro-*
8 *tection, aquatic ecosystem restoration, and related projects*
9 *authorized by law; for conducting detailed studies, and*
10 *plans and specifications, of such projects (including those*
11 *involving participation by States, local governments, or*
12 *private groups) authorized or made eligible for selection by*
13 *law (but such detailed studies, and plans and specifications,*
14 *shall not constitute a commitment of the Government to*
15 *construction); \$1,808,800,000, to remain available until ex-*
16 *pended; of which \$75,518,000, to be derived from the Harbor*
17 *Maintenance Trust Fund, shall be to cover the Federal share*
18 *of construction costs for facilities under the Dredged Mate-*
19 *rial Disposal Facilities program; and of which such sums*
20 *as are necessary to cover 35 percent of the costs of construc-*
21 *tion, replacement, rehabilitation, and expansion of inland*
22 *waterways projects shall be derived from the Inland Water-*
23 *ways Trust Fund, except as otherwise specifically provided*
24 *for in law: Provided, That the Secretary shall not deviate*
25 *from the work plan, once the plan has been submitted to*

1 *the Committees on Appropriations of both Houses of Con-*
2 *gress.*

3 *MISSISSIPPI RIVER AND TRIBUTARIES*

4 *For expenses necessary for flood damage reduction*
5 *projects and related efforts in the Mississippi River alluvial*
6 *valley below Cape Girardeau, Missouri, as authorized by*
7 *law, \$370,000,000, to remain available until expended, of*
8 *which \$15,390,000, to be derived from the Harbor Mainte-*
9 *nance Trust Fund, shall be to cover the Federal share of*
10 *eligible operation and maintenance costs for inland harbors:*
11 *Provided, That the Secretary shall not deviate from the*
12 *work plan, once the plan has been submitted to the Commit-*
13 *tees on Appropriations of both Houses of Congress.*

14 *OPERATION AND MAINTENANCE*

15 *For expenses necessary for the operation, maintenance,*
16 *and care of existing river and harbor, flood and storm dam-*
17 *age reduction, aquatic ecosystem restoration, and related*
18 *projects authorized by law; providing security for infra-*
19 *structure owned or operated by the Corps, including admin-*
20 *istrative buildings and laboratories; maintaining harbor*
21 *channels provided by a State, municipality, or other public*
22 *agency that serve essential navigation needs of general com-*
23 *merce, where authorized by law; surveying and charting*
24 *northern and northwestern lakes and connecting waters;*
25 *clearing and straightening channels; and removing obstruc-*

1 *tions to navigation, \$5,078,500,000, to remain available*
2 *until expended, of which \$2,227,092,000, to be derived from*
3 *the Harbor Maintenance Trust Fund, shall be to cover the*
4 *Federal share of eligible operations and maintenance costs*
5 *for coastal harbors and channels, and for inland harbors;*
6 *of which such sums as become available from the special*
7 *account for the Corps of Engineers established by the Land*
8 *and Water Conservation Fund Act of 1965 shall be derived*
9 *from that account for resource protection, research, inter-*
10 *pretation, and maintenance activities related to resource*
11 *protection in the areas at which outdoor recreation is avail-*
12 *able; of which such sums as become available from fees col-*
13 *lected under section 217 of Public Law 104–303 shall be*
14 *used to cover the cost of operation and maintenance of the*
15 *dredged material disposal facilities for which such fees have*
16 *been collected; and of which \$56,000,000, to be derived from*
17 *the general fund of the Treasury, shall be to carry out sub-*
18 *section (c) of section 2106 of the Water Resources Reform*
19 *and Development Act of 2014 (33 U.S.C. 2238c) and shall*
20 *be designated as being for such purpose pursuant to para-*
21 *graph (2)(B) of section 14003 of division B of the*
22 *Coronavirus Aid, Relief, and Economic Security Act (Pub-*
23 *lic Law 116–136): Provided, That 1 percent of the total*
24 *amount of funds provided for each of the programs, projects,*
25 *or activities funded under this heading shall not be allo-*

406

1 cated to a field operating activity prior to the beginning
2 of the fourth quarter of the fiscal year and shall be available
3 for use by the Chief of Engineers to fund such emergency
4 activities as the Chief of Engineers determines to be nec-
5 essary and appropriate, and that the Chief of Engineers
6 shall allocate during the fourth quarter any remaining
7 funds which have not been used for emergency activities
8 proportionally in accordance with the amounts provided for
9 the programs, projects, or activities: Provided further, That
10 the Secretary shall not deviate from the work plan, once
11 the plan has been submitted to the Committees on Appro-
12 priations of both Houses of Congress.

13 *REGULATORY PROGRAM*

14 *For expenses necessary for administration of laws per-*
15 *taining to regulation of navigable waters and wetlands,*
16 *\$218,000,000, to remain available until September 30,*
17 *2024.*

18 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

19 *For expenses necessary to clean up contamination*
20 *from sites in the United States resulting from work per-*
21 *formed as part of the Nation's early atomic energy pro-*
22 *gram, \$400,000,000, to remain available until expended.*

23 *FLOOD CONTROL AND COASTAL EMERGENCIES*

24 *For expenses necessary to prepare for flood, hurricane,*
25 *and other natural disasters and support emergency oper-*

407

1 *ations, repairs, and other activities in response to such dis-*
2 *asters as authorized by law, \$35,000,000, to remain avail-*
3 *able until expended.*

4 *EXPENSES*

5 *For expenses necessary for the supervision and general*
6 *administration of the civil works program in the head-*
7 *quarters of the Corps of Engineers and the offices of the*
8 *Division Engineers; and for costs of management and oper-*
9 *ation of the Humphreys Engineer Center Support Activity,*
10 *the Institute for Water Resources, the United States Army*
11 *Engineer Research and Development Center, and the*
12 *United States Army Corps of Engineers Finance Center al-*
13 *locable to the civil works program, \$215,000,000, to remain*
14 *available until September 30, 2024, of which not to exceed*
15 *\$5,000 may be used for official reception and representation*
16 *purposes and only during the current fiscal year: Provided,*
17 *That no part of any other appropriation provided in this*
18 *title shall be available to fund the civil works activities of*
19 *the Office of the Chief of Engineers or the civil works execu-*
20 *tive direction and management activities of the division of*
21 *ices: Provided further, That any Flood Control and Coastal*
22 *Emergencies appropriation may be used to fund the super-*
23 *vision and general administration of emergency operations,*
24 *repairs, and other activities in response to any flood, hurri-*
25 *cane, or other natural disaster.*

408

1 *OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR*
2 *CIVIL WORKS*

3 *For the Office of the Assistant Secretary of the Army*
4 *for Civil Works as authorized by 10 U.S.C. 3016(b)(3),*
5 *\$5,000,000, to remain available until September 30, 2024:*
6 *Provided, That not more than 75 percent of such amount*
7 *may be obligated or expended until the Assistant Secretary*
8 *submits to the Committees on Appropriations of both*
9 *Houses of Congress the report required under section 101(d)*
10 *of this Act and a work plan that allocates at least 95 per-*
11 *cent of the additional funding provided under each heading*
12 *in the explanatory statement described in section 4 (in the*
13 *matter preceding division A of this consolidated Act), to*
14 *specific programs, projects, or activities.*

15 *WATER INFRASTRUCTURE FINANCE AND INNOVATION*
16 *PROGRAM ACCOUNT*

17 *For administrative expenses to carry out the direct*
18 *and guaranteed loan programs authorized by the Water In-*
19 *frastructure Finance and Innovation Act of 2014,*
20 *\$7,200,000, to remain available until September 30, 2024.*

21 *GENERAL PROVISIONS—CORPS OF ENGINEERS—*
22 *CIVIL*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *SEC. 101. (a) None of the funds provided in title I*
25 *of this Act, or provided by previous appropriations Acts*

1 *to the agencies or entities funded in title I of this Act that*
2 *remain available for obligation or expenditure in fiscal year*
3 *2023, shall be available for obligation or expenditure*
4 *through a reprogramming of funds that:*

5 (1) *creates or initiates a new program, project,*
6 *or activity;*

7 (2) *eliminates a program, project, or activity;*

8 (3) *increases funds or personnel for any pro-*
9 *gram, project, or activity for which funds have been*
10 *denied or restricted by this Act, unless prior approval*
11 *is received from the Committees on Appropriations of*
12 *both Houses of Congress;*

13 (4) *proposes to use funds directed for a specific*
14 *activity for a different purpose, unless prior approval*
15 *is received from the Committees on Appropriations of*
16 *both Houses of Congress;*

17 (5) *augments or reduces existing programs,*
18 *projects, or activities in excess of the amounts con-*
19 *tained in paragraphs (6) through (10), unless prior*
20 *approval is received from the Committees on Appro-*
21 *priations of both Houses of Congress;*

22 (6) *INVESTIGATIONS.—For a base level over*
23 *\$100,000, reprogramming of 25 percent of the base*
24 *amount up to a limit of \$150,000 per project, study*
25 *or activity is allowed: Provided, That for a base level*

410

1 *less than \$100,000, the reprogramming limit is*
2 *\$25,000: Provided further, That up to \$25,000 may be*
3 *reprogrammed into any continuing study or activity*
4 *that did not receive an appropriation for existing ob-*
5 *ligations and concomitant administrative expenses;*

6 (7) *CONSTRUCTION.—For a base level over*
7 *\$2,000,000, reprogramming of 15 percent of the base*
8 *amount up to a limit of \$3,000,000 per project, study*
9 *or activity is allowed: Provided, That for a base level*
10 *less than \$2,000,000, the reprogramming limit is*
11 *\$300,000: Provided further, That up to \$3,000,000*
12 *may be reprogrammed for settled contractor claims,*
13 *changed conditions, or real estate deficiency judg-*
14 *ments: Provided further, That up to \$300,000 may be*
15 *reprogrammed into any continuing study or activity*
16 *that did not receive an appropriation for existing ob-*
17 *ligations and concomitant administrative expenses;*

18 (8) *OPERATION AND MAINTENANCE.—Unlimited*
19 *reprogramming authority is granted for the Corps to*
20 *be able to respond to emergencies: Provided, That the*
21 *Chief of Engineers shall notify the Committees on Ap-*
22 *propriations of both Houses of Congress of these emer-*
23 *gency actions as soon thereafter as practicable: Pro-*
24 *vided further, That for a base level over \$1,000,000,*
25 *reprogramming of 15 percent of the base amount up*

1 to a limit of \$5,000,000 per project, study, or activity
2 is allowed: Provided further, That for a base level less
3 than \$1,000,000, the reprogramming limit is
4 \$150,000: Provided further, That \$150,000 may be re-
5 programmed into any continuing study or activity
6 that did not receive an appropriation;

7 (9) *MISSISSIPPI RIVER AND TRIBUTARIES.*—The
8 reprogramming guidelines in paragraphs (6), (7),
9 and (8) shall apply to the Investigations, Construc-
10 tion, and Operation and Maintenance portions of the
11 Mississippi River and Tributaries Account, respec-
12 tively; and

13 (10) *FORMERLY UTILIZED SITES REMEDIAL AC-*
14 *TION PROGRAM.*—Reprogramming of up to 15 percent
15 of the base of the receiving project is permitted.

16 (b) *DE MINIMUS REPROGRAMMINGS.*—In no case
17 should a reprogramming for less than \$50,000 be submitted
18 to the Committees on Appropriations of both Houses of Con-
19 gress.

20 (c) *CONTINUING AUTHORITIES PROGRAM.*—Subsection
21 (a)(1) shall not apply to any project or activity funded
22 under the continuing authorities program.

23 (d) Not later than 60 days after the date of enactment
24 of this Act, the Secretary shall submit a report to the Com-
25 mittees on Appropriations of both Houses of Congress to

412

1 *establish the baseline for application of reprogramming and*
2 *transfer authorities for the current fiscal year which shall*
3 *include:*

4 (1) *A table for each appropriation with a sepa-*
5 *rate column to display the President's budget request,*
6 *adjustments made by Congress, adjustments due to*
7 *enacted rescissions, if applicable, and the fiscal year*
8 *enacted level;*

9 (2) *A delineation in the table for each appro-*
10 *priation both by object class and program, project*
11 *and activity as detailed in the budget appendix for*
12 *the respective appropriations; and*

13 (3) *An identification of items of special congres-*
14 *sional interest.*

15 *SEC. 102. The Secretary shall allocate funds made*
16 *available in this Act solely in accordance with the provi-*
17 *sions of this Act and in the explanatory statement described*
18 *in section 4 (in the matter preceding division A of this con-*
19 *solidated Act).*

20 *SEC. 103. None of the funds made available in this*
21 *title may be used to award or modify any contract that*
22 *commits funds beyond the amounts appropriated for that*
23 *program, project, or activity that remain unobligated, ex-*
24 *cept that such amounts may include any funds that have*

413

1 *been made available through reprogramming pursuant to*
2 *section 101.*

3 *SEC. 104. The Secretary of the Army may transfer to*
4 *the Fish and Wildlife Service, and the Fish and Wildlife*
5 *Service may accept and expend, up to \$5,400,000 of funds*
6 *provided in this title under the heading “Operation and*
7 *Maintenance” to mitigate for fisheries lost due to Corps of*
8 *Engineers projects.*

9 *SEC. 105. None of the funds in this Act shall be used*
10 *for an open lake placement alternative for dredged material,*
11 *after evaluating the least costly, environmentally acceptable*
12 *manner for the disposal or management of dredged material*
13 *originating from Lake Erie or tributaries thereto, unless it*
14 *is approved under a State water quality certification pur-*
15 *suant to section 401 of the Federal Water Pollution Control*
16 *Act (33 U.S.C. 1341): Provided, That until an open lake*
17 *placement alternative for dredged material is approved*
18 *under a State water quality certification, the Corps of En-*
19 *gineers shall continue upland placement of such dredged*
20 *material consistent with the requirements of section 101 of*
21 *the Water Resources Development Act of 1986 (33 U.S.C.*
22 *2211).*

23 *SEC. 106. None of the funds made available by this*
24 *Act may be used to carry out any water supply reallocation*
25 *study under the Wolf Creek Dam, Lake Cumberland, Ken-*

1 *tucky, project authorized under the Act of July 24, 1946*
2 *(60 Stat. 636, ch. 595).*

3 *SEC. 107. None of the funds made available by this*
4 *Act or any other Act may be used to reorganize or to trans-*
5 *fer the Civil Works functions or authority of the Corps of*
6 *Engineers or the Secretary of the Army to another depart-*
7 *ment or agency.*

8 *SEC. 108. Additional funding provided in this Act*
9 *shall be allocated only to projects determined to be eligible*
10 *by the Chief of Engineers.*

415

1

TITLE II

2

DEPARTMENT OF THE INTERIOR

3

CENTRAL UTAH PROJECT

4

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5

For carrying out activities authorized by the Central

6

Utah Project Completion Act, \$23,000,000, to remain avail-

7

able until expended, of which \$5,000,000 shall be deposited

8

into the Utah Reclamation Mitigation and Conservation

9

Account for use by the Utah Reclamation Mitigation and

10

Conservation Commission: Provided, That of the amount

11

provided under this heading, \$1,600,000 shall be available

12

until September 30, 2024, for expenses necessary in car-

13

rying out related responsibilities of the Secretary of the In-

14

terior: Provided further, That for fiscal year 2023, of the

15

amount made available to the Commission under this Act

16

or any other Act, the Commission may use an amount not

17

to exceed \$1,880,000 for administrative expenses.

18

BUREAU OF RECLAMATION

19

The following appropriations shall be expended to exe-

20

cute authorized functions of the Bureau of Reclamation:

21

WATER AND RELATED RESOURCES

22

(INCLUDING TRANSFERS OF FUNDS)

23

For management, development, and restoration of

24

water and related natural resources and for related activi-

25

ties, including the operation, maintenance, and rehabilita-

416

1 *tion of reclamation and other facilities, participation in*
2 *fulfilling related Federal responsibilities to Native Ameri-*
3 *cans, and related grants to, and cooperative and other*
4 *agreements with, State and local governments, federally rec-*
5 *ognized Indian Tribes, and others, \$1,787,151,000, to re-*
6 *main available until expended, of which \$22,165,000 shall*
7 *be available for transfer to the Upper Colorado River Basin*
8 *Fund and \$7,584,000 shall be available for transfer to the*
9 *Lower Colorado River Basin Development Fund; of which*
10 *such amounts as may be necessary may be advanced to the*
11 *Colorado River Dam Fund: Provided, That \$500,000 shall*
12 *be available for transfer into the Aging Infrastructure Ac-*
13 *count established by section 9603(d)(1) of the Omnibus Pub-*
14 *lic Land Management Act of 2009, as amended (43 U.S.C.*
15 *510b(d)(1)): Provided further, That such transfers, except*
16 *for the transfer authorized by the preceding proviso, may*
17 *be increased or decreased within the overall appropriation*
18 *under this heading: Provided further, That of the total ap-*
19 *propriated, the amount for program activities that can be*
20 *financed by the Reclamation Fund, the Water Storage En-*
21 *hancement Receipts account established by section 4011(e)*
22 *of Public Law 114–322, or the Bureau of Reclamation spe-*
23 *cial fee account established by 16 U.S.C. 6806 shall be de-*
24 *rived from that Fund or account: Provided further, That*
25 *funds contributed under 43 U.S.C. 395 are available until*

417

1 expended for the purposes for which the funds were contrib-
2 uted: Provided further, That funds advanced under 43
3 U.S.C. 397a shall be credited to this account and are avail-
4 able until expended for the same purposes as the sums ap-
5 propriated under this heading: Provided further, That of
6 the amounts made available under this heading,
7 \$10,000,000 shall be deposited in the San Gabriel Basin
8 Restoration Fund established by section 110 of title I of di-
9 vision B of appendix D of Public Law 106–554: Provided
10 further, That of the amounts provided herein, funds may
11 be used for high-priority projects which shall be carried out
12 by the Youth Conservation Corps, as authorized by 16
13 U.S.C. 1706: Provided further, That within available funds,
14 \$250,000 shall be for grants and financial assistance for
15 educational activities: Provided further, That in accordance
16 with section 4007 of Public Law 114–322 and as rec-
17 ommended by the Secretary in a letter dated November 30,
18 2022, funding provided for such purpose in fiscal years
19 2021 and 2022 shall be made available to the Los Vaqueros
20 Reservoir Expansion Project Phase 2, and the North-of-the-
21 Delta Off Stream Storage (Sites Reservoir Project): Pro-
22 vided further, That in accordance with section 4009(a) of
23 Public Law 114–322 and as recommended by the Secretary
24 in a letter dated November 30, 2022, funding provided for
25 such purpose in fiscal year 2022 shall be made available

418

1 *to the El Paso Water Utilities Public Service Board: Pro-*
2 *vided further, That in accordance with section 4009(c) of*
3 *Public Law 114–322 and as recommended by the Secretary*
4 *in a letter dated November 30, 2022, funding provided for*
5 *such purpose in fiscal year 2022 shall be made available*
6 *to the Eastern Municipal Water District.*

7 *CENTRAL VALLEY PROJECT RESTORATION FUND*

8 *For carrying out the programs, projects, plans, habitat*
9 *restoration, improvement, and acquisition provisions of the*
10 *Central Valley Project Improvement Act, such sums as may*
11 *be collected in fiscal year 2023 in the Central Valley Project*
12 *Restoration Fund pursuant to sections 3407(d), 3404(c)(3),*
13 *and 3405(f) of Public Law 102–575, to remain available*
14 *until expended: Provided, That the Bureau of Reclamation*
15 *is directed to assess and collect the full amount of the addi-*
16 *tional mitigation and restoration payments authorized by*
17 *section 3407(d) of Public Law 102–575: Provided further,*
18 *That none of the funds made available under this heading*
19 *may be used for the acquisition or leasing of water for in-*
20 *stream purposes if the water is already committed to in-*
21 *stream purposes by a court adopted decree or order.*

22 *CALIFORNIA BAY-DELTA RESTORATION*23 *(INCLUDING TRANSFERS OF FUNDS)*

24 *For carrying out activities authorized by the Water*
25 *Supply, Reliability, and Environmental Improvement Act,*

419

1 *consistent with plans to be approved by the Secretary of*
2 *the Interior, \$33,000,000, to remain available until ex-*
3 *pendent, of which such amounts as may be necessary to*
4 *carry out such activities may be transferred to appropriate*
5 *accounts of other participating Federal agencies to carry*
6 *out authorized purposes: Provided, That funds appro-*
7 *priated herein may be used for the Federal share of the costs*
8 *of Calfed Program management: Provided further, That*
9 *Calfed implementation shall be carried out in a balanced*
10 *manner with clear performance measures demonstrating*
11 *concurrent progress in achieving the goals and objectives of*
12 *the Program.*

13 *POLICY AND ADMINISTRATION*

14 *For expenses necessary for policy, administration, and*
15 *related functions in the Office of the Commissioner, the*
16 *Denver office, and offices in the six regions of the Bureau*
17 *of Reclamation, to remain available until September 30,*
18 *2024, \$65,079,000, to be derived from the Reclamation*
19 *Fund and be nonreimbursable as provided in 43 U.S.C.*
20 *377: Provided, That no part of any other appropriation in*
21 *this Act shall be available for activities or functions budg-*
22 *eted as policy and administration expenses.*

420

1 *ADMINISTRATIVE PROVISION*

2 *Appropriations for the Bureau of Reclamation shall*
3 *be available for purchase and replacement of not to exceed*
4 *30 motor vehicles, which are for replacement only.*

5 *GENERAL PROVISIONS—DEPARTMENT OF THE*
6 *INTERIOR*

7 *SEC. 201. (a) None of the funds provided in title II*
8 *of this Act for Water and Related Resources, or provided*
9 *by previous or subsequent appropriations Acts to the agen-*
10 *cies or entities funded in title II of this Act for Water and*
11 *Related Resources that remain available for obligation or*
12 *expenditure in fiscal year 2023, shall be available for obli-*
13 *gation or expenditure through a reprogramming of funds*
14 *that—*

15 *(1) initiates or creates a new program, project,*
16 *or activity;*

17 *(2) eliminates a program, project, or activity;*

18 *(3) increases funds for any program, project, or*
19 *activity for which funds have been denied or restricted*
20 *by this Act, unless prior approval is received from the*
21 *Committees on Appropriations of both Houses of Con-*
22 *gress;*

23 *(4) restarts or resumes any program, project or*
24 *activity for which funds are not provided in this Act,*

421

1 *unless prior approval is received from the Committees*
2 *on Appropriations of both Houses of Congress;*

3 *(5) transfers funds in excess of the following lim-*
4 *its, unless prior approval is received from the Com-*
5 *mittees on Appropriations of both Houses of Congress:*

6 *(A) 15 percent for any program, project or*
7 *activity for which \$2,000,000 or more is avail-*
8 *able at the beginning of the fiscal year; or*

9 *(B) \$400,000 for any program, project or*
10 *activity for which less than \$2,000,000 is avail-*
11 *able at the beginning of the fiscal year;*

12 *(6) transfers more than \$500,000 from either the*
13 *Facilities Operation, Maintenance, and Rehabilita-*
14 *tion category or the Resources Management and De-*
15 *velopment category to any program, project, or activ-*
16 *ity in the other category, unless prior approval is re-*
17 *ceived from the Committees on Appropriations of both*
18 *Houses of Congress; or*

19 *(7) transfers, where necessary to discharge legal*
20 *obligations of the Bureau of Reclamation, more than*
21 *\$5,000,000 to provide adequate funds for settled con-*
22 *tractor claims, increased contractor earnings due to*
23 *accelerated rates of operations, and real estate defi-*
24 *ciency judgments, unless prior approval is received*

422

1 *from the Committees on Appropriations of both*
2 *Houses of Congress.*

3 *(b) Subsection (a)(5) shall not apply to any transfer*
4 *of funds within the Facilities Operation, Maintenance, and*
5 *Rehabilitation category.*

6 *(c) For purposes of this section, the term “transfer”*
7 *means any movement of funds into or out of a program,*
8 *project, or activity.*

9 *(d) Except as provided in subsections (a) and (b), the*
10 *amounts made available in this title under the heading*
11 *“Bureau of Reclamation—Water and Related Resources”*
12 *shall be expended for the programs, projects, and activities*
13 *specified in the “Final Bill” columns in the “Water and*
14 *Related Resources” table included under the heading “Title*
15 *II—Department of the Interior” in the explanatory state-*
16 *ment described in section 4 (in the matter preceding divi-*
17 *sion A of this consolidated Act).*

18 *(e) The Bureau of Reclamation shall submit reports*
19 *on a quarterly basis to the Committees on Appropriations*
20 *of both Houses of Congress detailing all the funds repro-*
21 *grammed between programs, projects, activities, or cat-*
22 *egories of funding. The first quarterly report shall be sub-*
23 *mitted not later than 60 days after the date of enactment*
24 *of this Act.*

423

1 *SEC. 202. (a) None of the funds appropriated or other-*
2 *wise made available by this Act may be used to determine*
3 *the final point of discharge for the interceptor drain for*
4 *the San Luis Unit until development by the Secretary of*
5 *the Interior and the State of California of a plan, which*
6 *shall conform to the water quality standards of the State*
7 *of California as approved by the Administrator of the Envi-*
8 *ronmental Protection Agency, to minimize any detrimental*
9 *effect of the San Luis drainage waters.*

10 *(b) The costs of the Kesterson Reservoir Cleanup Pro-*
11 *gram and the costs of the San Joaquin Valley Drainage*
12 *Program shall be classified by the Secretary of the Interior*
13 *as reimbursable or nonreimbursable and collected until fully*
14 *repaid pursuant to the “Cleanup Program—Alternative*
15 *Repayment Plan” and the “SJVDP—Alternative Repay-*
16 *ment Plan” described in the report entitled “Repayment*
17 *Report, Kesterson Reservoir Cleanup Program and San*
18 *Joaquin Valley Drainage Program, February 1995”, pre-*
19 *pared by the Department of the Interior, Bureau of Rec-*
20 *lamation. Any future obligations of funds by the United*
21 *States relating to, or providing for, drainage service or*
22 *drainage studies for the San Luis Unit shall be fully reim-*
23 *bursable by San Luis Unit beneficiaries of such service or*
24 *studies pursuant to Federal reclamation law.*

1 *SEC. 203. Section 9504(e) of the Omnibus Public Land*
2 *Management Act of 2009 (42 U.S.C. 10364(e)) is amended*
3 *by striking “\$750,000,000” and inserting “\$820,000,000”.*

4 *SEC. 204. (a) Title I of Public Law 108–361 (the*
5 *Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as*
6 *amended by section 204 of division D of Public Law 117–*
7 *103, shall be applied by substituting “2023” for “2022”*
8 *each place it appears.*

9 *(b) Section 103(f)(4)(A) of Public Law 108–361 (the*
10 *Calfed Bay-Delta Authorization Act) is amended by strik-*
11 *ing “\$25,000,000” and inserting “\$30,000,000”.*

12 *SEC. 205. Section 9106(g)(2) of Public Law 111–11*
13 *(Omnibus Public Land Management Act of 2009) shall be*
14 *applied by substituting “2023” for “2022”.*

15 *SEC. 206. (a) Section 104(c) of the Reclamation States*
16 *Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c))*
17 *shall be applied by substituting “2023” for “2022”.*

18 *(b) Section 301 of the Reclamation States Emergency*
19 *Drought Relief Act of 1991 (43 U.S.C. 2241) shall be ap-*
20 *plied by substituting “2023” for “2022” and by substituting*
21 *“\$130,000,000” for “\$120,000,000”.*

22 *SEC. 207. Section 529(b)(3) of the Water Resources De-*
23 *velopment Act of 2000 (Public Law 106–541) as amended,*
24 *is amended by striking “\$30,000,000” and inserting*
25 *“\$40,000,000”.*

425

1 *SEC. 208. None of the funds made available by this*
2 *Act may be used for pre-construction or construction activi-*
3 *ties for any project recommended after enactment of the En-*
4 *ergy and Water Development and Related Agencies Appro-*
5 *priations Act, 2020 and prior to enactment of this Act by*
6 *the Secretary of the Interior and transmitted to the appro-*
7 *priate committees of Congress pursuant to section 4007 of*
8 *the Water Infrastructure Improvements for the Nation Act*
9 *(Public Law 114–322) if such project is not named in this*
10 *Act, Public Law 116–260, or Public Law 117–43.*

426

1 *TITLE III*2 *DEPARTMENT OF ENERGY*3 *ENERGY PROGRAMS*4 *ENERGY EFFICIENCY AND RENEWABLE ENERGY*

5 *For Department of Energy expenses including the pur-*
6 *chase, construction, and acquisition of plant and capital*
7 *equipment, and other expenses necessary for energy effi-*
8 *ciency and renewable energy activities in carrying out the*
9 *purposes of the Department of Energy Organization Act (42*
10 *U.S.C. 7101 et seq.), including the acquisition or con-*
11 *demnation of any real property or any facility or for plant*
12 *or facility acquisition, construction, or expansion,*
13 *\$3,460,000,000, to remain available until expended: Pro-*
14 *vided, That of such amount, \$223,000,000 shall be available*
15 *until September 30, 2024, for program direction.*

16 *CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY*
17 *RESPONSE*

18 *For Department of Energy expenses including the pur-*
19 *chase, construction, and acquisition of plant and capital*
20 *equipment, and other expenses necessary for energy sector*
21 *cybersecurity, energy security, and emergency response ac-*
22 *tivities in carrying out the purposes of the Department of*
23 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*
24 *ing the acquisition or condemnation of any real property*
25 *or any facility or for plant or facility acquisition, construc-*

427

1 *tion, or expansion, \$200,000,000, to remain available until*
2 *expended: Provided, That of such amount, \$25,143,000 shall*
3 *be available until September 30, 2024, for program direc-*
4 *tion.*

5 *ELECTRICITY*

6 *For Department of Energy expenses including the pur-*
7 *chase, construction, and acquisition of plant and capital*
8 *equipment, and other expenses necessary for electricity ac-*
9 *tivities in carrying out the purposes of the Department of*
10 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*
11 *ing the acquisition or condemnation of any real property*
12 *or any facility or for plant or facility acquisition, construc-*
13 *tion, or expansion, \$350,000,000, to remain available until*
14 *expended: Provided, That of such amount, \$23,000,000 shall*
15 *be available until September 30, 2024, for program direc-*
16 *tion.*

17 *NUCLEAR ENERGY*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For Department of Energy expenses including the pur-*
20 *chase, construction, and acquisition of plant and capital*
21 *equipment, and other expenses necessary for nuclear energy*
22 *activities in carrying out the purposes of the Department*
23 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*
24 *cluding the acquisition or condemnation of any real prop-*
25 *erty or any facility or for plant or facility acquisition, con-*

1 *struction, or expansion, \$1,473,000,000, to remain avail-*
2 *able until expended, of which \$20,000,000 shall be trans-*
3 *ferred to “Department of Energy—Energy Programs—*
4 *Science”, for hot cells operations and maintenance: Pro-*
5 *vided, That of such amount, \$85,000,000 shall be available*
6 *until September 30, 2024, for program direction: Provided*
7 *further, That for the purpose of section 954(a)(6) of the En-*
8 *ergy Policy Act of 2005, as amended, the only amount*
9 *available shall be from the amount specified as including*
10 *that purpose in the “Final Bill” column in the “Depart-*
11 *ment of Energy” table included under the heading “Title*
12 *III—Department of Energy” in the explanatory statement*
13 *described in section 4 (in the matter preceding division A*
14 *of this consolidated Act).*

15 *FOSSIL ENERGY AND CARBON MANAGEMENT*

16 *For Department of Energy expenses necessary in car-*
17 *rying out fossil energy and carbon management research*
18 *and development activities, under the authority of the De-*
19 *partment of Energy Organization Act (42 U.S.C. 7101 et*
20 *seq.), including the acquisition of interest, including defea-*
21 *sible and equitable interests in any real property or any*
22 *facility or for plant or facility acquisition or expansion,*
23 *and for conducting inquiries, technological investigations*
24 *and research concerning the extraction, processing, use, and*
25 *disposal of mineral substances without objectionable social*

429

1 *and environmental costs (30 U.S.C. 3, 1602, and 1603),*
2 *\$890,000,000, to remain available until expended: Pro-*
3 *vided, That of such amount \$70,000,000 shall be available*
4 *until September 30, 2024, for program direction.*

5 *ENERGY PROJECTS*

6 *For Department of Energy expenses necessary in car-*
7 *rying out community project funding activities, under the*
8 *authority of the Department of Energy Organization Act*
9 *(42 U.S.C. 7101 et seq.), \$221,968,652, to remain available*
10 *until expended, for projects specified in the table that ap-*
11 *pears under the heading “Community Project Funding and*
12 *Congressionally Directed Spending of Energy Projects” in*
13 *the explanatory statement described in section 4 (in the*
14 *matter preceding division A of this consolidated Act).*

15 *NAVAL PETROLEUM AND OIL SHALE RESERVES*

16 *For Department of Energy expenses necessary to carry*
17 *out naval petroleum and oil shale reserve activities,*
18 *\$13,004,000, to remain available until expended: Provided,*
19 *That notwithstanding any other provision of law, unobli-*
20 *gated funds remaining from prior years shall be available*
21 *for all naval petroleum and oil shale reserve activities.*

22 *STRATEGIC PETROLEUM RESERVE*

23 *For Department of Energy expenses necessary for*
24 *Strategic Petroleum Reserve facility development and oper-*
25 *ations and program management activities pursuant to the*

430

1 *Energy Policy and Conservation Act (42 U.S.C. 6201 et*
2 *seq.), \$207,175,000, to remain available until expended.*

3 *SPR PETROLEUM ACCOUNT*

4 *For the acquisition, transportation, and injection of*
5 *petroleum products, and for other necessary expenses pursu-*
6 *ant to the Energy Policy and Conservation Act of 1975,*
7 *as amended (42 U.S.C. 6201 et seq.), sections 403 and 404*
8 *of the Bipartisan Budget Act of 2015 (42 U.S.C. 6241, 6239*
9 *note), section 32204 of the Fixing America's Surface Trans-*
10 *portation Act (42 U.S.C. 6241 note), and section 30204 of*
11 *the Bipartisan Budget Act of 2018 (42 U.S.C. 6241 note),*
12 *\$100,000, to remain available until expended: Provided,*
13 *That of the unobligated balances from amounts deposited*
14 *under this heading pursuant to section 167(b)(3) of the En-*
15 *ergy Policy and Conservation Act (42 U.S.C. 6247(b)(3)),*
16 *\$2,052,000,000 is hereby permanently rescinded not later*
17 *than September 30, 2023.*

18 *NORTHEAST HOME HEATING OIL RESERVE*

19 *For Department of Energy expenses necessary for*
20 *Northeast Home Heating Oil Reserve storage, operation,*
21 *and management activities pursuant to the Energy Policy*
22 *and Conservation Act (42 U.S.C. 6201 et seq.), \$7,000,000,*
23 *to remain available until expended.*

431

1 *ENERGY INFORMATION ADMINISTRATION*

2 *For Department of Energy expenses necessary in car-*
3 *rying out the activities of the Energy Information Adminis-*
4 *tration, \$135,000,000, to remain available until expended.*

5 *NON-DEFENSE ENVIRONMENTAL CLEANUP*

6 *For Department of Energy expenses, including the*
7 *purchase, construction, and acquisition of plant and cap-*
8 *ital equipment and other expenses necessary for non-defense*
9 *environmental cleanup activities in carrying out the pur-*
10 *poses of the Department of Energy Organization Act (42*
11 *U.S.C. 7101 et seq.), including the acquisition or con-*
12 *demnation of any real property or any facility or for plant*
13 *or facility acquisition, construction, or expansion, and the*
14 *purchase of one passenger motor vehicle, \$358,583,000, to*
15 *remain available until expended: Provided, That in addi-*
16 *tion, fees collected pursuant to subsection (b)(1) of section*
17 *6939f of title 42, United States Code, and deposited under*
18 *this heading in fiscal year 2023 pursuant to section 309*
19 *of title III of division C of Public Law 116–94 are appro-*
20 *priated, to remain available until expended, for mercury*
21 *storage costs.*

22 *URANIUM ENRICHMENT DECONTAMINATION AND*
23 *DECOMMISSIONING FUND*

24 *For Department of Energy expenses necessary in car-*
25 *rying out uranium enrichment facility decontamination*

432

1 *and decommissioning, remedial actions, and other activities*
2 *of title II of the Atomic Energy Act of 1954, and title X,*
3 *subtitle A, of the Energy Policy Act of 1992, \$879,052,000,*
4 *to be derived from the Uranium Enrichment Decontamina-*
5 *tion and Decommissioning Fund, to remain available until*
6 *expended, of which \$14,800,000 shall be available in accord-*
7 *ance with title X, subtitle A, of the Energy Policy Act of*
8 *1992.*

9 *SCIENCE*

10 *For Department of Energy expenses including the pur-*
11 *chase, construction, and acquisition of plant and capital*
12 *equipment, and other expenses necessary for science activi-*
13 *ties in carrying out the purposes of the Department of En-*
14 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
15 *the acquisition or condemnation of any real property or*
16 *any facility or for plant or facility acquisition, construc-*
17 *tion, or expansion, and purchase of not more than 35 pas-*
18 *senger motor vehicles, including one ambulance, for replace-*
19 *ment only, \$8,100,000,000, to remain available until ex-*
20 *pended: Provided, That of such amount, \$211,211,000 shall*
21 *be available until September 30, 2024, for program direc-*
22 *tion.*

23 *NUCLEAR WASTE DISPOSAL*

24 *For Department of Energy expenses necessary for nu-*
25 *clear waste disposal activities to carry out the purposes of*

433

1 *the Nuclear Waste Policy Act of 1982, Public Law 97–425,*
2 *as amended, \$10,205,000, to remain available until ex-*
3 *pended, which shall be derived from the Nuclear Waste*
4 *Fund.*

5 *TECHNOLOGY TRANSITIONS*

6 *For Department of Energy expenses necessary for car-*
7 *rying out the activities of technology transitions,*
8 *\$22,098,000, to remain available until expended: Provided,*
9 *That of such amount, \$13,183,000 shall be available until*
10 *September 30, 2024, for program direction.*

11 *CLEAN ENERGY DEMONSTRATIONS*

12 *For Department of Energy expenses, including the*
13 *purchase, construction, and acquisition of plant and cap-*
14 *ital equipment and other expenses necessary for clean en-*
15 *ergy demonstrations in carrying out the purposes of the De-*
16 *partment of Energy Organization Act (42 U.S.C. 7101 et*
17 *seq.), including the acquisition or condemnation of any real*
18 *property or any facility or for plant or facility acquisition,*
19 *construction, or expansion, \$89,000,000, to remain avail-*
20 *able until expended: Provided, That of such amount,*
21 *\$25,000,000 shall be available until September 30, 2024,*
22 *for program direction.*

23 *ADVANCED RESEARCH PROJECTS AGENCY—ENERGY*

24 *For Department of Energy expenses necessary in car-*
25 *rying out the activities authorized by section 5012 of the*

434

1 *America COMPETES Act (Public Law 110–69),*
2 *\$470,000,000, to remain available until expended: Pro-*
3 *vided, That of such amount, \$37,000,000 shall be available*
4 *until September 30, 2024, for program direction.*

5 *TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE*
6 *PROGRAM*

7 *(INCLUDING RESCISSION OF FUNDS)*

8 *Such sums as are derived from amounts received from*
9 *borrowers pursuant to section 1702(b) of the Energy Policy*
10 *Act of 2005 under this heading in prior Acts, shall be col-*
11 *lected in accordance with section 502(7) of the Congres-*
12 *sional Budget Act of 1974: Provided, That for necessary ad-*
13 *ministrative expenses of the Title 17 Innovative Technology*
14 *Loan Guarantee Program, as authorized, \$66,206,000 is*
15 *appropriated, to remain available until September 30,*
16 *2024: Provided further, That up to \$66,206,000 of fees col-*
17 *lected in fiscal year 2023 pursuant to section 1702(h) of*
18 *the Energy Policy Act of 2005 shall be credited as offsetting*
19 *collections under this heading and used for necessary ad-*
20 *ministrative expenses in this appropriation and shall re-*
21 *main available until September 30, 2024: Provided further,*
22 *That to the extent that fees collected in fiscal year 2023*
23 *exceed \$66,206,000, those excess amounts shall be credited*
24 *as offsetting collections under this heading and available*
25 *in future fiscal years only to the extent provided in advance*

435

1 *in appropriations Acts: Provided further, That the sum*
2 *herein appropriated from the general fund shall be reduced*
3 *(1) as such fees are received during fiscal year 2023 (esti-*
4 *mated at \$35,000,000) and (2) to the extent that any re-*
5 *maining general fund appropriations can be derived from*
6 *fees collected in previous fiscal years that are not otherwise*
7 *appropriated, so as to result in a final fiscal year 2023*
8 *appropriation from the general fund estimated at \$0: Pro-*
9 *vided further, That the Department of Energy shall not sub-*
10 *ordinate any loan obligation to other financing in violation*
11 *of section 1702 of the Energy Policy Act of 2005 or subordi-*
12 *nate any Guaranteed Obligation to any loan or other debt*
13 *obligations in violation of section 609.10 of title 10, Code*
14 *of Federal Regulations.*

15 *Of the unobligated balances from amounts made avail-*
16 *able in the first proviso of section 1425 of the Department*
17 *of Defense and Full-Year Continuing Appropriations Act,*
18 *2011 (Public Law 112–10) for the cost of loan guarantees*
19 *under section 1703 of the Energy Policy Act of 2005,*
20 *\$150,000,000 are hereby permanently rescinded: Provided,*
21 *That, subject to section 502 of the Congressional Budget Act*
22 *of 1974, commitments to guarantee loans for eligible*
23 *projects under title XVII of the Energy Policy Act of 2005,*
24 *shall not exceed a total principal amount of*
25 *\$15,000,000,000, to remain available until committed: Pro-*

1 *vided further, That the amounts provided under this para-*
2 *graph are in addition to those provided in any other Act:*
3 *Provided further, That for amounts collected pursuant to*
4 *section 1702(b)(2) of the Energy Policy Act of 2005, the*
5 *source of such payment received from borrowers may not*
6 *be a loan or other debt obligation that is guaranteed by*
7 *the Federal Government: Provided further, That none of*
8 *such loan guarantee authority made available under this*
9 *paragraph shall be available for commitments to guarantee*
10 *loans for any projects where funds, personnel, or property*
11 *(tangible or intangible) of any Federal agency, instrumen-*
12 *tality, personnel, or affiliated entity are expected be used*
13 *(directly or indirectly) through acquisitions, contracts,*
14 *demonstrations, exchanges, grants, incentives, leases, pro-*
15 *curements, sales, other transaction authority, or other ar-*
16 *rangements, to support the project or to obtain goods or*
17 *services from the project: Provided further, That the pre-*
18 *ceding proviso shall not be interpreted as precluding the*
19 *use of the loan guarantee authority provided under this*
20 *paragraph for commitments to guarantee loans for: (1)*
21 *projects as a result of such projects benefitting from other-*
22 *wise allowable Federal income tax benefits; (2) projects as*
23 *a result of such projects benefitting from being located on*
24 *Federal land pursuant to a lease or right-of-way agreement*
25 *for which all consideration for all uses is: (A) paid exclu-*

1 *sively in cash; (B) deposited in the Treasury as offsetting*
2 *receipts; and (C) equal to the fair market value as deter-*
3 *mined by the head of the relevant Federal agency; (3)*
4 *projects as a result of such projects benefitting from Federal*
5 *insurance programs, including under section 170 of the*
6 *Atomic Energy Act of 1954 (42 U.S.C. 2210; commonly*
7 *known as the “Price-Anderson Act”); or (4) electric genera-*
8 *tion projects using transmission facilities owned or oper-*
9 *ated by a Federal Power Marketing Administration or the*
10 *Tennessee Valley Authority that have been authorized, ap-*
11 *proved, and financed independent of the project receiving*
12 *the guarantee: Provided further, That none of the loan guar-*
13 *antee authority made available under this paragraph shall*
14 *be available for any project unless the Director of the Office*
15 *of Management and Budget has certified in advance in*
16 *writing that the loan guarantee and the project comply with*
17 *the provisions under this paragraph.*

18 *ADVANCED TECHNOLOGY VEHICLES MANUFACTURING*

19 *LOAN PROGRAM*

20 *For Department of Energy administrative expenses*
21 *necessary in carrying out the Advanced Technology Vehicles*
22 *Manufacturing Loan Program, \$9,800,000, to remain*
23 *available until September 30, 2024.*

1 *TRIBAL ENERGY LOAN GUARANTEE PROGRAM*

2 *For Department of Energy administrative expenses*
3 *necessary in carrying out the Tribal Energy Loan Guar-*
4 *antee Program, \$2,000,000, to remain available until Sep-*
5 *tember 30, 2024: Provided, That in this fiscal year and sub-*
6 *sequent fiscal years, under section 2602(c) of the Energy*
7 *Policy Act of 1992 (25 U.S.C. 3502(c)), the Secretary of*
8 *Energy may also provide direct loans, as defined in section*
9 *502 of the Congressional Budget Act of 1974 (2 U.S.C.*
10 *661a): Provided further, That such direct loans shall be*
11 *made through the Federal Financing Bank, with the full*
12 *faith and credit of the United States Government on the*
13 *principal and interest: Provided further, That any funds*
14 *previously appropriated for the cost of loan guarantees*
15 *under section 2602(c) of the Energy Policy Act of 1992 (25*
16 *U.S.C. 3502(c)) may also be used, in this fiscal year and*
17 *subsequent fiscal years, for the cost of direct loans provided*
18 *under such section of such Act: Provided further, That for*
19 *the cost of direct loans for the Tribal Energy Loan Guar-*
20 *antee Program as provided for in the preceding three pro-*
21 *visos and for the cost of guaranteed loans for such program*
22 *under section 2602(c) of the Energy Policy Act of 1992 (25*
23 *U.S.C. 3502(c)), \$2,000,000, to remain available until ex-*
24 *pendent: Provided further, That such costs, including the cost*

1 *of modifying such loans, shall be as defined in section 502*
2 *of the Congressional Budget Act of 1974 (2 U.S.C. 661a).*

3 *INDIAN ENERGY POLICY AND PROGRAMS*

4 *For necessary expenses for Indian Energy activities in*
5 *carrying out the purposes of the Department of Energy Or-*
6 *ganization Act (42 U.S.C. 7101 et seq.), \$75,000,000, to re-*
7 *main available until expended: Provided, That of the*
8 *amount appropriated under this heading, \$14,000,000 shall*
9 *be available until September 30, 2024, for program direc-*
10 *tion.*

11 *DEPARTMENTAL ADMINISTRATION*

12 *For salaries and expenses of the Department of Energy*
13 *necessary for departmental administration in carrying out*
14 *the purposes of the Department of Energy Organization Act*
15 *(42 U.S.C. 7101 et seq.), \$383,578,000, to remain available*
16 *until September 30, 2024, including the hire of passenger*
17 *motor vehicles and official reception and representation ex-*
18 *penses not to exceed \$30,000, plus such additional amounts*
19 *as necessary to cover increases in the estimated amount of*
20 *cost of work for others notwithstanding the provisions of*
21 *the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*
22 *That such increases in cost of work are offset by revenue*
23 *increases of the same or greater amount: Provided further,*
24 *That moneys received by the Department for miscellaneous*
25 *revenues estimated to total \$100,578,000 in fiscal year 2023*

440

1 *may be retained and used for operating expenses within this*
2 *account, as authorized by section 201 of Public Law 95–*
3 *238, notwithstanding the provisions of 31 U.S.C. 3302: Pro-*
4 *vided further, That the sum herein appropriated shall be*
5 *reduced as collections are received during the fiscal year*
6 *so as to result in a final fiscal year 2023 appropriation*
7 *from the general fund estimated at not more than*
8 *\$283,000,000.*

9 *OFFICE OF THE INSPECTOR GENERAL*

10 *For expenses necessary for the Office of the Inspector*
11 *General in carrying out the provisions of the Inspector Gen-*
12 *eral Act of 1978, \$86,000,000, to remain available until*
13 *September 30, 2024.*

14 *ATOMIC ENERGY DEFENSE ACTIVITIES*15 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*16 *WEAPONS ACTIVITIES*

17 *For Department of Energy expenses, including the*
18 *purchase, construction, and acquisition of plant and cap-*
19 *ital equipment and other incidental expenses necessary for*
20 *atomic energy defense weapons activities in carrying out*
21 *the purposes of the Department of Energy Organization Act*
22 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*
23 *demnation of any real property or any facility or for plant*
24 *or facility acquisition, construction, or expansion,*
25 *\$17,116,119,000, to remain available until expended: Pro-*

441

1 *vided, That of such amount, \$130,070,000 shall be available*
2 *until September 30, 2024, for program direction.*

3 *DEFENSE NUCLEAR NONPROLIFERATION*

4 *For Department of Energy expenses, including the*
5 *purchase, construction, and acquisition of plant and cap-*
6 *ital equipment and other incidental expenses necessary for*
7 *defense nuclear nonproliferation activities, in carrying out*
8 *the purposes of the Department of Energy Organization Act*
9 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*
10 *demnation of any real property or any facility or for plant*
11 *or facility acquisition, construction, or expansion,*
12 *\$2,490,000,000, to remain available until expended.*

13 *NAVAL REACTORS*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For Department of Energy expenses necessary for*
16 *naval reactors activities to carry out the Department of En-*
17 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
18 *the acquisition (by purchase, condemnation, construction,*
19 *or otherwise) of real property, plant, and capital equip-*
20 *ment, facilities, and facility expansion, \$2,081,445,000, to*
21 *remain available until expended, of which, \$99,747,000*
22 *shall be transferred to “Department of Energy—Energy*
23 *Programs—Nuclear Energy”, for the Advanced Test Reac-*
24 *tor: Provided, That of such amount, \$58,525,000 shall be*
25 *available until September 30, 2024, for program direction.*

442

1 *FEDERAL SALARIES AND EXPENSES*

2 *For expenses necessary for Federal Salaries and Ex-*
3 *penses in the National Nuclear Security Administration,*
4 *\$475,000,000, to remain available until September 30,*
5 *2024, including official reception and representation ex-*
6 *penses not to exceed \$17,000.*

7 *ENVIRONMENTAL AND OTHER DEFENSE*8 *ACTIVITIES*9 *DEFENSE ENVIRONMENTAL CLEANUP*

10 *For Department of Energy expenses, including the*
11 *purchase, construction, and acquisition of plant and cap-*
12 *ital equipment and other expenses necessary for atomic en-*
13 *ergy defense environmental cleanup activities in carrying*
14 *out the purposes of the Department of Energy Organization*
15 *Act (42 U.S.C. 7101 et seq.), including the acquisition or*
16 *condemnation of any real property or any facility or for*
17 *plant or facility acquisition, construction, or expansion,*
18 *\$7,025,000,000, to remain available until expended: Pro-*
19 *vided, That of such amount, \$317,002,000 shall be available*
20 *until September 30, 2024, for program direction.*

21 *DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND*22 *DECOMMISSIONING*23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For an additional amount for atomic energy defense*
25 *environmental cleanup activities for Department of Energy*

443

1 *contributions for uranium enrichment decontamination*
2 *and decommissioning activities, \$586,035,000, to be depos-*
3 *ited into the Defense Environmental Cleanup account,*
4 *which shall be transferred to the “Uranium Enrichment De-*
5 *contamination and Decommissioning Fund”.*

6 *OTHER DEFENSE ACTIVITIES*

7 *For Department of Energy expenses, including the*
8 *purchase, construction, and acquisition of plant and cap-*
9 *ital equipment and other expenses, necessary for atomic en-*
10 *ergy defense, other defense activities, and classified activi-*
11 *ties, in carrying out the purposes of the Department of En-*
12 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
13 *the acquisition or condemnation of any real property or*
14 *any facility or for plant or facility acquisition, construc-*
15 *tion, or expansion, \$1,035,000,000, to remain available*
16 *until expended: Provided, That of such amount,*
17 *\$364,734,000 shall be available until September 30, 2024,*
18 *for program direction.*

19 *POWER MARKETING ADMINISTRATIONS*20 *BONNEVILLE POWER ADMINISTRATION FUND*

21 *Expenditures from the Bonneville Power Administra-*
22 *tion Fund, established pursuant to Public Law 93–454, are*
23 *approved for the Colville Tribes Residents Fish Hatchery*
24 *Expansion, Chief Joseph Hatchery Water Quality Project,*
25 *and Umatilla Hatchery Facility Project and, in addition,*

444

1 *for official reception and representation expenses in an*
2 *amount not to exceed \$5,000: Provided, That during fiscal*
3 *year 2023, no new direct loan obligations may be made.*

4 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*
5 *ADMINISTRATION*

6 *For expenses necessary for operation and maintenance*
7 *of power transmission facilities and for marketing electric*
8 *power and energy, including transmission wheeling and*
9 *ancillary services, pursuant to section 5 of the Flood Con-*
10 *trol Act of 1944 (16 U.S.C. 825s), as applied to the south-*
11 *eastern power area, \$8,173,000, including official reception*
12 *and representation expenses in an amount not to exceed*
13 *\$1,500, to remain available until expended: Provided, That*
14 *notwithstanding 31 U.S.C. 3302 and section 5 of the Flood*
15 *Control Act of 1944, up to \$8,173,000 collected by the*
16 *Southeastern Power Administration from the sale of power*
17 *and related services shall be credited to this account as dis-*
18 *cretionary offsetting collections, to remain available until*
19 *expended for the sole purpose of funding the annual ex-*
20 *penses of the Southeastern Power Administration: Provided*
21 *further, That the sum herein appropriated for annual ex-*
22 *penses shall be reduced as collections are received during*
23 *the fiscal year so as to result in a final fiscal year 2023*
24 *appropriation estimated at not more than \$0: Provided fur-*
25 *ther, That notwithstanding 31 U.S.C. 3302, up to*

445

1 \$78,696,000 collected by the Southeastern Power Adminis-
2 tration pursuant to the Flood Control Act of 1944 to recover
3 purchase power and wheeling expenses shall be credited to
4 this account as offsetting collections, to remain available
5 until expended for the sole purpose of making purchase
6 power and wheeling expenditures: Provided further, That
7 for purposes of this appropriation, annual expenses means
8 expenditures that are generally recovered in the same year
9 that they are incurred (excluding purchase power and
10 wheeling expenses).

11 OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
12 ADMINISTRATION

13 For expenses necessary for operation and maintenance
14 of power transmission facilities and for marketing electric
15 power and energy, for construction and acquisition of
16 transmission lines, substations and appurtenant facilities,
17 and for administrative expenses, including official recep-
18 tion and representation expenses in an amount not to ex-
19 ceed \$1,500 in carrying out section 5 of the Flood Control
20 Act of 1944 (16 U.S.C. 825s), as applied to the South-
21 western Power Administration, \$53,488,000, to remain
22 available until expended: Provided, That notwithstanding
23 31 U.S.C. 3302 and section 5 of the Flood Control Act of
24 1944 (16 U.S.C. 825s), up to \$42,880,000 collected by the
25 Southwestern Power Administration from the sale of power

446

1 *and related services shall be credited to this account as dis-*
2 *cretionary offsetting collections, to remain available until*
3 *expended, for the sole purpose of funding the annual ex-*
4 *penses of the Southwestern Power Administration: Provided*
5 *further, That the sum herein appropriated for annual ex-*
6 *penses shall be reduced as collections are received during*
7 *the fiscal year so as to result in a final fiscal year 2023*
8 *appropriation estimated at not more than \$10,608,000:*
9 *Provided further, That notwithstanding 31 U.S.C. 3302, up*
10 *to \$70,000,000 collected by the Southwestern Power Admin-*
11 *istration pursuant to the Flood Control Act of 1944 to re-*
12 *cover purchase power and wheeling expenses shall be cred-*
13 *ited to this account as offsetting collections, to remain avail-*
14 *able until expended for the sole purpose of making purchase*
15 *power and wheeling expenditures: Provided further, That*
16 *for purposes of this appropriation, annual expenses means*
17 *expenditures that are generally recovered in the same year*
18 *that they are incurred (excluding purchase power and*
19 *wheeling expenses).*

20 *CONSTRUCTION, REHABILITATION, OPERATION AND*

21 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

22 *For carrying out the functions authorized by title III,*
23 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*
24 *7152), and other related activities including conservation*
25 *and renewable resources programs as authorized,*

447

1 \$299,573,000, including official reception and representa-
2 tion expenses in an amount not to exceed \$1,500, to remain
3 available until expended, of which \$299,573,000 shall be de-
4 rived from the Department of the Interior Reclamation
5 Fund: Provided, That notwithstanding 31 U.S.C. 3302, sec-
6 tion 5 of the Flood Control Act of 1944 (16 U.S.C. 825s),
7 and section 1 of the Interior Department Appropriation
8 Act, 1939 (43 U.S.C. 392a), up to \$200,841,000 collected
9 by the Western Area Power Administration from the sale
10 of power and related services shall be credited to this ac-
11 count as discretionary offsetting collections, to remain
12 available until expended, for the sole purpose of funding
13 the annual expenses of the Western Area Power Administra-
14 tion: Provided further, That the sum herein appropriated
15 for annual expenses shall be reduced as collections are re-
16 ceived during the fiscal year so as to result in a final fiscal
17 year 2023 appropriation estimated at not more than
18 \$98,732,000, of which \$98,732,000 is derived from the Rec-
19 lamation Fund: Provided further, That notwithstanding 31
20 U.S.C. 3302, up to \$475,000,000 collected by the Western
21 Area Power Administration pursuant to the Flood Control
22 Act of 1944 and the Reclamation Project Act of 1939 to
23 recover purchase power and wheeling expenses shall be cred-
24 ited to this account as offsetting collections, to remain avail-
25 able until expended for the sole purpose of making purchase

1 *power and wheeling expenditures: Provided further, That*
2 *for purposes of this appropriation, annual expenses means*
3 *expenditures that are generally recovered in the same year*
4 *that they are incurred (excluding purchase power and*
5 *wheeling expenses).*

6 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

7 *FUND*

8 *For operation, maintenance, and emergency costs for*
9 *the hydroelectric facilities at the Falcon and Amistad*
10 *Dams, \$6,330,000, to remain available until expended, and*
11 *to be derived from the Falcon and Amistad Operating and*
12 *Maintenance Fund of the Western Area Power Administra-*
13 *tion, as provided in section 2 of the Act of June 18, 1954*
14 *(68 Stat. 255): Provided, That notwithstanding the provi-*
15 *sions of that Act and of 31 U.S.C. 3302, up to \$6,102,000*
16 *collected by the Western Area Power Administration from*
17 *the sale of power and related services from the Falcon and*
18 *Amistad Dams shall be credited to this account as discre-*
19 *tionary offsetting collections, to remain available until ex-*
20 *pended for the sole purpose of funding the annual expenses*
21 *of the hydroelectric facilities of these Dams and associated*
22 *Western Area Power Administration activities: Provided*
23 *further, That the sum herein appropriated for annual ex-*
24 *penses shall be reduced as collections are received during*
25 *the fiscal year so as to result in a final fiscal year 2023*

1 *appropriation estimated at not more than \$228,000: Pro-*
2 *vided further, That for purposes of this appropriation, an-*
3 *nual expenses means expenditures that are generally recov-*
4 *ered in the same year that they are incurred: Provided fur-*
5 *ther, That for fiscal year 2023, the Administrator of the*
6 *Western Area Power Administration may accept up to*
7 *\$1,598,000 in funds contributed by United States power*
8 *customers of the Falcon and Amistad Dams for deposit into*
9 *the Falcon and Amistad Operating and Maintenance Fund,*
10 *and such funds shall be available for the purpose for which*
11 *contributed in like manner as if said sums had been specifi-*
12 *cally appropriated for such purpose: Provided further, That*
13 *any such funds shall be available without further appro-*
14 *priation and without fiscal year limitation for use by the*
15 *Commissioner of the United States Section of the Inter-*
16 *national Boundary and Water Commission for the sole pur-*
17 *pose of operating, maintaining, repairing, rehabilitating,*
18 *replacing, or upgrading the hydroelectric facilities at these*
19 *Dams in accordance with agreements reached between the*
20 *Administrator, Commissioner, and the power customers.*

21 *FEDERAL ENERGY REGULATORY COMMISSION*

22 *SALARIES AND EXPENSES*

23 *For expenses necessary for the Federal Energy Regu-*
24 *latory Commission to carry out the provisions of the De-*
25 *partment of Energy Organization Act (42 U.S.C. 7101 et*

450

1 *seq.), including services as authorized by 5 U.S.C. 3109,*
2 *official reception and representation expenses not to exceed*
3 *\$3,000, and the hire of passenger motor vehicles,*
4 *\$508,400,000, to remain available until expended: Pro-*
5 *vided, That notwithstanding any other provision of law, not*
6 *to exceed \$508,400,000 of revenues from fees and annual*
7 *charges, and other services and collections in fiscal year*
8 *2023 shall be retained and used for expenses necessary in*
9 *this account, and shall remain available until expended:*
10 *Provided further, That the sum herein appropriated from*
11 *the general fund shall be reduced as revenues are received*
12 *during fiscal year 2023 so as to result in a final fiscal year*
13 *2023 appropriation from the general fund estimated at not*
14 *more than \$0.*

15 *GENERAL PROVISIONS—DEPARTMENT OF*
16 *ENERGY*

17 *SEC. 301. (a) No appropriation, funds, or authority*
18 *made available by this title for the Department of Energy*
19 *shall be used to initiate or resume any program, project,*
20 *or activity or to prepare or initiate Requests For Proposals*
21 *or similar arrangements (including Requests for*
22 *Quotations, Requests for Information, and Funding Oppor-*
23 *tunity Announcements) for a program, project, or activity*
24 *if the program, project, or activity has not been funded by*
25 *Congress.*

451

1 (b)(1) *Unless the Secretary of Energy notifies the Com-*
2 *mittees on Appropriations of both Houses of Congress at*
3 *least 3 full business days in advance, none of the funds*
4 *made available in this title may be used to—*

5 (A) *make a grant allocation or discretionary*
6 *grant award totaling \$1,000,000 or more;*

7 (B) *make a discretionary contract award or*
8 *Other Transaction Agreement totaling \$1,000,000 or*
9 *more, including a contract covered by the Federal Ac-*
10 *quisition Regulation;*

11 (C) *issue a letter of intent to make an allocation,*
12 *award, or Agreement in excess of the limits in sub-*
13 *paragraph (A) or (B); or*

14 (D) *announce publicly the intention to make an*
15 *allocation, award, or Agreement in excess of the limits*
16 *in subparagraph (A) or (B).*

17 (2) *The Secretary of Energy shall submit to the Com-*
18 *mittees on Appropriations of both Houses of Congress with-*
19 *in 15 days of the conclusion of each quarter a report detail-*
20 *ing each grant allocation or discretionary grant award to-*
21 *taling less than \$1,000,000 provided during the previous*
22 *quarter.*

23 (3) *The notification required by paragraph (1) and the*
24 *report required by paragraph (2) shall include the recipient*
25 *of the award, the amount of the award, the fiscal year for*

452

1 *which the funds for the award were appropriated, the ac-*
2 *count and program, project, or activity from which the*
3 *funds are being drawn, the title of the award, and a brief*
4 *description of the activity for which the award is made.*

5 *(c) The Department of Energy may not, with respect*
6 *to any program, project, or activity that uses budget au-*
7 *thority made available in this title under the heading “De-*
8 *partment of Energy—Energy Programs”, enter into a*
9 *multiyear contract, award a multiyear grant, or enter into*
10 *a multiyear cooperative agreement unless—*

11 *(1) the contract, grant, or cooperative agreement*
12 *is funded for the full period of performance as antici-*
13 *pated at the time of award; or*

14 *(2) the contract, grant, or cooperative agreement*
15 *includes a clause conditioning the Federal Govern-*
16 *ment’s obligation on the availability of future year*
17 *budget authority and the Secretary notifies the Com-*
18 *mittees on Appropriations of both Houses of Congress*
19 *at least 3 days in advance.*

20 *(d) Except as provided in subsections (e), (f), and (g),*
21 *the amounts made available by this title shall be expended*
22 *as authorized by law for the programs, projects, and activi-*
23 *ties specified in the “Final Bill” column in the “Depart-*
24 *ment of Energy” table included under the heading “Title*
25 *III—Department of Energy” in the explanatory statement*

453

1 *described in section 4 (in the matter preceding division A*
2 *of this consolidated Act).*

3 (e) *The amounts made available by this title may be*
4 *reprogrammed for any program, project, or activity, and*
5 *the Department shall notify, and obtain the prior approval*
6 *of, the Committees on Appropriations of both Houses of*
7 *Congress at least 30 days prior to the use of any proposed*
8 *reprogramming that would cause any program, project, or*
9 *activity funding level to increase or decrease by more than*
10 *\$5,000,000 or 10 percent, whichever is less, during the time*
11 *period covered by this Act.*

12 (f) *None of the funds provided in this title shall be*
13 *available for obligation or expenditure through a re-*
14 *programming of funds that—*

15 (1) *creates, initiates, or eliminates a program,*
16 *project, or activity;*

17 (2) *increases funds or personnel for any pro-*
18 *gram, project, or activity for which funds are denied*
19 *or restricted by this Act; or*

20 (3) *reduces funds that are directed to be used for*
21 *a specific program, project, or activity by this Act.*

22 (g)(1) *The Secretary of Energy may waive any re-*
23 *quirement or restriction in this section that applies to the*
24 *use of funds made available for the Department of Energy*
25 *if compliance with such requirement or restriction would*

1 *pose a substantial risk to human health, the environment,*
2 *welfare, or national security.*

3 (2) *The Secretary of Energy shall notify the Commit-*
4 *tees on Appropriations of both Houses of Congress of any*
5 *waiver under paragraph (1) as soon as practicable, but not*
6 *later than 3 days after the date of the activity to which*
7 *a requirement or restriction would otherwise have applied.*
8 *Such notice shall include an explanation of the substantial*
9 *risk under paragraph (1) that permitted such waiver.*

10 (h) *The unexpended balances of prior appropriations*
11 *provided for activities in this Act may be available to the*
12 *same appropriation accounts for such activities established*
13 *pursuant to this title. Available balances may be merged*
14 *with funds in the applicable established accounts and there-*
15 *after may be accounted for as one fund for the same time*
16 *period as originally enacted.*

17 SEC. 302. *Funds appropriated by this or any other*
18 *Act, or made available by the transfer of funds in this Act,*
19 *for intelligence activities are deemed to be specifically au-*
20 *thorized by the Congress for purposes of section 504 of the*
21 *National Security Act of 1947 (50 U.S.C. 3094) during fis-*
22 *cal year 2023 until the enactment of the Intelligence Au-*
23 *thorization Act for fiscal year 2023.*

24 SEC. 303. *None of the funds made available in this*
25 *title shall be used for the construction of facilities classified*

1 *as high-hazard nuclear facilities under 10 CFR Part 830*
2 *unless independent oversight is conducted by the Office of*
3 *Enterprise Assessments to ensure the project is in compli-*
4 *ance with nuclear safety requirements.*

5 *SEC. 304. None of the funds made available in this*
6 *title may be used to approve critical decision-2 or critical*
7 *decision-3 under Department of Energy Order 413.3B, or*
8 *any successive departmental guidance, for construction*
9 *projects where the total project cost exceeds \$100,000,000,*
10 *until a separate independent cost estimate has been devel-*
11 *oped for the project for that critical decision.*

12 *SEC. 305. Notwithstanding section 161 of the Energy*
13 *Policy and Conservation Act (42 U.S.C. 6241), upon a de-*
14 *termination by the President in this fiscal year that a re-*
15 *gional supply shortage of refined petroleum product of sig-*
16 *nificant scope and duration exists, that a severe increase*
17 *in the price of refined petroleum product will likely result*
18 *from such shortage, and that a draw down and sale of re-*
19 *fined petroleum product would assist directly and signifi-*
20 *cantly in reducing the adverse impact of such shortage, the*
21 *Secretary of Energy may draw down and sell refined petro-*
22 *leum product from the Strategic Petroleum Reserve. Pro-*
23 *ceeds from a sale under this section shall be deposited into*
24 *the SPR Petroleum Account established in section 167 of*
25 *the Energy Policy and Conservation Act (42 U.S.C. 6247),*

456

1 *and such amounts shall be available for obligation, without*
2 *fiscal year limitation, consistent with that section.*

3 *SEC. 306. No funds shall be transferred directly from*
4 *“Department of Energy—Power Marketing Administra-*
5 *tion—Colorado River Basins Power Marketing Fund, West-*
6 *ern Area Power Administration” to the general fund of the*
7 *Treasury in the current fiscal year.*

8 *SEC. 307. All unavailable collections currently in the*
9 *United States Enrichment Corporation Fund shall be*
10 *transferred to and merged with the Uranium Enrichment*
11 *Decontamination and Decommissioning Fund and shall be*
12 *available only to the extent provided in advance in appro-*
13 *priations Acts.*

14 *SEC. 308. Subparagraphs (B) and (C) of section*
15 *40401(a)(2) of Public Law 117–58, paragraph (3) of section*
16 *1702(r) of the Energy Policy Act of 2005 (42 U.S.C.*
17 *16512(r)(3)) as added by section 40401(c)(2)(C) of Public*
18 *Law 117–58, and subsection (l) of section 136 of the Energy*
19 *Independence and Security Act of 2007 (42 U.S.C.*
20 *17013(l)), are hereby repealed.*

21 *SEC. 309. (a) Hereafter, for energy development, dem-*
22 *onstration, and deployment programs funded under De-*
23 *partment of Energy appropriations (other than those for*
24 *the National Nuclear Security Administration and Office*
25 *of Environmental Management) provided for fiscal year*

457

1 2022, the current fiscal year, or any fiscal year thereafter
2 (including by Acts other than appropriations Acts), the Sec-
3 retary may vest unconditional title or other property inter-
4 ests acquired under projects in an award recipient, sub-
5 recipient, or successor in interest, including the United
6 States, at the conclusion of the award period for projects
7 receiving an initial award in fiscal year 2022 or later.

8 (b) Upon vesting unconditional title pursuant to sub-
9 section (a) in an award recipient, subrecipient, or successor
10 in interest other than the United States, the United States
11 shall have no liabilities or obligations to the property.

12 (c) For purposes of this section, the term “property
13 interest” does not include any interest in intellectual prop-
14 erty developed using funding provided under a project.

15 SEC. 310. None of the funds made available in this
16 title may be used to support a grant allocation award, dis-
17 cretionary grant award, or cooperative agreement that ex-
18 ceeds \$100,000,000 in Federal funding unless the project is
19 carried out through internal independent project manage-
20 ment procedures.

458

1

TITLE IV

2

INDEPENDENT AGENCIES

3

APPALACHIAN REGIONAL COMMISSION

4

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$200,000,000, to remain available until expended.

13

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

14

SALARIES AND EXPENSES

15

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, \$41,401,000, to remain available until September 30, 2024, of which not to exceed \$1,000 shall be available for official reception and representation expenses.

22

DELTA REGIONAL AUTHORITY

23

SALARIES AND EXPENSES

24

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the

25

1 *Delta Regional Authority Act of 2000, notwithstanding sec-*
2 *tions 382F(d), 382M, and 382N of said Act, \$30,100,000,*
3 *to remain available until expended.*

4 *DENALI COMMISSION*

5 *For expenses necessary for the Denali Commission in-*
6 *cluding the purchase, construction, and acquisition of plant*
7 *and capital equipment as necessary and other expenses,*
8 *\$17,000,000, to remain available until expended, notwith-*
9 *standing the limitations contained in section 306(g) of the*
10 *Denali Commission Act of 1998: Provided, That funds shall*
11 *be available for construction projects for which the Denali*
12 *Commission is the sole or primary funding source in an*
13 *amount not to exceed 80 percent of total project cost for*
14 *distressed communities, as defined by section 307 of the*
15 *Denali Commission Act of 1998 (division C, title III, Pub-*
16 *lic Law 105–277), as amended by section 701 of appendix*
17 *D, title VII, Public Law 106–113 (113 Stat. 1501A–280),*
18 *and an amount not to exceed 50 percent for non-distressed*
19 *communities: Provided further, That notwithstanding any*
20 *other provision of law regarding payment of a non-Federal*
21 *share in connection with a grant-in-aid program, amounts*
22 *under this heading shall be available for the payment of*
23 *such a non-Federal share for any project for which the*
24 *Denali Commission is not the sole or primary funding*

460

1 *source, provided that such project is consistent with the pur-*
2 *poses of the Commission.*

3 *NORTHERN BORDER REGIONAL COMMISSION*

4 *For expenses necessary for the Northern Border Re-*
5 *gional Commission in carrying out activities authorized by*
6 *subtitle V of title 40, United States Code, \$40,000,000, to*
7 *remain available until expended: Provided, That such*
8 *amounts shall be available for administrative expenses, not-*
9 *withstanding section 15751(b) of title 40, United States*
10 *Code.*

11 *SOUTHEAST CRESCENT REGIONAL COMMISSION*

12 *For expenses necessary for the Southeast Crescent Re-*
13 *gional Commission in carrying out activities authorized by*
14 *subtitle V of title 40, United States Code, \$20,000,000, to*
15 *remain available until expended.*

16 *SOUTHWEST BORDER REGIONAL COMMISSION*

17 *For expenses necessary for the Southwest Border Re-*
18 *gional Commission in carrying out activities authorized by*
19 *subtitle V of title 40, United States Code, \$5,000,000, to*
20 *remain available until expended.*

21 *NUCLEAR REGULATORY COMMISSION*

22 *SALARIES AND EXPENSES*

23 *For expenses necessary for the Commission in carrying*
24 *out the purposes of the Energy Reorganization Act of 1974*
25 *and the Atomic Energy Act of 1954, \$911,384,000, includ-*

461

1 *ing official representation expenses not to exceed \$25,000,*
2 *to remain available until expended: Provided, That of the*
3 *amount appropriated herein, not more than \$9,500,000*
4 *may be made available for salaries, travel, and other sup-*
5 *port costs for the Office of the Commission, to remain avail-*
6 *able until September 30, 2024: Provided further, That reve-*
7 *nues from licensing fees, inspection services, and other serv-*
8 *ices and collections estimated at \$777,498,000 in fiscal year*
9 *2023 shall be retained and used for necessary salaries and*
10 *expenses in this account, notwithstanding 31 U.S.C. 3302,*
11 *and shall remain available until expended: Provided fur-*
12 *ther, That the sum herein appropriated shall be reduced by*
13 *the amount of revenues received during fiscal year 2023 so*
14 *as to result in a final fiscal year 2023 appropriation esti-*
15 *mated at not more than \$133,886,000.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *For expenses necessary for the Office of Inspector Gen-*
18 *eral in carrying out the provisions of the Inspector General*
19 *Act of 1978, \$15,769,000, to remain available until Sep-*
20 *tember 30, 2024: Provided, That revenues from licensing*
21 *fees, inspection services, and other services and collections*
22 *estimated at \$12,655,000 in fiscal year 2023 shall be re-*
23 *tained and be available until September 30, 2024, for nec-*
24 *essary salaries and expenses in this account, notwith-*
25 *standing section 3302 of title 31, United States Code: Pro-*

462

1 *vided further, That the sum herein appropriated shall be*
2 *reduced by the amount of revenues received during fiscal*
3 *year 2023 so as to result in a final fiscal year 2023 appro-*
4 *priation estimated at not more than \$3,114,000: Provided*
5 *further, That of the amounts appropriated under this head-*
6 *ing, \$1,520,000 shall be for Inspector General services for*
7 *the Defense Nuclear Facilities Safety Board.*

8 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*9 *SALARIES AND EXPENSES*

10 *For expenses necessary for the Nuclear Waste Tech-*
11 *nical Review Board, as authorized by Public Law 100–203,*
12 *section 5051, \$3,945,000, to be derived from the Nuclear*
13 *Waste Fund, to remain available until September 30, 2024.*

14 *GENERAL PROVISIONS—INDEPENDENT*15 *AGENCIES*

16 *SEC. 401. The Nuclear Regulatory Commission shall*
17 *comply with the July 5, 2011, version of Chapter VI of its*
18 *Internal Commission Procedures when responding to Con-*
19 *gressional requests for information, consistent with Depart-*
20 *ment of Justice guidance for all Federal agencies.*

21 *SEC. 402. (a) The amounts made available by this title*
22 *for the Nuclear Regulatory Commission may be repro-*
23 *grammed for any program, project, or activity, and the*
24 *Commission shall notify the Committees on Appropriations*
25 *of both Houses of Congress at least 30 days prior to the*

463

1 *use of any proposed reprogramming that would cause any*
2 *program funding level to increase or decrease by more than*
3 *\$500,000 or 10 percent, whichever is less, during the time*
4 *period covered by this Act.*

5 *(b)(1) The Nuclear Regulatory Commission may waive*
6 *the notification requirement in subsection (a) if compliance*
7 *with such requirement would pose a substantial risk to*
8 *human health, the environment, welfare, or national secu-*
9 *rity.*

10 *(2) The Nuclear Regulatory Commission shall notify*
11 *the Committees on Appropriations of both Houses of Con-*
12 *gress of any waiver under paragraph (1) as soon as prac-*
13 *ticable, but not later than 3 days after the date of the activ-*
14 *ity to which a requirement or restriction would otherwise*
15 *have applied. Such notice shall include an explanation of*
16 *the substantial risk under paragraph (1) that permitted*
17 *such waiver and shall provide a detailed report to the Com-*
18 *mittees of such waiver and changes to funding levels to pro-*
19 *grams, projects, or activities.*

20 *(c) Except as provided in subsections (a), (b), and (d),*
21 *the amounts made available by this title for “Nuclear Regu-*
22 *latory Commission—Salaries and Expenses” shall be ex-*
23 *pende as directed in the explanatory statement described*
24 *in section 4 (in the matter preceding division A of this con-*
25 *solidated Act).*

1 (d) *None of the funds provided for the Nuclear Regu-*
2 *latory Commission shall be available for obligation or ex-*
3 *penditure through a reprogramming of funds that increases*
4 *funds or personnel for any program, project, or activity for*
5 *which funds are denied or restricted by this Act.*

6 (e) *The Commission shall provide a monthly report to*
7 *the Committees on Appropriations of both Houses of Con-*
8 *gress, which includes the following for each program,*
9 *project, or activity, including any prior year appropria-*
10 *tions—*

- 11 (1) *total budget authority;*
12 (2) *total unobligated balances; and*
13 (3) *total unliquidated obligations.*

465

1 *TITLE V*2 *GENERAL PROVISIONS*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 501. None of the funds appropriated by this Act*
5 *may be used in any way, directly or indirectly, to influence*
6 *congressional action on any legislation or appropriation*
7 *matters pending before Congress, other than to commu-*
8 *nicate to Members of Congress as described in 18 U.S.C.*
9 *1913.*

10 *SEC. 502. (a) None of the funds made available in title*
11 *III of this Act may be transferred to any department, agen-*
12 *cy, or instrumentality of the United States Government, ex-*
13 *cept pursuant to a transfer made by or transfer authority*
14 *provided in this Act or any other appropriations Act for*
15 *any fiscal year, transfer authority referenced in the explan-*
16 *atory statement described in section 4 (in the matter pre-*
17 *ceding division A of this consolidated Act), or any authority*
18 *whereby a department, agency, or instrumentality of the*
19 *United States Government may provide goods or services*
20 *to another department, agency, or instrumentality.*

21 *(b) None of the funds made available for any depart-*
22 *ment, agency, or instrumentality of the United States Gov-*
23 *ernment may be transferred to accounts funded in title III*
24 *of this Act, except pursuant to a transfer made by or trans-*
25 *fer authority provided in this Act or any other appropri-*

1 *tions Act for any fiscal year, transfer authority referenced*
2 *in the explanatory statement described in section 4 (in the*
3 *matter preceding division A of this consolidated Act), or*
4 *any authority whereby a department, agency, or instru-*
5 *mentality of the United States Government may provide*
6 *goods or services to another department, agency, or instru-*
7 *mentality.*

8 (c) *The head of any relevant department or agency*
9 *funded in this Act utilizing any transfer authority shall*
10 *submit to the Committees on Appropriations of both Houses*
11 *of Congress a semiannual report detailing the transfer au-*
12 *thorities, except for any authority whereby a department,*
13 *agency, or instrumentality of the United States Government*
14 *may provide goods or services to another department, agen-*
15 *cy, or instrumentality, used in the previous 6 months and*
16 *in the year-to-date. This report shall include the amounts*
17 *transferred and the purposes for which they were trans-*
18 *ferred, and shall not replace or modify existing notification*
19 *requirements for each authority.*

20 SEC. 503. *None of the funds made available by this*
21 *Act may be used in contravention of Executive Order No.*
22 *12898 of February 11, 1994 (Federal Actions to Address*
23 *Environmental Justice in Minority Populations and Low-*
24 *Income Populations).*

467

1 *SEC. 504. (a) None of the funds made available in this*
2 *Act may be used to maintain or establish a computer net-*
3 *work unless such network blocks the viewing, downloading,*
4 *and exchanging of pornography.*

5 *(b) Nothing in subsection (a) shall limit the use of*
6 *funds necessary for any Federal, State, Tribal, or local law*
7 *enforcement agency or any other entity carrying out crimi-*
8 *nal investigations, prosecution, or adjudication activities.*

9 *This division may be cited as the “Energy and Water*
10 *Development and Related Agencies Appropriations Act,*
11 *2023”.*

468

1 ***DIVISION E—FINANCIAL SERVICES AND***
2 ***GENERAL GOVERNMENT APPROPRIA-***
3 ***TIONS ACT, 2023***

4 ***TITLE I***

5 ***DEPARTMENT OF THE TREASURY***

6 ***DEPARTMENTAL OFFICES***

7 ***SALARIES AND EXPENSES***

8 *For necessary expenses of the Departmental Offices in-*
9 *cluding operation and maintenance of the Treasury Build-*
10 *ing and Freedman’s Bank Building; hire of passenger*
11 *motor vehicles; maintenance, repairs, and improvements of,*
12 *and purchase of commercial insurance policies for, real*
13 *properties leased or owned overseas, when necessary for the*
14 *performance of official business; executive direction pro-*
15 *gram activities; international affairs and economic policy*
16 *activities; domestic finance and tax policy activities, in-*
17 *cluding technical assistance to State, local, and territorial*
18 *entities; and Treasury-wide management policies and pro-*
19 *grams activities, \$273,882,000, of which not less than*
20 *\$12,000,000 shall be available for the administration of fi-*
21 *nancial assistance, in addition to amounts otherwise avail-*
22 *able for such purposes: Provided, That of the amount appro-*
23 *priated under this heading—*

24 *(1) not to exceed \$350,000 is for official recep-*
25 *tion and representation expenses;*

469

1 (2) *not to exceed \$258,000 is for unforeseen*
2 *emergencies of a confidential nature to be allocated*
3 *and expended under the direction of the Secretary of*
4 *the Treasury and to be accounted for solely on the*
5 *Secretary's certificate; and*

6 (3) *not to exceed \$34,000,000 shall remain avail-*
7 *able until September 30, 2024, for—*

8 (A) *the Treasury-wide Financial Statement*
9 *Audit and Internal Control Program;*

10 (B) *information technology modernization*
11 *requirements;*

12 (C) *the audit, oversight, and administration*
13 *of the Gulf Coast Restoration Trust Fund;*

14 (D) *the development and implementation of*
15 *programs within the Office of Cybersecurity and*
16 *Critical Infrastructure Protection, including en-*
17 *tering into cooperative agreements;*

18 (E) *operations and maintenance of facili-*
19 *ties; and*

20 (F) *international operations.*

21 *COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED*

22 *STATES FUND*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For necessary expenses of the Committee on Foreign*
25 *Investment in the United States, \$21,000,000, to remain*

470

1 *available until expended: Provided, That the chairperson of*
2 *the Committee may transfer such amounts to any depart-*
3 *ment or agency represented on the Committee (including*
4 *the Department of the Treasury) subject to advance notifi-*
5 *cation to the Committees on Appropriations of the House*
6 *of Representatives and the Senate: Provided further, That*
7 *amounts so transferred shall remain available until ex-*
8 *pended for expenses of implementing section 721 of the De-*
9 *fense Production Act of 1950, as amended (50 U.S.C. 4565),*
10 *and shall be available in addition to any other funds avail-*
11 *able to any department or agency: Provided further, That*
12 *fees authorized by section 721(p) of such Act shall be cred-*
13 *ited to this appropriation as offsetting collections: Provided*
14 *further, That the total amount appropriated under this*
15 *heading from the general fund shall be reduced as such off-*
16 *setting collections are received during fiscal year 2023, so*
17 *as to result in a total appropriation from the general fund*
18 *estimated at not more than \$0.*

19 *OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE*
20 *SALARIES AND EXPENSES*

21 *For the necessary expenses of the Office of Terrorism*
22 *and Financial Intelligence to safeguard the financial sys-*
23 *tem against illicit use and to combat rogue nations, ter-*
24 *rorist facilitators, weapons of mass destruction*
25 *proliferators, human rights abusers, money launderers,*

471

1 *drug kingpins, and other national security threats,*
2 *\$216,059,000, of which not less than \$3,000,000 shall be*
3 *available for addressing human rights violations and cor-*
4 *ruption, including activities authorized by the Global*
5 *Magnitsky Human Rights Accountability Act (22 U.S.C.*
6 *2656 note): Provided, That of the amounts appropriated*
7 *under this heading, up to \$12,000,000 shall remain avail-*
8 *able until September 30, 2024.*

9 *CYBERSECURITY ENHANCEMENT ACCOUNT*

10 *For salaries and expenses for enhanced cybersecurity*
11 *for systems operated by the Department of the Treasury,*
12 *\$100,000,000, to remain available until September 30,*
13 *2025: Provided, That such funds shall supplement and not*
14 *supplant any other amounts made available to the Treasury*
15 *offices and bureaus for cybersecurity: Provided further,*
16 *That of the total amount made available under this heading*
17 *\$6,000,000 shall be available for administrative expenses for*
18 *the Treasury Chief Information Officer to provide oversight*
19 *of the investments made under this heading: Provided fur-*
20 *ther, That such funds shall supplement and not supplant*
21 *any other amounts made available to the Treasury Chief*
22 *Information Officer.*

472

1 *DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS*2 *PROGRAMS*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For development and acquisition of automatic data*
5 *processing equipment, software, and services and for repairs*
6 *and renovations to buildings owned by the Department of*
7 *the Treasury, \$11,118,000, to remain available until Sep-*
8 *tember 30, 2025: Provided, That these funds shall be trans-*
9 *ferred to accounts and in amounts as necessary to satisfy*
10 *the requirements of the Department's offices, bureaus, and*
11 *other organizations: Provided further, That this transfer*
12 *authority shall be in addition to any other transfer author-*
13 *ity provided in this Act: Provided further, That none of*
14 *the funds appropriated under this heading shall be used to*
15 *support or supplement "Internal Revenue Service, Oper-*
16 *ations Support" or "Internal Revenue Service, Business*
17 *Systems Modernization".*

18 *OFFICE OF INSPECTOR GENERAL*19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Office of Inspector Gen-*
21 *eral in carrying out the provisions of the Inspector General*
22 *Act of 1978, \$48,878,000, including hire of passenger motor*
23 *vehicles; of which not to exceed \$100,000 shall be available*
24 *for unforeseen emergencies of a confidential nature, to be*
25 *allocated and expended under the direction of the Inspector*

473

1 *General of the Treasury; of which up to \$2,800,000 to re-*
2 *main available until September 30, 2024, shall be for audits*
3 *and investigations conducted pursuant to section 1608 of*
4 *the Resources and Ecosystems Sustainability, Tourist Op-*
5 *portunities, and Revived Economies of the Gulf Coast*
6 *States Act of 2012 (33 U.S.C. 1321 note); and of which*
7 *not to exceed \$1,000 shall be available for official reception*
8 *and representation expenses.*

9 *TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION*

10 *SALARIES AND EXPENSES*

11 *For necessary expenses of the Treasury Inspector Gen-*
12 *eral for Tax Administration in carrying out the Inspector*
13 *General Act of 1978, as amended, including purchase and*
14 *hire of passenger motor vehicles (31 U.S.C. 1343(b)); and*
15 *services authorized by 5 U.S.C. 3109, at such rates as may*
16 *be determined by the Inspector General for Tax Administra-*
17 *tion; \$174,250,000, of which \$5,000,000 shall remain avail-*
18 *able until September 30, 2024; of which not to exceed*
19 *\$6,000,000 shall be available for official travel expenses; of*
20 *which not to exceed \$500,000 shall be available for unfore-*
21 *seen emergencies of a confidential nature, to be allocated*
22 *and expended under the direction of the Inspector General*
23 *for Tax Administration; and of which not to exceed \$1,500*
24 *shall be available for official reception and representation*
25 *expenses.*

474

1 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET
2 RELIEF PROGRAM

3 *SALARIES AND EXPENSES*

4 *For necessary expenses of the Office of the Special In-*
5 *spector General in carrying out the provisions of the Emer-*
6 *gency Economic Stabilization Act of 2008 (Public Law*
7 *110-343), \$9,000,000.*

8 *FINANCIAL CRIMES ENFORCEMENT NETWORK*

9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Financial Crimes En-*
11 *forcement Network, including hire of passenger motor vehi-*
12 *cles; travel and training expenses of non-Federal and for-*
13 *eign government personnel to attend meetings and training*
14 *concerned with domestic and foreign financial intelligence*
15 *activities, law enforcement, and financial regulation; serv-*
16 *ices authorized by 5 U.S.C. 3109; not to exceed \$25,000 for*
17 *official reception and representation expenses; and for as-*
18 *sistance to Federal law enforcement agencies, with or with-*
19 *out reimbursement, \$190,193,000, of which not to exceed*
20 *\$55,000,000 shall remain available until September 30,*
21 *2025.*

22 *BUREAU OF THE FISCAL SERVICE*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses of operations of the Bureau of*
25 *the Fiscal Service, \$372,485,000; of which not to exceed*

475

1 \$8,000,000, to remain available until September 30, 2025,
2 is for information systems modernization initiatives; and
3 of which \$5,000 shall be available for official reception and
4 representation expenses.

5 In addition, \$165,000, to be derived from the Oil Spill
6 Liability Trust Fund to reimburse administrative and per-
7 sonnel expenses for financial management of the Fund, as
8 authorized by section 1012 of Public Law 101–380.

9 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

10 SALARIES AND EXPENSES

11 For necessary expenses of carrying out section 1111
12 of the Homeland Security Act of 2002, including hire of
13 passenger motor vehicles, \$148,863,000; of which not to ex-
14 ceed \$6,000 shall be available for official reception and rep-
15 resentation expenses; and of which not to exceed \$50,000
16 shall be available for cooperative research and development
17 programs for laboratory services; and provision of labora-
18 tory assistance to State and local agencies with or without
19 reimbursement: Provided, That of the amount appropriated
20 under this heading, \$5,000,000 shall be for the costs of accel-
21 erating the processing of formula and label applications:
22 Provided further, That of the amount appropriated under
23 this heading, \$5,000,000, to remain available until Sep-
24 tember 30, 2024, shall be for the costs associated with en-
25 forcement of and education regarding the trade practice

476

1 *provisions of the Federal Alcohol Administration Act (27*
2 *U.S.C. 201 et seq.).*

3 *UNITED STATES MINT*

4 *UNITED STATES MINT PUBLIC ENTERPRISE FUND*

5 *Pursuant to section 5136 of title 31, United States*
6 *Code, the United States Mint is provided funding through*
7 *the United States Mint Public Enterprise Fund for costs*
8 *associated with the production of circulating coins, numis-*
9 *matic coins, and protective services, including both oper-*
10 *ating expenses and capital investments: Provided, That the*
11 *aggregate amount of new liabilities and obligations in-*
12 *curred during fiscal year 2023 under such section 5136 for*
13 *circulating coinage and protective service capital invest-*
14 *ments of the United States Mint shall not exceed*
15 *\$50,000,000.*

16 *COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS*

17 *FUND PROGRAM ACCOUNT*

18 *To carry out the Riegle Community Development and*
19 *Regulatory Improvement Act of 1994 (subtitle A of title I*
20 *of Public Law 103–325), including services authorized by*
21 *section 3109 of title 5, United States Code, but at rates for*
22 *individuals not to exceed the per diem rate equivalent to*
23 *the rate for EX–III, \$324,000,000. Of the amount appro-*
24 *priated under this heading—*

477

1 (1) *not less than \$196,000,000, notwithstanding*
2 *section 108(e) of Public Law 103–325 (12 U.S.C.*
3 *4707(e)) with regard to Small and/or Emerging Com-*
4 *munity Development Financial Institutions Assist-*
5 *ance awards, is available until September 30, 2024,*
6 *for financial assistance and technical assistance*
7 *under subparagraphs (A) and (B) of section*
8 *108(a)(1), respectively, of Public Law 103–325 (12*
9 *U.S.C. 4707(a)(1)(A) and (B)), of which up to*
10 *\$1,600,000 may be available for training and out-*
11 *reach under section 109 of Public Law 103–325 (12*
12 *U.S.C. 4708), of which up to \$3,153,750 may be used*
13 *for the cost of direct loans, of which up to*
14 *\$10,000,000, notwithstanding subsection (d) of section*
15 *108 of Public Law 103–325 (12 U.S.C. 4707(d)), may*
16 *be available to provide financial assistance, technical*
17 *assistance, training, and outreach to community de-*
18 *velopment financial institutions to expand invest-*
19 *ments that benefit individuals with disabilities, and*
20 *of which up to \$2,000,000 shall be for the Economic*
21 *Mobility Corps to be operated in conjunction with the*
22 *Corporation for National and Community Service,*
23 *pursuant to 42 U.S.C. 12571: Provided, That the cost*
24 *of direct and guaranteed loans, including the cost of*
25 *modifying such loans, shall be as defined in section*

1 502 of the Congressional Budget Act of 1974: Pro-
2 vided further, That these funds are available to sub-
3 sidize gross obligations for the principal amount of
4 direct loans not to exceed \$25,000,000: Provided fur-
5 ther, That of the funds provided under this para-
6 graph, excluding those made to community develop-
7 ment financial institutions to expand investments
8 that benefit individuals with disabilities and those
9 made to community development financial institu-
10 tions that serve populations living in persistent pov-
11 erty counties, the CDFI Fund shall prioritize Finan-
12 cial Assistance awards to organizations that invest
13 and lend in high-poverty areas: Provided further,
14 That for purposes of this section, the term “high-pov-
15 erty area” means any census tract with a poverty
16 rate of at least 20 percent as measured by the 2016–
17 2020 5-year data series available from the American
18 Community Survey of the Bureau of the Census for
19 all States and Puerto Rico or with a poverty rate of
20 at least 20 percent as measured by the 2010 Island
21 areas Decennial Census data for any territory or pos-
22 session of the United States;

23 (2) not less than \$25,000,000, notwithstanding
24 section 108(e) of Public Law 103–325 (12 U.S.C.
25 4707(e)), is available until September 30, 2024, for fi-

1 *nancial assistance, technical assistance, training, and*
2 *outreach programs designed to benefit Native Amer-*
3 *ican, Native Hawaiian, and Alaska Native commu-*
4 *nities and provided primarily through qualified com-*
5 *munity development lender organizations with experi-*
6 *ence and expertise in community development bank-*
7 *ing and lending in Indian country, Native American*
8 *organizations, Tribes and Tribal organizations, and*
9 *other suitable providers;*

10 *(3) not less than \$35,000,000 is available until*
11 *September 30, 2024, for the Bank Enterprise Award*
12 *program;*

13 *(4) not less than \$24,000,000, notwithstanding*
14 *subsections (d) and (e) of section 108 of Public Law*
15 *103–325 (12 U.S.C. 4707(d) and (e)), is available*
16 *until September 30, 2024, for a Healthy Food Fi-*
17 *nanancing Initiative to provide financial assistance,*
18 *technical assistance, training, and outreach to com-*
19 *munity development financial institutions for the*
20 *purpose of offering affordable financing and technical*
21 *assistance to expand the availability of healthy food*
22 *options in distressed communities;*

23 *(5) not less than \$9,000,000 is available until*
24 *September 30, 2024, to provide grants for loan loss*
25 *reserve funds and to provide technical assistance for*

1 *small dollar loan programs under section 122 of Pub-*
2 *lic Law 103–325 (12 U.S.C. 4719): Provided, That*
3 *sections 108(d) and 122(b)(2) of such Public Law*
4 *shall not apply to the provision of such grants and*
5 *technical assistance;*

6 *(6) up to \$35,000,000 is available for adminis-*
7 *trative expenses, including administration of CDFI*
8 *Fund programs and the New Markets Tax Credit*
9 *Program, of which not less than \$1,000,000 is for the*
10 *development of tools to better assess and inform CDFI*
11 *investment performance and CDFI program impacts,*
12 *and up to \$300,000 is for administrative expenses to*
13 *carry out the direct loan program; and*

14 *(7) during fiscal year 2023, none of the funds*
15 *available under this heading are available for the*
16 *cost, as defined in section 502 of the Congressional*
17 *Budget Act of 1974, of commitments to guarantee*
18 *bonds and notes under section 114A of the Riegle*
19 *Community Development and Regulatory Improve-*
20 *ment Act of 1994 (12 U.S.C. 4713a): Provided, That*
21 *commitments to guarantee bonds and notes under*
22 *such section 114A shall not exceed \$500,000,000: Pro-*
23 *vided further, That such section 114A shall remain in*
24 *effect until December 31, 2023: Provided further, That*
25 *of the funds awarded under this heading, except those*

1 *provided for the Economic Mobility Corps, not less*
2 *than 10 percent shall be used for awards that support*
3 *investments that serve populations living in persistent*
4 *poverty counties: Provided further, That for the pur-*
5 *poses of this paragraph and paragraph (1), the term*
6 *“persistent poverty counties” means any county, in-*
7 *cluding county equivalent areas in Puerto Rico, that*
8 *has had 20 percent or more of its population living*
9 *in poverty over the past 30 years, as measured by the*
10 *1990 and 2000 decennial censuses and the 2016–2020*
11 *5-year data series available from the American Com-*
12 *munity Survey of the Bureau of the Census or any*
13 *other territory or possession of the United States that*
14 *has had 20 percent or more of its population living*
15 *in poverty over the past 30 years, as measured by the*
16 *1990, 2000 and 2010 Island Areas Decennial Cen-*
17 *suses, or equivalent data, of the Bureau of the Census.*

18 *INTERNAL REVENUE SERVICE*

19 *TAXPAYER SERVICES*

20 *For necessary expenses of the Internal Revenue Service*
21 *to provide taxpayer services, including pre-filing assistance*
22 *and education, filing and account services, taxpayer advo-*
23 *cacy services, and other services as authorized by 5 U.S.C.*
24 *3109, at such rates as may be determined by the Commis-*
25 *sioner, \$2,780,606,000, of which not to exceed \$100,000,000*

482

1 *shall remain available until September 30, 2024, of which*
2 *not less than \$11,000,000 shall be for the Tax Counseling*
3 *for the Elderly Program, of which not less than \$26,000,000*
4 *shall be available for low-income taxpayer clinic grants, in-*
5 *cluding grants to individual clinics of up to \$200,000, of*
6 *which not less than \$40,000,000, to remain available until*
7 *September 30, 2024, shall be available for the Community*
8 *Volunteer Income Tax Assistance Matching Grants Pro-*
9 *gram for tax return preparation assistance, and of which*
10 *not less than \$236,000,000 shall be available for operating*
11 *expenses of the Taxpayer Advocate Service: Provided, That*
12 *of the amounts made available for the Taxpayer Advocate*
13 *Service, not less than \$7,000,000 shall be for identity theft*
14 *and refund fraud casework.*

15 *ENFORCEMENT*

16 *For necessary expenses for tax enforcement activities*
17 *of the Internal Revenue Service to determine and collect*
18 *owed taxes, to provide legal and litigation support, to con-*
19 *duct criminal investigations, to enforce criminal statutes*
20 *related to violations of internal revenue laws and other fi-*
21 *nancial crimes, to purchase and hire passenger motor vehi-*
22 *cles (31 U.S.C. 1343(b)), and to provide other services as*
23 *authorized by 5 U.S.C. 3109, at such rates as may be deter-*
24 *mined by the Commissioner, \$5,437,622,000; of which not*
25 *to exceed \$250,000,000 shall remain available until Sep-*

1 *tember 30, 2024; of which not less than \$60,257,000 shall*
2 *be for the Interagency Crime and Drug Enforcement pro-*
3 *gram; and of which not to exceed \$25,000,000 shall be for*
4 *investigative technology for the Criminal Investigation Di-*
5 *vision: Provided, That the amount made available for inves-*
6 *tigative technology for the Criminal Investigation Division*
7 *shall be in addition to amounts made available for the*
8 *Criminal Investigation Division under the “Operations*
9 *Support” heading.*

10 *OPERATIONS SUPPORT*

11 *For necessary expenses to operate the Internal Revenue*
12 *Service to support taxpayer services and enforcement pro-*
13 *grams, including rent payments; facilities services; print-*
14 *ing; postage; physical security; headquarters and other IRS-*
15 *wide administration activities; research and statistics of in-*
16 *come; telecommunications; information technology develop-*
17 *ment, enhancement, operations, maintenance and security;*
18 *the hire of passenger motor vehicles (31 U.S.C. 1343(b));*
19 *the operations of the Internal Revenue Service Oversight*
20 *Board; and other services as authorized by 5 U.S.C. 3109,*
21 *at such rates as may be determined by the Commissioner;*
22 *\$4,100,826,000, of which not to exceed \$275,000,000 shall*
23 *remain available until September 30, 2024; of which not*
24 *to exceed \$10,000,000 shall remain available until expended*
25 *for acquisition of equipment and construction, repair and*

1 *renovation of facilities; of which not to exceed \$1,000,000*
2 *shall remain available until September 30, 2025, for re-*
3 *search; and of which not to exceed \$20,000 shall be for offi-*
4 *cial reception and representation expenses: Provided, That*
5 *not later than 30 days after the end of each quarter, the*
6 *Internal Revenue Service shall submit a report to the Com-*
7 *mittees on Appropriations of the House of Representatives*
8 *and the Senate and the Comptroller General of the United*
9 *States detailing major information technology investments*
10 *in the Internal Revenue Service Integrated Modernization*
11 *Business Plan portfolio, including detailed, plain language*
12 *summaries on the status of plans, costs, and results; prior*
13 *results and actual expenditures of the prior quarter; upcom-*
14 *ing deliverables and costs for the fiscal year; risks and miti-*
15 *gation strategies associated with ongoing work; reasons for*
16 *any cost or schedule variances; and total expenditures by*
17 *fiscal year: Provided further, That the Internal Revenue*
18 *Service shall include, in its budget justification for fiscal*
19 *year 2024, a summary of cost and schedule performance*
20 *information for its major information technology systems.*

21 *ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE*

22 *SERVICE*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *SEC. 101. Not to exceed 5 percent of the appropriation*
25 *made available in this Act to the Internal Revenue Service*

1 *under the “Enforcement” heading, and not to exceed 5 per-*
2 *cent of any other appropriation made available in this Act*
3 *to the Internal Revenue Service, may be transferred to any*
4 *other Internal Revenue Service appropriation upon the ad-*
5 *vance approval of the Committees on Appropriations of the*
6 *House of Representatives and the Senate.*

7 *SEC. 102. The Internal Revenue Service shall main-*
8 *tain an employee training program, which shall include the*
9 *following topics: taxpayers’ rights, dealing courteously with*
10 *taxpayers, cross-cultural relations, ethics, and the impartial*
11 *application of tax law.*

12 *SEC. 103. The Internal Revenue Service shall institute*
13 *and enforce policies and procedures that will safeguard the*
14 *confidentiality of taxpayer information and protect tax-*
15 *payers against identity theft.*

16 *SEC. 104. Funds made available by this or any other*
17 *Act to the Internal Revenue Service shall be available for*
18 *improved facilities and increased staffing to provide suffi-*
19 *cient and effective 1–800 help line service for taxpayers. The*
20 *Commissioner shall continue to make improvements to the*
21 *Internal Revenue Service 1–800 help line service a priority*
22 *and allocate resources necessary to enhance the response*
23 *time to taxpayer communications, particularly with regard*
24 *to victims of tax-related crimes.*

1 *SEC. 105. The Internal Revenue Service shall issue a*
2 *notice of confirmation of any address change relating to an*
3 *employer making employment tax payments, and such no-*
4 *tice shall be sent to both the employer's former and new*
5 *address and an officer or employee of the Internal Revenue*
6 *Service shall give special consideration to an offer-in-com-*
7 *promise from a taxpayer who has been the victim of fraud*
8 *by a third party payroll tax preparer.*

9 *SEC. 106. None of the funds made available under this*
10 *Act may be used by the Internal Revenue Service to target*
11 *citizens of the United States for exercising any right guar-*
12 *anteed under the First Amendment to the Constitution of*
13 *the United States.*

14 *SEC. 107. None of the funds made available in this*
15 *Act may be used by the Internal Revenue Service to target*
16 *groups for regulatory scrutiny based on their ideological be-*
17 *liefs.*

18 *SEC. 108. None of funds made available by this Act*
19 *to the Internal Revenue Service shall be obligated or ex-*
20 *pended on conferences that do not adhere to the procedures,*
21 *verification processes, documentation requirements, and*
22 *policies issued by the Chief Financial Officer, Human Cap-*
23 *ital Office, and Agency-Wide Shared Services as a result*
24 *of the recommendations in the report published on May 31,*
25 *2013, by the Treasury Inspector General for Tax Adminis-*

1 *tration entitled “Review of the August 2010 Small Busi-*
2 *ness/Self-Employed Division’s Conference in Anaheim,*
3 *California” (Reference Number 2013–10–037).*

4 *SEC. 109. None of the funds made available in this*
5 *Act to the Internal Revenue Service may be obligated or*
6 *expended—*

7 *(1) to make a payment to any employee under*
8 *a bonus, award, or recognition program; or*

9 *(2) under any hiring or personnel selection proc-*
10 *ess with respect to re-hiring a former employee;*
11 *unless such program or process takes into account the con-*
12 *duct and Federal tax compliance of such employee or former*
13 *employee.*

14 *SEC. 110. None of the funds made available by this*
15 *Act may be used in contravention of section 6103 of the*
16 *Internal Revenue Code of 1986 (relating to confidentiality*
17 *and disclosure of returns and return information).*

18 *SEC. 111. The Secretary of the Treasury (or the Sec-*
19 *retary’s delegate) may use the funds made available in this*
20 *Act, subject to such policies as the Secretary (or the Sec-*
21 *retary’s delegate) may establish, to utilize direct hire au-*
22 *thority to recruit and appoint qualified applicants, without*
23 *regard to any notice or preference requirements, directly to*
24 *positions in the competitive service to process backlogged tax*
25 *returns and return information.*

1 *SEC. 112. Notwithstanding section 1344 of title 31,*
2 *United States Code, funds appropriated to the Internal*
3 *Revenue Service in this Act may be used to provide pas-*
4 *senger carrier transportation and protection between the*
5 *Commissioner of Internal Revenue's residence and place of*
6 *employment.*

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
TREASURY
(INCLUDING TRANSFERS OF FUNDS)

10 *SEC. 113. Appropriations to the Department of the*
11 *Treasury in this Act shall be available for uniforms or al-*
12 *lowances therefor, as authorized by law (5 U.S.C. 5901),*
13 *including maintenance, repairs, and cleaning; purchase of*
14 *insurance for official motor vehicles operated in foreign*
15 *countries; purchase of motor vehicles without regard to the*
16 *general purchase price limitations for vehicles purchased*
17 *and used overseas for the current fiscal year; entering into*
18 *contracts with the Department of State for the furnishing*
19 *of health and medical services to employees and their de-*
20 *pendents serving in foreign countries; and services author-*
21 *ized by 5 U.S.C. 3109.*

22 SEC. 114. Not to exceed 2 percent of any appropri-
23 ations in this title made available under the headings “De-
24 partmental Offices—Salaries and Expenses”, “Office of In-
25 spector General”, “Special Inspector General for the Trou-

1 *bled Asset Relief Program*”, “*Financial Crimes Enforce-*
2 *ment Network*”, “*Bureau of the Fiscal Service*”, and “*Alco-*
3 *hol and Tobacco Tax and Trade Bureau*” may be trans-
4 *ferred between such appropriations upon the advance ap-*
5 *proval of the Committees on Appropriations of the House*
6 *of Representatives and the Senate: Provided, That no trans-*
7 *fer under this section may increase or decrease any such*
8 *appropriation by more than 2 percent.*

9 *SEC. 115. Not to exceed 2 percent of any appropriation*
10 *made available in this Act to the Internal Revenue Service*
11 *may be transferred to the Treasury Inspector General for*
12 *Tax Administration’s appropriation upon the advance ap-*
13 *proval of the Committees on Appropriations of the House*
14 *of Representatives and the Senate: Provided, That no trans-*
15 *fer may increase or decrease any such appropriation by*
16 *more than 2 percent.*

17 *SEC. 116. None of the funds appropriated in this Act*
18 *or otherwise available to the Department of the Treasury*
19 *or the Bureau of Engraving and Printing may be used to*
20 *redesign the \$1 Federal Reserve note.*

21 *SEC. 117. The Secretary of the Treasury may transfer*
22 *funds from the “Bureau of the Fiscal Service—Salaries and*
23 *Expenses” to the Debt Collection Fund as necessary to cover*
24 *the costs of debt collection: Provided, That such amounts*

490

1 *shall be reimbursed to such salaries and expenses account*
2 *from debt collections received in the Debt Collection Fund.*

3 *SEC. 118. None of the funds appropriated or otherwise*
4 *made available by this or any other Act may be used by*
5 *the United States Mint to construct or operate any museum*
6 *without the explicit approval of the Committees on Appro-*
7 *priations of the House of Representatives and the Senate,*
8 *the House Committee on Financial Services, and the Senate*
9 *Committee on Banking, Housing, and Urban Affairs.*

10 *SEC. 119. None of the funds appropriated or otherwise*
11 *made available by this or any other Act or source to the*
12 *Department of the Treasury, the Bureau of Engraving and*
13 *Printing, and the United States Mint, individually or col-*
14 *lectively, may be used to consolidate any or all functions*
15 *of the Bureau of Engraving and Printing and the United*
16 *States Mint without the explicit approval of the House*
17 *Committee on Financial Services; the Senate Committee on*
18 *Banking, Housing, and Urban Affairs; and the Committees*
19 *on Appropriations of the House of Representatives and the*
20 *Senate.*

21 *SEC. 120. Funds appropriated by this Act, or made*
22 *available by the transfer of funds in this Act, for the De-*
23 *partment of the Treasury's intelligence or intelligence re-*
24 *lated activities are deemed to be specifically authorized by*
25 *the Congress for purposes of section 504 of the National Se-*

1 *curity Act of 1947 (50 U.S.C. 414) during fiscal year 2023*
2 *until the enactment of the Intelligence Authorization Act*
3 *for Fiscal Year 2023.*

4 *SEC. 121. Not to exceed \$5,000 shall be made available*
5 *from the Bureau of Engraving and Printing's Industrial*
6 *Revolving Fund for necessary official reception and rep-*
7 *resentation expenses.*

8 *SEC. 122. The Secretary of the Treasury shall submit*
9 *a Capital Investment Plan to the Committees on Appro-*
10 *priations of the House of Representatives and the Senate*
11 *not later than 30 days following the submission of the an-*
12 *nual budget submitted by the President: Provided, That*
13 *such Capital Investment Plan shall include capital invest-*
14 *ment spending from all accounts within the Department of*
15 *the Treasury, including but not limited to the Department-*
16 *wide Systems and Capital Investment Programs account,*
17 *Treasury Franchise Fund account, and the Treasury For-*
18 *feiture Fund account: Provided further, That such Capital*
19 *Investment Plan shall include expenditures occurring in*
20 *previous fiscal years for each capital investment project*
21 *that has not been fully completed.*

22 *SEC. 123. During fiscal year 2023—*

23 *(1) none of the funds made available in this or*
24 *any other Act may be used by the Department of the*
25 *Treasury, including the Internal Revenue Service, to*

1 *issue, revise, or finalize any regulation, revenue rul-*
2 *ing, or other guidance not limited to a particular tax-*
3 *payer relating to the standard which is used to deter-*
4 *mine whether an organization is operated exclusively*
5 *for the promotion of social welfare for purposes of sec-*
6 *tion 501(c)(4) of the Internal Revenue Code of 1986*
7 *(including the proposed regulations published at 78*
8 *Fed. Reg. 71535 (November 29, 2013)); and*

9 *(2) the standard and definitions as in effect on*
10 *January 1, 2010, which are used to make such deter-*
11 *minations shall apply after the date of the enactment*
12 *of this Act for purposes of determining status under*
13 *section 501(c)(4) of such Code of organizations cre-*
14 *ated on, before, or after such date.*

15 *SEC. 124. Within 45 days after the date of enactment*
16 *of this Act, the Secretary of the Treasury shall submit an*
17 *itemized report to the Committees on Appropriations of the*
18 *House of Representatives and the Senate on the amount of*
19 *total funds charged to each office by the Franchise Fund*
20 *including the amount charged for each service provided by*
21 *the Franchise Fund to each office, a detailed description*
22 *of the services, a detailed explanation of how each charge*
23 *for each service is calculated, and a description of the role*
24 *customers have in governing in the Franchise Fund.*

1 *SEC. 125. (a) Not later than 60 days after the end of*
2 *each quarter, the Office of Financial Stability and the Of-*
3 *fice of Financial Research shall submit reports on their ac-*
4 *tivities to the Committees on Appropriations of the House*
5 *of Representatives and the Senate, the Committee on Finan-*
6 *cial Services of the House of Representatives, and the Sen-*
7 *ate Committee on Banking, Housing, and Urban Affairs.*

8 *(b) The reports required under subsection (a) shall in-*
9 *clude—*

10 *(1) the obligations made during the previous*
11 *quarter by object class, office, and activity;*

12 *(2) the estimated obligations for the remainder of*
13 *the fiscal year by object class, office, and activity;*

14 *(3) the number of full-time equivalents within*
15 *each office during the previous quarter;*

16 *(4) the estimated number of full-time equivalents*
17 *within each office for the remainder of the fiscal year;*
18 *and*

19 *(5) actions taken to achieve the goals, objectives,*
20 *and performance measures of each office.*

21 *(c) At the request of any such Committees specified in*
22 *subsection (a), the Office of Financial Stability and the Of-*
23 *fice of Financial Research shall make officials available to*
24 *testify on the contents of the reports required under sub-*
25 *section (a).*

494

1 *SEC. 126. In addition to amounts otherwise available,*
2 *there is appropriated to the Special Inspector General for*
3 *Pandemic Recovery, \$12,000,000, to remain available until*
4 *expended, for necessary expenses in carrying out section*
5 *4018 of the Coronavirus Aid, Relief, and Economic Security*
6 *Act (Public Law 116–136).*

7 *SEC. 127. Section 127 of the Department of the Treas-*
8 *ury Appropriations Act, 2019 (title I of division D of Pub-*
9 *lic Law 116–6) is amended by inserting before the period*
10 *at the end the following: “, including public improvements*
11 *in the area around such facility to mitigate traffic impacts*
12 *caused by the construction and occupancy of the facility”.*

13 *This title may be cited as the “Department of the*
14 *Treasury Appropriations Act, 2023”.*

495

1 *TITLE II*
2 *EXECUTIVE OFFICE OF THE PRESIDENT AND*
3 *FUNDS APPROPRIATED TO THE PRESIDENT*

4 *THE WHITE HOUSE*
5 *SALARIES AND EXPENSES*

6 *For necessary expenses for the White House as author-*
7 *ized by law, including not to exceed \$3,850,000 for services*
8 *as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsist-*
9 *ence expenses as authorized by 3 U.S.C. 105, which shall*
10 *be expended and accounted for as provided in that section;*
11 *hire of passenger motor vehicles, and travel (not to exceed*
12 *\$100,000 to be expended and accounted for as provided by*
13 *3 U.S.C. 103); and not to exceed \$19,000 for official recep-*
14 *tion and representation expenses, to be available for alloca-*
15 *tion within the Executive Office of the President; and for*
16 *necessary expenses of the Office of Policy Development, in-*
17 *cluding services as authorized by 5 U.S.C. 3109 and 3*
18 *U.S.C. 107, \$77,681,000.*

19 *EXECUTIVE RESIDENCE AT THE WHITE HOUSE*
20 *OPERATING EXPENSES*

21 *For necessary expenses of the Executive Residence at*
22 *the White House, \$15,609,000, to be expended and ac-*
23 *counted for as provided by 3 U.S.C. 105, 109, 110, and*
24 *112–114.*

496

1 *REIMBURSABLE EXPENSES*

2 *For the reimbursable expenses of the Executive Resi-*
3 *dence at the White House, such sums as may be necessary:*
4 *Provided, That all reimbursable operating expenses of the*
5 *Executive Residence shall be made in accordance with the*
6 *provisions of this paragraph: Provided further, That, not-*
7 *withstanding any other provision of law, such amount for*
8 *reimbursable operating expenses shall be the exclusive au-*
9 *thority of the Executive Residence to incur obligations and*
10 *to receive offsetting collections, for such expenses: Provided*
11 *further, That the Executive Residence shall require each*
12 *person sponsoring a reimbursable political event to pay in*
13 *advance an amount equal to the estimated cost of the event,*
14 *and all such advance payments shall be credited to this ac-*
15 *count and remain available until expended: Provided fur-*
16 *ther, That the Executive Residence shall require the na-*
17 *tional committee of the political party of the President to*
18 *maintain on deposit \$25,000, to be separately accounted for*
19 *and available for expenses relating to reimbursable political*
20 *events sponsored by such committee during such fiscal year:*
21 *Provided further, That the Executive Residence shall ensure*
22 *that a written notice of any amount owed for a reimburs-*
23 *able operating expense under this paragraph is submitted*
24 *to the person owing such amount within 60 days after such*
25 *expense is incurred, and that such amount is collected with-*

497

1 *in 30 days after the submission of such notice: Provided*
2 *further, That the Executive Residence shall charge interest*
3 *and assess penalties and other charges on any such amount*
4 *that is not reimbursed within such 30 days, in accordance*
5 *with the interest and penalty provisions applicable to an*
6 *outstanding debt on a United States Government claim*
7 *under 31 U.S.C. 3717: Provided further, That each such*
8 *amount that is reimbursed, and any accompanying interest*
9 *and charges, shall be deposited in the Treasury as miscella-*
10 *neous receipts: Provided further, That the Executive Resi-*
11 *dence shall prepare and submit to the Committees on Ap-*
12 *propriations, by not later than 90 days after the end of*
13 *the fiscal year covered by this Act, a report setting forth*
14 *the reimbursable operating expenses of the Executive Resi-*
15 *dence during the preceding fiscal year, including the total*
16 *amount of such expenses, the amount of such total that con-*
17 *sists of reimbursable official and ceremonial events, the*
18 *amount of such total that consists of reimbursable political*
19 *events, and the portion of each such amount that has been*
20 *reimbursed as of the date of the report: Provided further,*
21 *That the Executive Residence shall maintain a system for*
22 *the tracking of expenses related to reimbursable events with-*
23 *in the Executive Residence that includes a standard for the*
24 *classification of any such expense as political or non-*
25 *political: Provided further, That no provision of this para-*

498

1 *graph may be construed to exempt the Executive Residence*
2 *from any other applicable requirement of subchapter I or*
3 *II of chapter 37 of title 31, United States Code.*

4 *WHITE HOUSE REPAIR AND RESTORATION*

5 *For the repair, alteration, and improvement of the Ex-*
6 *ecutive Residence at the White House pursuant to 3 U.S.C.*
7 *105(d), \$2,500,000, to remain available until expended, for*
8 *required maintenance, resolution of safety and health*
9 *issues, and continued preventative maintenance.*

10 *COUNCIL OF ECONOMIC ADVISERS*11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Council of Economic Ad-*
13 *visers in carrying out its functions under the Employment*
14 *Act of 1946 (15 U.S.C. 1021 et seq.), \$4,903,000.*

15 *NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY*16 *COUNCIL*17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the National Security Coun-*
19 *cil and the Homeland Security Council, including services*
20 *as authorized by 5 U.S.C. 3109, \$17,901,000, of which not*
21 *to exceed \$10,000 shall be available for official reception*
22 *and representation expenses.*

499

1 *OFFICE OF ADMINISTRATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Office of Administration,*
4 *including services as authorized by 5 U.S.C. 3109 and 3*
5 *U.S.C. 107, and hire of passenger motor vehicles,*
6 *\$115,463,000, of which not to exceed \$12,800,000 shall re-*
7 *main available until expended for continued modernization*
8 *of information resources within the Executive Office of the*
9 *President: Provided, That of the amounts provided under*
10 *this heading, up to \$7,000,000 shall be available for a pro-*
11 *gram to provide payments (such as stipends, subsistence al-*
12 *lowances, cost reimbursements, or awards) to students, re-*
13 *cent graduates, and veterans recently discharged from ac-*
14 *tive duty who are performing voluntary services in the Ex-*
15 *ecutive Office of the President under section 3111(b) of title*
16 *5, United States Code, or comparable authority and shall*
17 *be in addition to amounts otherwise available to pay or*
18 *compensate such individuals: Provided further, That such*
19 *payments shall not be considered compensation for purposes*
20 *of such section 3111(b) and may be paid in advance.*

21 *OFFICE OF MANAGEMENT AND BUDGET*22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the Office of Management*
24 *and Budget, including hire of passenger motor vehicles and*
25 *services as authorized by 5 U.S.C. 3109, to carry out the*

500

1 *provisions of chapter 35 of title 44, United States Code,*
2 *and to prepare and submit the budget of the United States*
3 *Government, in accordance with section 1105(a) of title 31,*
4 *United States Code, \$128,035,000, of which not to exceed*
5 *\$3,000 shall be available for official representation expenses:*
6 *Provided, That none of the funds appropriated in this Act*
7 *for the Office of Management and Budget may be used for*
8 *the purpose of reviewing any agricultural marketing orders*
9 *or any activities or regulations under the provisions of the*
10 *Agricultural Marketing Agreement Act of 1937 (7 U.S.C.*
11 *601 et seq.): Provided further, That none of the funds made*
12 *available for the Office of Management and Budget by this*
13 *Act may be expended for the altering of the transcript of*
14 *actual testimony of witnesses, except for testimony of offi-*
15 *cials of the Office of Management and Budget, before the*
16 *Committees on Appropriations or their subcommittees: Pro-*
17 *vided further, That none of the funds made available for*
18 *the Office of Management and Budget by this Act may be*
19 *expended for the altering of the annual work plan developed*
20 *by the Corps of Engineers for submission to the Committees*
21 *on Appropriations: Provided further, That none of the funds*
22 *provided in this or prior Acts shall be used, directly or indi-*
23 *rectly, by the Office of Management and Budget, for evalu-*
24 *ating or determining if water resource project or study re-*
25 *ports submitted by the Chief of Engineers acting through*

501

1 *the Secretary of the Army are in compliance with all appli-*
2 *cable laws, regulations, and requirements relevant to the*
3 *Civil Works water resource planning process: Provided fur-*
4 *ther, That the Office of Management and Budget shall have*
5 *not more than 60 days in which to perform budgetary pol-*
6 *icy reviews of water resource matters on which the Chief*
7 *of Engineers has reported: Provided further, That the Direc-*
8 *tor of the Office of Management and Budget shall notify*
9 *the appropriate authorizing and appropriating committees*
10 *when the 60-day review is initiated: Provided further, That*
11 *if water resource reports have not been transmitted to the*
12 *appropriate authorizing and appropriating committees*
13 *within 15 days after the end of the Office of Management*
14 *and Budget review period based on the notification from*
15 *the Director, Congress shall assume Office of Management*
16 *and Budget concurrence with the report and act accord-*
17 *ingly: Provided further, That no later than 14 days after*
18 *the submission of the budget of the United States Govern-*
19 *ment for fiscal year 2024, the Director of the Office of Man-*
20 *agement and Budget shall make publicly available on a*
21 *website a tabular list for each agency that submits budget*
22 *justification materials (as defined in section 3 of the Fed-*
23 *eral Funding Accountability and Transparency Act of*
24 *2006) that shall include, at minimum, the name of the*
25 *agency, the date on which the budget justification materials*

502

1 *of the agency were submitted to Congress, and a uniform*
2 *resource locator where the budget justification materials are*
3 *published on the website of the agency.*

4 *INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR*

5 *For necessary expenses of the Office of the Intellectual*
6 *Property Enforcement Coordinator, as authorized by title*
7 *III of the Prioritizing Resources and Organization for In-*
8 *tellectual Property Act of 2008 (Public Law 110–403), in-*
9 *cluding services authorized by 5 U.S.C. 3109, \$1,902,000.*

10 *OFFICE OF THE NATIONAL CYBER DIRECTOR*11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Office of the National*
13 *Cyber Director, as authorized by section 1752 of the Wil-*
14 *liam M. (Mac) Thornberry National Defense Authorization*
15 *Act for Fiscal Year 2021 (Public Law 116–283),*
16 *\$21,926,000, of which not to exceed \$5,000 shall be available*
17 *for official reception and representation expenses.*

18 *OFFICE OF NATIONAL DRUG CONTROL POLICY*19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Office of National Drug*
21 *Control Policy; for research activities pursuant to the Office*
22 *of National Drug Control Policy Reauthorization Act of*
23 *1998, as amended; not to exceed \$10,000 for official recep-*
24 *tion and representation expenses; and for participation in*
25 *joint projects or in the provision of services on matters of*

1 *mutual interest with nonprofit, research, or public organi-*
2 *zations or agencies, with or without reimbursement,*
3 *\$21,500,000: Provided, That the Office is authorized to ac-*
4 *cept, hold, administer, and utilize gifts, both real and per-*
5 *sonal, public and private, without fiscal year limitation,*
6 *for the purpose of aiding or facilitating the work of the Of-*
7 *fice.*

8 *FEDERAL DRUG CONTROL PROGRAMS*

9 *HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM*

10 *(INCLUDING TRANSFERS OF FUNDS)*

11 *For necessary expenses of the Office of National Drug*
12 *Control Policy's High Intensity Drug Trafficking Areas*
13 *Program, \$302,000,000, to remain available until Sep-*
14 *tember 30, 2024, for drug control activities consistent with*
15 *the approved strategy for each of the designated High Inten-*
16 *sity Drug Trafficking Areas ("HIDTAs"), of which not less*
17 *than 51 percent shall be transferred to State and local enti-*
18 *ties for drug control activities and shall be obligated not*
19 *later than 120 days after enactment of this Act: Provided,*
20 *That up to 49 percent may be transferred to Federal agen-*
21 *cies and departments in amounts determined by the Direc-*
22 *tor of the Office of National Drug Control Policy, of which*
23 *up to \$5,800,000 may be used for auditing services and as-*
24 *sociated activities and \$1,500,000 shall be for the Grants*
25 *Management System for use by the Office of National Drug*

1 *Control Policy: Provided further, That any unexpended*
2 *funds obligated prior to fiscal year 2021 may be used for*
3 *any other approved activities of that HIDTA, subject to re-*
4 *programming requirements: Provided further, That each*
5 *HIDTA designated as of September 30, 2022, shall be fund-*
6 *ed at not less than the fiscal year 2022 base level, unless*
7 *the Director submits to the Committees on Appropriations*
8 *of the House of Representatives and the Senate justification*
9 *for changes to those levels based on clearly articulated prior-*
10 *ities and published Office of National Drug Control Policy*
11 *performance measures of effectiveness: Provided further,*
12 *That the Director shall notify the Committees on Appro-*
13 *priations of the initial allocation of fiscal year 2023 fund-*
14 *ing among HDTAs not later than 45 days after enactment*
15 *of this Act, and shall notify the Committees of planned uses*
16 *of discretionary HIDTA funding, as determined in con-*
17 *sultation with the HIDTA Directors, not later than 90 days*
18 *after enactment of this Act: Provided further, That upon*
19 *a determination that all or part of the funds so transferred*
20 *from this appropriation are not necessary for the purposes*
21 *provided herein and upon notification to the Committees*
22 *on Appropriations of the House of Representatives and the*
23 *Senate, such amounts may be transferred back to this ap-*
24 *propriation.*

505

1 *OTHER FEDERAL DRUG CONTROL PROGRAMS*2 *(INCLUDING TRANSFERS OF FUNDS)*

3 *For other drug control activities authorized by the*
4 *Anti-Drug Abuse Act of 1988 and the Office of National*
5 *Drug Control Policy Reauthorization Act of 1998, as*
6 *amended, \$137,120,000, to remain available until ex-*
7 *pendent, which shall be available as follows: \$109,000,000*
8 *for the Drug-Free Communities Program, of which not more*
9 *than \$12,780,000 is for administrative expenses, and of*
10 *which \$2,500,000 shall be made available as directed by sec-*
11 *tion 4 of Public Law 107–82, as amended by section 8204*
12 *of Public Law 115–271; \$3,000,000 for drug court training*
13 *and technical assistance; \$15,250,000 for anti-doping ac-*
14 *tivities; up to \$3,420,000 for the United States membership*
15 *dues to the World Anti-Doping Agency; \$1,250,000 for the*
16 *Model Acts Program; and \$5,200,000 for activities author-*
17 *ized by section 103 of Public Law 114–198: Provided, That*
18 *amounts made available under this heading may be trans-*
19 *ferred to other Federal departments and agencies to carry*
20 *out such activities: Provided further, That the Director of*
21 *the Office of National Drug Control Policy shall, not fewer*
22 *than 30 days prior to obligating funds under this heading*
23 *for United States membership dues to the World Anti-*
24 *Doping Agency, submit to the Committees on Appropria-*
25 *tions of the House of Representatives and the Senate a*

506

1 *spending plan and explanation of the proposed uses of these*
2 *funds.*

3 *UNANTICIPATED NEEDS*

4 *For expenses necessary to enable the President to meet*
5 *unanticipated needs, in furtherance of the national interest,*
6 *security, or defense which may arise at home or abroad dur-*
7 *ing the current fiscal year, as authorized by 3 U.S.C. 108,*
8 *\$1,000,000, to remain available until September 30, 2024.*

9 *INFORMATION TECHNOLOGY OVERSIGHT AND REFORM*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For necessary expenses for the furtherance of inte-*
12 *grated, efficient, secure, and effective uses of information*
13 *technology in the Federal Government, \$13,700,000, to re-*
14 *main available until expended: Provided, That the Director*
15 *of the Office of Management and Budget may transfer these*
16 *funds to one or more other agencies to carry out projects*
17 *to meet these purposes.*

18 *SPECIAL ASSISTANCE TO THE PRESIDENT*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses to enable the Vice President to*
21 *provide assistance to the President in connection with spe-*
22 *cially assigned functions; services as authorized by 5 U.S.C.*
23 *3109 and 3 U.S.C. 106, including subsistence expenses as*
24 *authorized by 3 U.S.C. 106, which shall be expended and*

507

1 *accounted for as provided in that section; and hire of pas-*
2 *senger motor vehicles, \$6,076,000.*

3 *OFFICIAL RESIDENCE OF THE VICE PRESIDENT*

4 *OPERATING EXPENSES*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the care, operation, refurnishing, improvement,*
7 *and to the extent not otherwise provided for, heating and*
8 *lighting, including electric power and fixtures, of the offi-*
9 *cial residence of the Vice President; the hire of passenger*
10 *motor vehicles; and not to exceed \$90,000 pursuant to 3*
11 *U.S.C. 106(b)(2), \$321,000: Provided, That advances, re-*
12 *payments, or transfers from this appropriation may be*
13 *made to any department or agency for expenses of carrying*
14 *out such activities.*

15 *ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF*
16 *THE PRESIDENT AND FUNDS APPROPRIATED TO THE*
17 *PRESIDENT*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *SEC. 201. From funds made available in this Act*
20 *under the headings “The White House”, “Executive Resi-*
21 *dence at the White House”, “White House Repair and Res-*
22 *toration”, “Council of Economic Advisers”, “National Se-*
23 *curity Council and Homeland Security Council”, “Office*
24 *of Administration”, “Special Assistance to the President”,*
25 *and “Official Residence of the Vice President”, the Director*

1 *of the Office of Management and Budget (or such other offi-*
2 *cer as the President may designate in writing), may, with*
3 *advance approval of the Committees on Appropriations of*
4 *the House of Representatives and the Senate, transfer not*
5 *to exceed 10 percent of any such appropriation to any other*
6 *such appropriation, to be merged with and available for*
7 *the same time and for the same purposes as the appropria-*
8 *tion to which transferred: Provided, That the amount of an*
9 *appropriation shall not be increased by more than 50 per-*
10 *cent by such transfers: Provided further, That no amount*
11 *shall be transferred from “Special Assistance to the Presi-*
12 *dent” or “Official Residence of the Vice President” without*
13 *the approval of the Vice President.*

14 *SEC. 202. (a) During fiscal year 2023, any Executive*
15 *order or Presidential memorandum issued or revoked by the*
16 *President shall be accompanied by a written statement from*
17 *the Director of the Office of Management and Budget on*
18 *the budgetary impact, including costs, benefits, and reve-*
19 *nues, of such order or memorandum.*

20 *(b) Any such statement shall include—*

21 *(1) a narrative summary of the budgetary im-*
22 *pect of such order or memorandum on the Federal*
23 *Government;*

24 *(2) the impact on mandatory and discretionary*
25 *obligations and outlays as the result of such order or*

1 *memorandum, listed by Federal agency, for each year*
2 *in the 5-fiscal-year period beginning in fiscal year*
3 *2023; and*

4 *(3) the impact on revenues of the Federal Gov-*
5 *ernment as the result of such order or memorandum*
6 *over the 5-fiscal-year period beginning in fiscal year*
7 *2023.*

8 *(c) If an Executive order or Presidential memorandum*
9 *is issued during fiscal year 2023 due to a national emer-*
10 *gency, the Director of the Office of Management and Budget*
11 *may issue the statement required by subsection (a) not later*
12 *than 15 days after the date that such order or memorandum*
13 *is issued.*

14 *(d) The requirement for cost estimates for Presidential*
15 *memoranda shall only apply for Presidential memoranda*
16 *estimated to have a regulatory cost in excess of*
17 *\$100,000,000.*

18 *SEC. 203. Not later than 30 days after the date of en-*
19 *actment of this Act, the Director of the Office of Manage-*
20 *ment and Budget shall issue a memorandum to all Federal*
21 *departments, agencies, and corporations directing compli-*
22 *ance with the provisions in title VII of this Act.*

23 *SEC. 204. In fiscal year 2023 and each fiscal year*
24 *thereafter—(1) the Office of Management and Budget shall*
25 *operate and maintain the automated system required to be*

1 *implemented by section 204 of the Financial Services and*
2 *General Government Appropriations Act, 2022 (division E*
3 *of Public Law 117–103) and shall continue to post each*
4 *document apportioning an appropriation, pursuant to sec-*
5 *tion 1513(b) of title 31, United States Code, including any*
6 *associated footnotes, in a format that qualifies each such*
7 *document as an open Government data asset (as that term*
8 *is defined in section 3502 of title 44, United States Code);*
9 *and (2) the requirements specified in subsection (c), the first*
10 *and second provisos of subsection (d)(1), and subsection*
11 *(d)(2) of such section 204 shall continue to apply.*

12 *SEC. 205. For an additional amount for “Office of Na-*
13 *tional Drug Control Policy—Salaries and Expenses”,*
14 *\$10,482,000, which shall be for initiatives in the amounts*
15 *and for the projects specified in the table that appears under*
16 *the heading “Administrative Provisions—Executive Office*
17 *of the President and Funds Appropriated to the President”*
18 *in the explanatory statement described in section 4 (in the*
19 *matter preceding division A of this consolidated Act): Pro-*
20 *vided, That none of the funds made available by this section*
21 *may be transferred for any other purpose.*

22 *This title may be cited as the “Executive Office of the*
23 *President Appropriations Act, 2023”.*

511

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

5 *For expenses necessary for the operation of the Su-*
6 *preme Court, as required by law, excluding care of the*
7 *building and grounds, including hire of passenger motor*
8 *vehicles as authorized by 31 U.S.C. 1343 and 1344; not to*
9 *exceed \$10,000 for official reception and representation ex-*
10 *penses; and for miscellaneous expenses, to be expended as*
11 *the Chief Justice may approve, \$109,551,000, of which*
12 *\$1,500,000 shall remain available until expended.*

13 *In addition, there are appropriated such sums as may*
14 *be necessary under current law for the salaries of the chief*
15 *justice and associate justices of the court.*

16 *CARE OF THE BUILDING AND GROUNDS*

17 *For such expenditures as may be necessary to enable*
18 *the Architect of the Capitol to carry out the duties imposed*
19 *upon the Architect by 40 U.S.C. 6111 and 6112,*
20 *\$29,246,000, to remain available until expended.*

512

1 *UNITED STATES COURT OF APPEALS FOR THE FEDERAL*
2 *CIRCUIT*

3 *SALARIES AND EXPENSES*

4 *For salaries of officers and employees, and for nec-*
5 *essary expenses of the court, as authorized by law,*
6 *\$36,735,000.*

7 *In addition, there are appropriated such sums as may*
8 *be necessary under current law for the salaries of the chief*
9 *judge and judges of the court.*

10 *UNITED STATES COURT OF INTERNATIONAL TRADE*

11 *SALARIES AND EXPENSES*

12 *For salaries of officers and employees of the court, serv-*
13 *ices, and necessary expenses of the court, as authorized by*
14 *law, \$21,260,000.*

15 *In addition, there are appropriated such sums as may*
16 *be necessary under current law for the salaries of the chief*
17 *judge and judges of the court.*

18 *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*

19 *JUDICIAL SERVICES*

20 *SALARIES AND EXPENSES*

21 *For the salaries of judges of the United States Court*
22 *of Federal Claims, magistrate judges, and all other officers*
23 *and employees of the Federal Judiciary not otherwise spe-*
24 *cifically provided for, necessary expenses of the courts, and*
25 *the purchase, rental, repair, and cleaning of uniforms for*

1 *Probation and Pretrial Services Office staff, as authorized*
2 *by law, \$5,905,055,000 (including the purchase of firearms*
3 *and ammunition); of which not to exceed \$27,817,000 shall*
4 *remain available until expended for space alteration*
5 *projects and for furniture and furnishings related to new*
6 *space alteration and construction projects.*

7 *In addition, there are appropriated such sums as may*
8 *be necessary under current law for the salaries of circuit*
9 *and district judges (including judges of the territorial courts*
10 *of the United States), bankruptcy judges, and justices and*
11 *judges retired from office or from regular active service.*

12 *In addition, for expenses of the United States Court*
13 *of Federal Claims associated with processing cases under*
14 *the National Childhood Vaccine Injury Act of 1986 (Public*
15 *Law 99–660), not to exceed \$9,975,000, to be appropriated*
16 *from the Vaccine Injury Compensation Trust Fund.*

17 *DEFENDER SERVICES*

18 *For the operation of Federal Defender organizations;*
19 *the compensation and reimbursement of expenses of attor-*
20 *neys appointed to represent persons under 18 U.S.C. 3006A*
21 *and 3599, and for the compensation and reimbursement of*
22 *expenses of persons furnishing investigative, expert, and*
23 *other services for such representations as authorized by law;*
24 *the compensation (in accordance with the maximums under*
25 *18 U.S.C. 3006A) and reimbursement of expenses of attor-*

1 *neys appointed to assist the court in criminal cases where*
2 *the defendant has waived representation by counsel; the*
3 *compensation and reimbursement of expenses of attorneys*
4 *appointed to represent jurors in civil actions for the protec-*
5 *tion of their employment, as authorized by 28 U.S.C.*
6 *1875(d)(1); the compensation and reimbursement of ex-*
7 *penses of attorneys appointed under 18 U.S.C. 983(b)(1)*
8 *in connection with certain judicial civil forfeiture pro-*
9 *ceedings; the compensation and reimbursement of travel ex-*
10 *penses of guardians ad litem appointed under 18 U.S.C.*
11 *4100(b); and for necessary training and general adminis-*
12 *trative expenses, \$1,382,680,000, to remain available until*
13 *expended.*

14 *FEES OF JURORS AND COMMISSIONERS*

15 *For fees and expenses of jurors as authorized by 28*
16 *U.S.C. 1871 and 1876; compensation of jury commissioners*
17 *as authorized by 28 U.S.C. 1863; and compensation of com-*
18 *missioners appointed in condemnation cases pursuant to*
19 *rule 71.1(h) of the Federal Rules of Civil Procedure (28*
20 *U.S.C. Appendix Rule 71.1(h)), \$58,239,000, to remain*
21 *available until expended: Provided, That the compensation*
22 *of land commissioners shall not exceed the daily equivalent*
23 *of the highest rate payable under 5 U.S.C. 5332.*

515

1 COURT SECURITY

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses, not otherwise provided for, in-
4 cident to the provision of protective guard services for
5 United States courthouses and other facilities housing Fed-
6 eral court or Administrative Office of the United States
7 Courts operations, the procurement, installation, and main-
8 tenance of security systems and equipment for United
9 States courthouses and other facilities housing Federal court
10 or Administrative Office of the United States Courts oper-
11 ations, building ingress-egress control, inspection of mail
12 and packages, directed security patrols, perimeter security,
13 basic security services provided by the Federal Protective
14 Service, and other similar activities as authorized by sec-
15 tion 1010 of the Judicial Improvement and Access to Jus-
16 tice Act (Public Law 100–702), \$750,163,000, of which not
17 to exceed \$20,000,000 shall remain available until ex-
18 pended, to be expended directly or transferred to the United
19 States Marshals Service, which shall be responsible for ad-
20 ministering the Judicial Facility Security Program con-
21 sistent with standards or guidelines agreed to by the Direc-
22 tor of the Administrative Office of the United States Courts
23 and the Attorney General: Provided, That funds made
24 available under this heading may be used for managing a
25 Judiciary-wide program to facilitate security and emer-

516

1 *gency management services among the Judiciary, United*
2 *States Marshals Service, Federal Protective Service, Gen-*
3 *eral Services Administration, other Federal agencies, state*
4 *and local governments and the public; and, notwithstanding*
5 *sections 331, 566(e)(1), and 566(i) of title 28, United States*
6 *Code, for identifying and pursuing the voluntary redaction*
7 *and reduction of personally identifiable information on the*
8 *internet of judges and other familial relatives who live at*
9 *the judge's domicile.*

10 *ADMINISTRATIVE OFFICE OF THE UNITED STATES*11 *COURTS*12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Administrative Office of*
14 *the United States Courts as authorized by law, including*
15 *travel as authorized by 31 U.S.C. 1345, hire of a passenger*
16 *motor vehicle as authorized by 31 U.S.C. 1343(b), adver-*
17 *tising and rent in the District of Columbia and elsewhere,*
18 *\$102,673,000, of which not to exceed \$8,500 is authorized*
19 *for official reception and representation expenses.*

20 *FEDERAL JUDICIAL CENTER*21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Federal Judicial Center,*
23 *as authorized by Public Law 90–219, \$34,261,000; of which*
24 *\$1,800,000 shall remain available through September 30,*
25 *2024, to provide education and training to Federal court*

517

1 *personnel; and of which not to exceed \$1,500 is authorized*
2 *for official reception and representation expenses.*

3 *UNITED STATES SENTENCING COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For the salaries and expenses necessary to carry out*
6 *the provisions of chapter 58 of title 28, United States Code,*
7 *\$21,641,000, of which not to exceed \$1,000 is authorized*
8 *for official reception and representation expenses.*

9 *ADMINISTRATIVE PROVISIONS—THE JUDICIARY*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *SEC. 301. Appropriations and authorizations made in*
12 *this title which are available for salaries and expenses shall*
13 *be available for services as authorized by 5 U.S.C. 3109.*

14 *SEC. 302. Not to exceed 5 percent of any appropriation*
15 *made available for the current fiscal year for the Judiciary*
16 *in this Act may be transferred between such appropriations,*
17 *but no such appropriation, except “Courts of Appeals, Dis-*
18 *trict Courts, and Other Judicial Services, Defender Serv-*
19 *ices” and “Courts of Appeals, District Courts, and Other*
20 *Judicial Services, Fees of Jurors and Commissioners”, shall*
21 *be increased by more than 10 percent by any such transfers:*
22 *Provided, That any transfer pursuant to this section shall*
23 *be treated as a reprogramming of funds under sections 604*
24 *and 608 of this Act and shall not be available for obligation*

1 *or expenditure except in compliance with the procedures set*
2 *forth in section 608.*

3 *SEC. 303. Notwithstanding any other provision of law,*
4 *the salaries and expenses appropriation for “Courts of Ap-*
5 *peals, District Courts, and Other Judicial Services” shall*
6 *be available for official reception and representation ex-*
7 *penses of the Judicial Conference of the United States: Pro-*
8 *vided, That such available funds shall not exceed \$11,000*
9 *and shall be administered by the Director of the Adminis-*
10 *trative Office of the United States Courts in the capacity*
11 *as Secretary of the Judicial Conference.*

12 *SEC. 304. Section 3315(a) of title 40, United States*
13 *Code, shall be applied by substituting “Federal” for “execu-*
14 *tive” each place it appears.*

15 *SEC. 305. In accordance with 28 U.S.C. 561–569, and*
16 *notwithstanding any other provision of law, the United*
17 *States Marshals Service shall provide, for such courthouses*
18 *as its Director may designate in consultation with the Di-*
19 *rector of the Administrative Office of the United States*
20 *Courts, for purposes of a pilot program, the security services*
21 *that 40 U.S.C. 1315 authorizes the Department of Home-*
22 *land Security to provide, except for the services specified*
23 *in 40 U.S.C. 1315(b)(2)(E). For building-specific security*
24 *services at these courthouses, the Director of the Administra-*
25 *tive Office of the United States Courts shall reimburse the*

1 *United States Marshals Service rather than the Department*
2 *of Homeland Security.*

3 *SEC. 306. (a) Section 203(c) of the Judicial Improve-*
4 *ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133*
5 *note), is amended in the matter following paragraph 12—*

6 *(1) in the second sentence (relating to the Dis-*
7 *trict of Kansas), by striking “31 years and 6 months”*
8 *and inserting “32 years and 6 months”; and*

9 *(2) in the sixth sentence (relating to the District*
10 *of Hawaii), by striking “28 years and 6 months” and*
11 *inserting “29 years and 6 months”.*

12 *(b) Section 406 of the Transportation, Treasury,*
13 *Housing and Urban Development, the Judiciary, the Dis-*
14 *trict of Columbia, and Independent Agencies Appropria-*
15 *tions Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28*
16 *U.S.C. 133 note) is amended in the second sentence (relat-*
17 *ing to the eastern District of Missouri) by striking “29*
18 *years and 6 months” and inserting “30 years and 6*
19 *months”.*

20 *(c) Section 312(c)(2) of the 21st Century Department*
21 *of Justice Appropriations Authorization Act (Public Law*
22 *107–273; 28 U.S.C. 133 note), is amended—*

23 *(1) in the first sentence by striking “20 years”*
24 *and inserting “21 years”;*

1 (2) *in the second sentence (relating to the central*
2 *District of California), by striking “19 years and 6*
3 *months” and inserting “20 years and 6 months”; and*
4 (3) *in the third sentence (relating to the western*
5 *district of North Carolina), by striking “18 years”*
6 *and inserting “19 years”.*

7 *SEC. 307. Section 677 of title 28, United States Code,*
8 *is amended by adding at the end the following:*

9 *“(d) The Counselor, with the approval of the Chief Jus-*
10 *tice, shall establish a retention and recruitment program*
11 *that is consistent with section 908 of the Emergency Sup-*
12 *plemental Act, 2002 (2 U.S.C. 1926) for Supreme Court*
13 *Police officers and other critical employees who agree in*
14 *writing to remain employed with the Supreme Court for*
15 *a period of service of not less than two years.”.*

16 *SEC. 308. Section 996(b) of title 28, United States*
17 *Code, is amended by inserting “84 (Federal Employees’ Re-*
18 *irement System),” after “83 (Retirement),”.*

19 *This title may be cited as the “Judiciary Appropria-*
20 *tions Act, 2023”.*

521

1

TITLE IV

2

DISTRICT OF COLUMBIA

3

FEDERAL FUNDS

4

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

5

For a Federal payment to the District of Columbia,

6

to be deposited into a dedicated account, for a nationwide

7

program to be administered by the Mayor, for District of

8

Columbia resident tuition support, \$40,000,000, to remain

9

available until expended: Provided, That such funds, in-

10

cluding any interest accrued thereon, may be used on behalf

11

of eligible District of Columbia residents to pay an amount

12

based upon the difference between in-State and out-of-State

13

tuition at public institutions of higher education, or to pay

14

up to \$2,500 each year at eligible private institutions of

15

higher education: Provided further, That the awarding of

16

such funds may be prioritized on the basis of a resident's

17

academic merit, the income and need of eligible students

18

and such other factors as may be authorized: Provided fur-

19

ther, That the District of Columbia government shall main-

20

tain a dedicated account for the Resident Tuition Support

21

Program that shall consist of the Federal funds appro-

22

priated to the Program in this Act and any subsequent ap-

23

propriations, any unobligated balances from prior fiscal

24

years, and any interest earned in this or any fiscal year:

25

Provided further, That the account shall be under the con-

1 *trol of the District of Columbia Chief Financial Officer, who*
2 *shall use those funds solely for the purposes of carrying out*
3 *the Resident Tuition Support Program: Provided further,*
4 *That the Office of the Chief Financial Officer shall provide*
5 *a quarterly financial report to the Committees on Appro-*
6 *priations of the House of Representatives and the Senate*
7 *for these funds showing, by object class, the expenditures*
8 *made and the purpose therefor.*

9 *FEDERAL PAYMENT FOR EMERGENCY PLANNING AND*
10 *SECURITY COSTS IN THE DISTRICT OF COLUMBIA*

11 *For a Federal payment of necessary expenses, as deter-*
12 *mined by the Mayor of the District of Columbia in written*
13 *consultation with the elected county or city officials of sur-*
14 *rounding jurisdictions, \$30,000,000, to remain available*
15 *until expended, for the costs of providing public safety at*
16 *events related to the presence of the National Capital in*
17 *the District of Columbia, including support requested by*
18 *the Director of the United States Secret Service in carrying*
19 *out protective duties under the direction of the Secretary*
20 *of Homeland Security, and for the costs of providing sup-*
21 *port to respond to immediate and specific terrorist threats*
22 *or attacks in the District of Columbia or surrounding juris-*
23 *dictions.*

523

1 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*2 *COURTS*

3 *For salaries and expenses for the District of Columbia*
4 *Courts, including the transfer and hire of motor vehicles,*
5 *\$291,068,000 to be allocated as follows: for the District of*
6 *Columbia Court of Appeals, \$15,055,000, of which not to*
7 *exceed \$2,500 is for official reception and representation ex-*
8 *penses; for the Superior Court of the District of Columbia,*
9 *\$140,973,000, of which not to exceed \$2,500 is for official*
10 *reception and representation expenses; for the District of*
11 *Columbia Court System, \$88,290,000, of which not to ex-*
12 *ceed \$2,500 is for official reception and representation ex-*
13 *penses; and \$46,750,000, to remain available until Sep-*
14 *tember 30, 2024, for capital improvements for District of*
15 *Columbia courthouse facilities: Provided, That funds made*
16 *available for capital improvements shall be expended con-*
17 *sistent with the District of Columbia Courts master plan*
18 *study and facilities condition assessment: Provided further,*
19 *That, in addition to the amounts appropriated herein, fees*
20 *received by the District of Columbia Courts for admin-*
21 *istering bar examinations and processing District of Co-*
22 *lumbia bar admissions may be retained and credited to this*
23 *appropriation, to remain available until expended, for sala-*
24 *ries and expenses associated with such activities, notwith-*
25 *standing section 450 of the District of Columbia Home Rule*

1 *Act (D.C. Official Code, sec. 1–204.50): Provided further,*
2 *That notwithstanding any other provision of law, all*
3 *amounts under this heading shall be apportioned quarterly*
4 *by the Office of Management and Budget and obligated and*
5 *expended in the same manner as funds appropriated for*
6 *salaries and expenses of other Federal agencies: Provided*
7 *further, That 30 days after providing written notice to the*
8 *Committees on Appropriations of the House of Representa-*
9 *tives and the Senate, the District of Columbia Courts may*
10 *reallocate not more than \$9,000,000 of the funds provided*
11 *under this heading among the items and entities funded*
12 *under this heading: Provided further, That the Joint Com-*
13 *mittee on Judicial Administration in the District of Colum-*
14 *bia may, by regulation, establish a program substantially*
15 *similar to the program set forth in subchapter II of chapter*
16 *35 of title 5, United States Code, for employees of the Dis-*
17 *trict of Columbia Courts.*

18 *FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT*
19 *OF COLUMBIA COURTS*
20 *(INCLUDING RESCISSION OF FUNDS)*

21 *For payments authorized under section 11–2604 and*
22 *section 11–2605, D.C. Official Code (relating to representa-*
23 *tion provided under the District of Columbia Criminal Jus-*
24 *tice Act), payments for counsel appointed in proceedings*
25 *in the Family Court of the Superior Court of the District*

1 *of Columbia under chapter 23 of title 16, D.C. Official*
2 *Code, or pursuant to contractual agreements to provide*
3 *guardian ad litem representation, training, technical as-*
4 *sistance, and such other services as are necessary to improve*
5 *the quality of guardian ad litem representation, payments*
6 *for counsel appointed in adoption proceedings under chap-*
7 *ter 3 of title 16, D.C. Official Code, and payments author-*
8 *ized under section 21–2060, D.C. Official Code (relating to*
9 *services provided under the District of Columbia Guardian-*
10 *ship, Protective Proceedings, and Durable Power of Attor-*
11 *ney Act of 1986), \$46,005,000, to remain available until*
12 *expended: Provided, That funds provided under this head-*
13 *ing shall be administered by the Joint Committee on Judi-*
14 *cial Administration in the District of Columbia: Provided*
15 *further, That, notwithstanding any other provision of law,*
16 *this appropriation shall be apportioned quarterly by the Of-*
17 *fice of Management and Budget and obligated and expended*
18 *in the same manner as funds appropriated for expenses of*
19 *other Federal agencies: Provided further, That of the unobli-*
20 *gated balances from prior year appropriations made avail-*
21 *able under this heading, \$22,000,000, are hereby rescinded*
22 *not later than September 30, 2023.*

526

1 *FEDERAL PAYMENT TO THE COURT SERVICES AND OF-*
2 *FENDER SUPERVISION AGENCY FOR THE DISTRICT OF*
3 *COLUMBIA*

4 *For salaries and expenses, including the transfer and*
5 *hire of motor vehicles, of the Court Services and Offender*
6 *Supervision Agency for the District of Columbia, as author-*
7 *ized by the National Capital Revitalization and Self-Gov-*
8 *ernment Improvement Act of 1997, \$285,016,000, of which*
9 *not to exceed \$2,000 is for official reception and representa-*
10 *tion expenses related to Community Supervision and Pre-*
11 *trial Services Agency programs, and of which not to exceed*
12 *\$25,000 is for dues and assessments relating to the imple-*
13 *mentation of the Court Services and Offender Supervision*
14 *Agency Interstate Supervision Act of 2002: Provided, That,*
15 *of the funds appropriated under this heading, \$204,579,000*
16 *shall be for necessary expenses of Community Supervision*
17 *and Sex Offender Registration, to include expenses relating*
18 *to the supervision of adults subject to protection orders or*
19 *the provision of services for or related to such persons, of*
20 *which \$7,798,000 shall remain available until September*
21 *30, 2025, for costs associated with the relocation under re-*
22 *placement leases for headquarters offices, field offices and*
23 *related facilities: Provided further, That, of the funds ap-*
24 *propriated under this heading, \$80,437,000 shall be avail-*
25 *able to the Pretrial Services Agency, of which \$998,000 shall*

1 *remain available until September 30, 2025, for costs associ-*
2 *ated with relocation under a replacement lease for head-*
3 *quarters offices, field offices, and related facilities: Provided*
4 *further, That notwithstanding any other provision of law,*
5 *all amounts under this heading shall be apportioned quar-*
6 *terly by the Office of Management and Budget and obligated*
7 *and expended in the same manner as funds appropriated*
8 *for salaries and expenses of other Federal agencies: Provided*
9 *further, That amounts under this heading may be used for*
10 *programmatic incentives for defendants to successfully com-*
11 *plete their terms of supervision.*

12 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

13 *PUBLIC DEFENDER SERVICE*

14 *For salaries and expenses, including the transfer and*
15 *hire of motor vehicles, of the District of Columbia Public*
16 *Defender Service, as authorized by the National Capital Re-*
17 *vitalization and Self-Government Improvement Act of 1997,*
18 *\$53,629,000: Provided, That notwithstanding any other*
19 *provision of law, all amounts under this heading shall be*
20 *apportioned quarterly by the Office of Management and*
21 *Budget and obligated and expended in the same manner*
22 *as funds appropriated for salaries and expenses of Federal*
23 *agencies: Provided further, That the District of Columbia*
24 *Public Defender Service may establish for employees of the*
25 *District of Columbia Public Defender Service a program*

1 *substantially similar to the program set forth in subchapter*
2 *II of chapter 35 of title 5, United States Code, except that*
3 *the maximum amount of the payment made under the pro-*
4 *gram to any individual may not exceed the amount referred*
5 *to in section 3523(b)(3)(B) of title 5, United States Code:*
6 *Provided further, That for the purposes of engaging with,*
7 *and receiving services from, Federal Franchise Fund Pro-*
8 *grams established in accordance with section 403 of the*
9 *Government Management Reform Act of 1994, as amended,*
10 *the District of Columbia Public Defender Service shall be*
11 *considered an agency of the United States Government: Pro-*
12 *vided further, That the District of Columbia Public De-*
13 *fender Service may enter into contracts for the procurement*
14 *of severable services and multiyear contracts for the acquisi-*
15 *tion of property and services to the same extent and under*
16 *the same conditions as an executive agency under sections*
17 *3902 and 3903 of title 41, United States Code.*

18 *FEDERAL PAYMENT TO THE CRIMINAL JUSTICE*

19 *COORDINATING COUNCIL*

20 *For a Federal payment to the Criminal Justice Co-*
21 *ordinating Council, \$2,450,000, to remain available until*
22 *expended, to support initiatives related to the coordination*
23 *of Federal and local criminal justice resources in the Dis-*
24 *trict of Columbia.*

529

1 *FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS*

2 *For a Federal payment, to remain available until Sep-*
3 *tember 30, 2024, to the Commission on Judicial Disabilities*
4 *and Tenure, \$330,000, and for the Judicial Nomination*
5 *Commission, \$300,000.*

6 *FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT*

7 *For a Federal payment for a school improvement pro-*
8 *gram in the District of Columbia, \$52,500,000, to remain*
9 *available until expended, for payments authorized under the*
10 *Scholarships for Opportunity and Results Act (division C*
11 *of Public Law 112–10): Provided, That, to the extent that*
12 *funds are available for opportunity scholarships and fol-*
13 *lowing the priorities included in section 3006 of such Act,*
14 *the Secretary of Education shall make scholarships avail-*
15 *able to students eligible under section 3013(3) of such Act*
16 *(Public Law 112–10; 125 Stat. 211) including students who*
17 *were not offered a scholarship during any previous school*
18 *year: Provided further, That within funds provided for op-*
19 *portunity scholarships up to \$1,750,000 shall be for the ac-*
20 *tivities specified in sections 3007(b) through 3007(d) of the*
21 *Act and up to \$500,000 shall be for the activities specified*
22 *in section 3009 of the Act.*

530

1 *FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA*

2 *NATIONAL GUARD*

3 *For a Federal payment to the District of Columbia*
4 *National Guard, \$600,000, to remain available until ex-*
5 *pended for the Major General David F. Wherley, Jr. Dis-*
6 *trict of Columbia National Guard Retention and College*
7 *Access Program.*

8 *FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/*

9 *AIDS*

10 *For a Federal payment to the District of Columbia*
11 *for the testing of individuals for, and the treatment of indi-*
12 *viduals with, human immunodeficiency virus and acquired*
13 *immunodeficiency syndrome in the District of Columbia,*
14 *\$4,000,000.*

15 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER*

16 *AND SEWER AUTHORITY*

17 *For a Federal payment to the District of Columbia*
18 *Water and Sewer Authority, \$8,000,000, to remain avail-*
19 *able until expended, to continue implementation of the*
20 *Combined Sewer Overflow Long-Term Plan: Provided, That*
21 *the District of Columbia Water and Sewer Authority pro-*
22 *vides a 100 percent match for this payment.*

23 *DISTRICT OF COLUMBIA FUNDS*

24 *Local funds are appropriated for the District of Co-*
25 *lumbia for the current fiscal year out of the General Fund*

1 *of the District of Columbia (“General Fund”) for programs*
2 *and activities set forth in the Fiscal Year 2023 Local Budg-*
3 *et Act of 2022 (D.C. Act 24–486) and at rates set forth*
4 *under such Act, as amended as of the date of enactment*
5 *of this Act: Provided, That notwithstanding any other pro-*
6 *vision of law, except as provided in section 450A of the Dis-*
7 *trict of Columbia Home Rule Act (section 1–204.50a, D.C.*
8 *Official Code), sections 816 and 817 of the Financial Serv-*
9 *ices and General Government Appropriations Act, 2009*
10 *(secs. 47–369.01 and 47–369.02, D.C. Official Code), and*
11 *provisions of this Act, the total amount appropriated in*
12 *this Act for operating expenses for the District of Columbia*
13 *for fiscal year 2023 under this heading shall not exceed the*
14 *estimates included in the Fiscal Year 2023 Local Budget*
15 *Act of 2022, as amended as of the date of enactment of this*
16 *Act or the sum of the total revenues of the District of Colum-*
17 *bia for such fiscal year: Provided further, That the amount*
18 *appropriated may be increased by proceeds of one-time*
19 *transactions, which are expended for emergency or unan-*
20 *ticipated operating or capital needs: Provided further, That*
21 *such increases shall be approved by enactment of local Dis-*
22 *trict law and shall comply with all reserve requirements*
23 *contained in the District of Columbia Home Rule Act: Pro-*
24 *vided further, That the Chief Financial Officer of the Dis-*
25 *trict of Columbia shall take such steps as are necessary to*

532

1 *assure that the District of Columbia meets these require-*
2 *ments, including the apportioning by the Chief Financial*
3 *Officer of the appropriations and funds made available to*
4 *the District during fiscal year 2023, except that the Chief*
5 *Financial Officer may not reprogram for operating ex-*
6 *penses any funds derived from bonds, notes, or other obliga-*
7 *tions issued for capital projects.*

8 *This title may be cited as the “District of Columbia*
9 *Appropriations Act, 2023”.*

533

1

TITLE V

2

INDEPENDENT AGENCIES

3

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

4

SALARIES AND EXPENSES

5

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$3,465,000, to remain available until September 30, 2024, of which not to exceed \$1,000 is for official reception and representation expenses.

10

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN

11

EDUCATION FOUNDATION

12

SALARIES AND EXPENSES

13

For payment to the Barry Goldwater Scholarship and Excellence in Education Fund, established by section 1408 of Public Law 99–661 (20 U.S.C. 4707), for necessary expenses to carry out activities pursuant to the Barry Goldwater Scholarship and Excellence in Education Act of 1986 (20 U.S.C. 4701 et seq.), \$2,000,000, to remain available until expended.

20

COMMODITY FUTURES TRADING COMMISSION

21

(INCLUDING TRANSFER OF FUNDS)

22

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the Dis-

534

1 *trict of Columbia and elsewhere, \$365,000,000, including*
2 *not to exceed \$3,000 for official reception and representa-*
3 *tion expenses, and not to exceed \$25,000 for the expenses*
4 *for consultations and meetings hosted by the Commission*
5 *with foreign governmental and other regulatory officials, of*
6 *which not less than \$20,000,000 shall remain available*
7 *until September 30, 2024, and of which not less than*
8 *\$4,218,000 shall be for expenses of the Office of the Inspector*
9 *General: Provided, That notwithstanding the limitations in*
10 *31 U.S.C. 1553, amounts provided under this heading are*
11 *available for the liquidation of obligations equal to current*
12 *year payments on leases entered into prior to the date of*
13 *enactment of this Act: Provided further, That for the pur-*
14 *pose of recording and liquidating any lease obligations that*
15 *should have been recorded and liquidated against accounts*
16 *closed pursuant to 31 U.S.C. 1552, and consistent with the*
17 *preceding proviso, such amounts shall be transferred to and*
18 *recorded in a no-year account in the Treasury, which has*
19 *been established for the sole purpose of recording adjust-*
20 *ments for and liquidating such unpaid obligations.*

21 *CONSUMER PRODUCT SAFETY COMMISSION*22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the Consumer Product Safety*
24 *Commission, including hire of passenger motor vehicles,*
25 *services as authorized by 5 U.S.C. 3109, but at rates for*

535

1 *individuals not to exceed the per diem rate equivalent to*
2 *the maximum rate payable under 5 U.S.C. 5376, purchase*
3 *of nominal awards to recognize non-Federal officials' con-*
4 *tributions to Commission activities, and not to exceed*
5 *\$4,000 for official reception and representation expenses,*
6 *\$152,500,000, of which \$2,000,000 shall remain available*
7 *until expended, to carry out the program, including admin-*
8 *istrative costs, required by section 1405 of the Virginia*
9 *Graeme Baker Pool and Spa Safety Act (Public Law 110–*
10 *140; 15 U.S.C. 8004), and of which \$2,000,000 shall remain*
11 *available until expended, to carry out the program, includ-*
12 *ing administrative costs, required by section 204 of the*
13 *Nicholas and Zachary Burt Memorial Carbon Monoxide*
14 *Poisoning Prevention Act of 2022 (title II of division Q*
15 *of Public Law 117–103).*

16 *ADMINISTRATIVE PROVISION—CONSUMER PRODUCT SAFETY*
17 *COMMISSION*

18 *SEC. 501. During fiscal year 2023, none of the*
19 *amounts made available by this Act may be used to finalize*
20 *or implement the Safety Standard for Recreational Off-*
21 *Highway Vehicles published by the Consumer Product Safe-*
22 *ty Commission in the Federal Register on November 19,*
23 *2014 (79 Fed. Reg. 68964) until after—*

24 *(1) the National Academy of Sciences, in con-*
25 *sultation with the National Highway Traffic Safety*

1 *Administration and the Department of Defense, com-*
2 *pletes a study to determine—*

3 *(A) the technical validity of the lateral sta-*
4 *bility and vehicle handling requirements pro-*
5 *posed by such standard for purposes of reducing*
6 *the risk of Recreational Off-Highway Vehicle (re-*
7 *ferred to in this section as “ROV”) rollovers in*
8 *the off-road environment, including the repeat-*
9 *ability and reproducibility of testing for compli-*
10 *ance with such requirements;*

11 *(B) the number of ROV rollovers that would*
12 *be prevented if the proposed requirements were*
13 *adopted;*

14 *(C) whether there is a technical basis for the*
15 *proposal to provide information on a point-of-*
16 *sale hangtag about a ROV’s rollover resistance*
17 *on a progressive scale; and*

18 *(D) the effect on the utility of ROVs used by*
19 *the United States military if the proposed re-*
20 *quirements were adopted; and*

21 *(2) a report containing the results of the study*
22 *completed under paragraph (1) is delivered to—*

23 *(A) the Committee on Commerce, Science,*
24 *and Transportation of the Senate;*

537

1 (B) the Committee on Energy and Com-
2 merce of the House of Representatives;

3 (C) the Committee on Appropriations of the
4 Senate; and

5 (D) the Committee on Appropriations of the
6 House of Representatives.

7 ELECTION ASSISTANCE COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses to carry out the Help America
10 Vote Act of 2002 (Public Law 107–252), \$28,000,000, of
11 which \$1,500,000 shall be made available to the National
12 Institute of Standards and Technology for election reform
13 activities authorized under the Help America Vote Act of
14 2002, and of which \$1,000,000, to remain available until
15 expended, shall be for the Help America Vote College Pro-
16 gram as authorized by title V of the Help America Vote
17 Act of 2002.

18 ELECTION SECURITY GRANTS

19 Notwithstanding section 104(c)(2)(B) of the Help
20 America Vote Act of 2002 (52 U.S.C. 20904(c)(2)(B)),
21 \$75,000,000 is provided to the Election Assistance Commis-
22 sion for necessary expenses to make payments to States for
23 activities to improve the administration of elections for
24 Federal office, including to enhance election technology and
25 make election security improvements, as authorized by sec-

1 tions 101, 103, and 104 of such Act: Provided, That for
2 purposes of applying such sections, the Commonwealth of
3 the Northern Mariana Islands shall be deemed to be a State
4 and, for purposes of sections 101(d)(2) and 103(a) shall be
5 treated in the same manner as the Commonwealth of Puerto
6 Rico, Guam, American Samoa, and the United States Vir-
7 gin Islands: Provided further, That each reference to the
8 “Administrator of General Services” or the “Adminis-
9 trator” in sections 101 and 103 shall be deemed to refer
10 to the “Election Assistance Commission”: Provided further,
11 That each reference to “\$5,000,000” in section 103 shall be
12 deemed to refer to “\$1,000,000” and each reference to
13 “\$1,000,000” in section 103 shall be deemed to refer to
14 “\$200,000”: Provided further, That not later than two years
15 after receiving a payment under this heading, a State shall
16 make available funds for such activities in an amount equal
17 to 20 percent of the total amount of the payment made to
18 the State under this heading: Provided further, That not
19 later than 45 days after the date of enactment of this Act,
20 the Election Assistance Commission shall make the pay-
21 ments to States under this heading: Provided further, That
22 States shall submit quarterly financial reports and annual
23 progress reports.

539

1 *FEDERAL COMMUNICATIONS COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Communications*
4 *Commission, as authorized by law, including uniforms and*
5 *allowances therefor, as authorized by 5 U.S.C. 5901–5902;*
6 *not to exceed \$4,000 for official reception and representa-*
7 *tion expenses; purchase and hire of motor vehicles; special*
8 *counsel fees; and services as authorized by 5 U.S.C. 3109,*
9 *\$390,192,000, to remain available until expended: Pro-*
10 *vided, That \$390,192,000 of offsetting collections shall be*
11 *assessed and collected pursuant to section 9 of title I of the*
12 *Communications Act of 1934, shall be retained and used*
13 *for necessary expenses and shall remain available until ex-*
14 *pended: Provided further, That the sum herein appro-*
15 *priated shall be reduced as such offsetting collections are*
16 *received during fiscal year 2023 so as to result in a final*
17 *fiscal year 2023 appropriation estimated at \$0: Provided*
18 *further, That, notwithstanding 47 U.S.C. 309(j)(8)(B), pro-*
19 *ceeds from the use of a competitive bidding system that may*
20 *be retained and made available for obligation shall not ex-*
21 *ceed \$132,231,000 for fiscal year 2023: Provided further,*
22 *That, of the amount appropriated under this heading, not*
23 *less than \$12,131,000 shall be for the salaries and expenses*
24 *of the Office of Inspector General.*

540

1 *ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS*
2 *COMMISSION*

3 *SEC. 510. Section 302 of the Universal Service*
4 *Antideficiency Temporary Suspension Act is amended by*
5 *striking “December 31, 2022” each place it appears and*
6 *inserting “December 31, 2023”.*

7 *SEC. 511. None of the funds appropriated by this Act*
8 *may be used by the Federal Communications Commission*
9 *to modify, amend, or change its rules or regulations for uni-*
10 *versal service support payments to implement the February*
11 *27, 2004, recommendations of the Federal-State Joint*
12 *Board on Universal Service regarding single connection or*
13 *primary line restrictions on universal service support pay-*
14 *ments.*

15 *FEDERAL DEPOSIT INSURANCE CORPORATION*

16 *OFFICE OF THE INSPECTOR GENERAL*

17 *For necessary expenses of the Office of Inspector Gen-*
18 *eral in carrying out the provisions of the Inspector General*
19 *Act of 1978, \$47,500,000, to be derived from the Deposit*
20 *Insurance Fund or, only when appropriate, the FSLIC Res-*
21 *olution Fund.*

22 *FEDERAL ELECTION COMMISSION*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses to carry out the provisions of*
25 *the Federal Election Campaign Act of 1971, \$81,674,000,*

541

1 *of which not to exceed \$5,000 shall be available for reception*
2 *and representation expenses.*

3 *FEDERAL LABOR RELATIONS AUTHORITY*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses to carry out functions of the*
6 *Federal Labor Relations Authority, pursuant to Reorga-*
7 *nization Plan Numbered 2 of 1978, and the Civil Service*
8 *Reform Act of 1978, including services authorized by 5*
9 *U.S.C. 3109, and including hire of experts and consultants,*
10 *hire of passenger motor vehicles, and including official re-*
11 *ception and representation expenses (not to exceed \$1,500)*
12 *and rental of conference rooms in the District of Columbia*
13 *and elsewhere, \$29,400,000: Provided, That public members*
14 *of the Federal Service Impasses Panel may be paid travel*
15 *expenses and per diem in lieu of subsistence as authorized*
16 *by law (5 U.S.C. 5703) for persons employed intermittently*
17 *in the Government service, and compensation as authorized*
18 *by 5 U.S.C. 3109: Provided further, That, notwithstanding*
19 *31 U.S.C. 3302, funds received from fees charged to non-*
20 *Federal participants at labor-management relations con-*
21 *ferences shall be credited to and merged with this account,*
22 *to be available without further appropriation for the costs*
23 *of carrying out these conferences.*

542

1 *FEDERAL TRADE COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Trade Commis-*
4 *sion, including uniforms or allowances therefor, as author-*
5 *ized by 5 U.S.C. 5901–5902; services as authorized by 5*
6 *U.S.C. 3109; hire of passenger motor vehicles; and not to*
7 *exceed \$2,000 for official reception and representation ex-*
8 *penses, \$430,000,000, to remain available until expended:*
9 *Provided, That not to exceed \$300,000 shall be available*
10 *for use to contract with a person or persons for collection*
11 *services in accordance with the terms of 31 U.S.C. 3718:*
12 *Provided further, That, notwithstanding any other provi-*
13 *sion of law, fees collected in fiscal year 2023 for premerger*
14 *notification filings under the Hart-Scott-Rodino Antitrust*
15 *Improvements Act of 1976 (15 U.S.C. 18a), (and estimated*
16 *to be \$190,000,000 in fiscal year 2023) shall be retained*
17 *and used for necessary expenses in this appropriation and*
18 *shall remain available until expended: Provided further,*
19 *That, notwithstanding any other provision of law, fees col-*
20 *lected to implement and enforce the Telemarketing Sales*
21 *Rule, promulgated under the Telemarketing and Consumer*
22 *Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.),*
23 *regardless of the year of collection (and estimated to be*
24 *\$20,000,000 in fiscal year 2023), shall be credited to this*
25 *account, and be retained and used for necessary expenses*

543

1 *in this appropriation, and shall remain available until ex-*
2 *pendent: Provided further, That the sum herein appro-*
3 *priated from the general fund shall be reduced (1) as such*
4 *offsetting collections are received during fiscal year 2023*
5 *and (2) to the extent that any remaining general fund ap-*
6 *propriations can be derived from amounts credited to this*
7 *account as offsetting collections in previous fiscal years that*
8 *are not otherwise appropriated, so as to result in a final*
9 *fiscal year 2023 appropriation from the general fund esti-*
10 *mated at \$48,000,000: Provided further, That, notwith-*
11 *standing section 605 of the Departments of Commerce, Jus-*
12 *tice, and State, the Judiciary, and Related Agencies Appro-*
13 *priations Act, 1990 (15 U.S.C. 18a note), none of the funds*
14 *credited to this account as offsetting collections in previous*
15 *fiscal years that were unavailable for obligation as of Sep-*
16 *tember 30, 2022, shall become available for obligation except*
17 *as provided in the preceding proviso: Provided further, That*
18 *none of the funds made available to the Federal Trade Com-*
19 *mission may be used to implement subsection (e)(2)(B) of*
20 *section 43 of the Federal Deposit Insurance Act (12 U.S.C.*
21 *1831t).*

544

1 *GENERAL SERVICES ADMINISTRATION*2 *REAL PROPERTY ACTIVITIES*3 *FEDERAL BUILDINGS FUND*4 *LIMITATIONS ON AVAILABILITY OF REVENUE*5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *Amounts in the Fund, including revenues and collec-*
7 *tions deposited into the Fund, shall be available for nec-*
8 *essary expenses of real property management and related*
9 *activities not otherwise provided for, including operation,*
10 *maintenance, and protection of federally owned and leased*
11 *buildings; rental of buildings in the District of Columbia;*
12 *restoration of leased premises; moving governmental agen-*
13 *cies (including space adjustments and telecommunications*
14 *relocation expenses) in connection with the assignment, al-*
15 *location, and transfer of space; contractual services incident*
16 *to cleaning or servicing buildings, and moving; repair and*
17 *alteration of federally owned buildings, including grounds,*
18 *approaches, and appurtenances; care and safeguarding of*
19 *sites; maintenance, preservation, demolition, and equip-*
20 *ment; acquisition of buildings and sites by purchase, con-*
21 *demnation, or as otherwise authorized by law; acquisition*
22 *of options to purchase buildings and sites; conversion and*
23 *extension of federally owned buildings; preliminary plan-*
24 *ning and design of projects by contract or otherwise; con-*
25 *struction of new buildings (including equipment for such*

545

1 *buildings); and payment of principal, interest, and any*
2 *other obligations for public buildings acquired by install-*
3 *ment purchase and purchase contract; in the aggregate*
4 *amount of \$10,013,150,000, of which—*

5 *(1) \$807,809,000 shall remain available until ex-*
6 *pended for construction and acquisition (including*
7 *funds for sites and expenses, and associated design*
8 *and construction services) and remediation, in addi-*
9 *tion to amounts otherwise provided for such purposes,*
10 *as follows:*

11 *Connecticut:*

12 *Hartford, U.S. Courthouse, \$61,500,000;*

13 *District of Columbia:*

14 *DHS Consolidation at St. Elizabeths,*
15 *\$252,963,000;*

16 *Federal Energy Regulatory Commission Lease*
17 *Purchase Option, \$21,000,000;*

18 *Southeast Federal Center Remediation,*
19 *\$3,946,000;*

20 *Florida:*

21 *Fort Lauderdale, U.S. Courthouse, \$55,000,000;*

22 *National Capital Region:*

23 *Federal Bureau of Investigation Headquarters*
24 *Consolidation, \$375,000,000;*

25 *Tennessee:*

546

1 *Chattanooga, U.S. Courthouse, \$38,400,000:*

2 *Provided, That each of the foregoing limits of costs on*
3 *construction, acquisition, and remediation projects*
4 *may be exceeded to the extent that savings are effected*
5 *in other such projects, but not to exceed 20 percent of*
6 *the amounts included in a transmitted prospectus, if*
7 *required, unless advance approval is obtained from*
8 *the Committees on Appropriations of the House of*
9 *Representatives and the Senate of a greater amount;*

10 *(2) \$662,280,000 shall remain available until ex-*
11 *pended for repairs and alterations, including associ-*
12 *ated design and construction services, in addition to*
13 *amounts otherwise provided for such purposes, of*
14 *which—*

15 *(A) \$244,783,000 is for Major Repairs and*
16 *Alterations as follows:*

17 *Multiple Locations:*

18 *National Conveying Systems, \$30,000,000;*

19 *National Capital Region:*

20 *Fire Alarm Systems, \$40,000,000;*

21 *California:*

22 *San Francisco, Federal Building, \$15,687,000;*

23 *Georgia:*

24 *Atlanta, Sam Nunn Atlanta Federal Center,*

25 *\$10,229,000;*

547

1 *Massachusetts:*

2 *Boston, John J. Moakley U.S. Courthouse,*
3 *\$10,345,000;*

4 *Montana:*

5 *Butte, Mike Mansfield Federal Building and*
6 *U.S. Courthouse, \$25,792,000;*

7 *New York:*

8 *New York, Alexander Hamilton U.S. Custom*
9 *House, \$68,497,000;*

10 *Ohio:*

11 *Cleveland, Carl B. Stokes U.S. Courthouse,*
12 *\$10,235,000;*

13 *Oklahoma:*

14 *Oklahoma City, William J. Holloway, Jr. U.S.*
15 *Courthouse and Post Office, \$3,093,000;*

16 *Pennsylvania:*

17 *Philadelphia, James A. Byrne U.S. Courthouse,*
18 *\$12,927,000;*

19 *Vermont:*

20 *St. Albans, Federal Building, U.S. Post Office*
21 *and Custom House, \$17,978,000;*

22 *(B) \$398,797,000 is for Basic Repairs and*
23 *Alterations, of which \$3,000,000 is for repairs to*
24 *the water feature at the Wilkie D. Ferguson Jr.*
25 *U.S. Courthouse in Miami, FL; and*

548

1 (C) \$18,700,000 is for Special Emphasis
2 Programs as follows:

3 Judiciary Capital Security Program,
4 \$18,700,000;

5 *Provided, That funds made available in this or any*
6 *previous Act in the Federal Buildings Fund for Re-*
7 *pairs and Alterations shall, for prospectus projects, be*
8 *limited to the amount identified for each project, ex-*
9 *cept each project in this or any previous Act may be*
10 *increased by an amount not to exceed 20 percent un-*
11 *less advance approval is obtained from the Commit-*
12 *tees on Appropriations of the House of Representa-*
13 *tives and the Senate of a greater amount: Provided*
14 *further, That additional projects for which*
15 *prospectuses have been fully approved may be funded*
16 *under this category only if advance approval is ob-*
17 *tained from the Committees on Appropriations of the*
18 *House of Representatives and the Senate: Provided*
19 *further, That the amounts provided in this or any*
20 *prior Act for “Repairs and Alterations” may be used*
21 *to fund costs associated with implementing security*
22 *improvements to buildings necessary to meet the min-*
23 *imum standards for security in accordance with cur-*
24 *rent law and in compliance with the reprogramming*
25 *guidelines of the appropriate Committees of the House*

1 *and Senate: Provided further, That the difference be-*
2 *tween the funds appropriated and expended on any*
3 *projects in this or any prior Act, under the heading*
4 *“Repairs and Alterations”, may be transferred to*
5 *“Basic Repairs and Alterations” or used to fund au-*
6 *thorized increases in prospectus projects: Provided*
7 *further, That the amount provided in this or any*
8 *prior Act for “Basic Repairs and Alterations” may be*
9 *used to pay claims against the Government arising*
10 *from any projects under the heading “Repairs and*
11 *Alterations” or used to fund authorized increases in*
12 *prospectus projects;*

13 (3) \$5,561,680,000 for rental of space to remain
14 *available until expended; and*

15 (4) \$2,981,381,000 for building operations to re-
16 *main available until expended: Provided, That the*
17 *total amount of funds made available from this Fund*
18 *to the General Services Administration shall not be*
19 *available for expenses of any construction, repair, al-*
20 *teration and acquisition project for which a pro-*
21 *spectus, if required by 40 U.S.C. 3307(a), has not*
22 *been approved, except that necessary funds may be ex-*
23 *pended for each project for required expenses for the*
24 *development of a proposed prospectus: Provided fur-*
25 *ther, That funds available in the Federal Buildings*

550

1 *Fund may be expended for emergency repairs when*
2 *advance approval is obtained from the Committees on*
3 *Appropriations of the House of Representatives and*
4 *the Senate: Provided further, That amounts necessary*
5 *to provide reimbursable special services to other agen-*
6 *cies under 40 U.S.C. 592(b)(2) and amounts to pro-*
7 *vide such reimbursable fencing, lighting, guard booths,*
8 *and other facilities on private or other property not*
9 *in Government ownership or control as may be ap-*
10 *propriate to enable the United States Secret Service*
11 *to perform its protective functions pursuant to 18*
12 *U.S.C. 3056, shall be available from such revenues*
13 *and collections: Provided further, That revenues and*
14 *collections and any other sums accruing to this Fund*
15 *during fiscal year 2023, excluding reimbursements*
16 *under 40 U.S.C. 592(b)(2), in excess of the aggregate*
17 *new obligational authority authorized for Real Prop-*
18 *erty Activities of the Federal Buildings Fund in this*
19 *Act shall remain in the Fund and shall not be avail-*
20 *able for expenditure except as authorized in appro-*
21 *priations Acts.*

22 GENERAL ACTIVITIES

23 GOVERNMENT-WIDE POLICY

24 *For expenses authorized by law, not otherwise provided*
25 *for, for Government-wide policy associated with the man-*

551

1 *agement of real and personal property assets and certain*
2 *administrative services; Government-wide policy support*
3 *responsibilities relating to acquisition, travel, motor vehi-*
4 *cles, information technology management, and related tech-*
5 *nology activities; and services as authorized by 5 U.S.C.*
6 *3109; and evaluation activities as authorized by statute;*
7 *\$71,186,000, of which \$4,000,000 shall remain available*
8 *until September 30, 2024.*

9 *OPERATING EXPENSES*

10 *For expenses authorized by law, not otherwise provided*
11 *for, for Government-wide activities associated with utiliza-*
12 *tion and donation of surplus personal property; disposal*
13 *of real property; agency-wide policy direction, and manage-*
14 *ment; the hire of zero-emission passenger motor vehicles and*
15 *supporting charging or fueling infrastructure; and services*
16 *as authorized by 5 U.S.C. 3109; \$54,478,000, of which not*
17 *to exceed \$7,500 is for official reception and representation*
18 *expenses.*

19 *CIVILIAN BOARD OF CONTRACT APPEALS*

20 *For expenses authorized by law, not otherwise provided*
21 *for, for the activities associated with the Civilian Board of*
22 *Contract Appeals, \$10,352,000, of which \$2,000,000 shall*
23 *remain available until expended.*

552

1 OFFICE OF INSPECTOR GENERAL

2 *For necessary expenses of the Office of Inspector Gen-*
3 *eral and service authorized by 5 U.S.C. 3109, \$74,583,000:*
4 *Provided, That not to exceed \$3,000,000 shall be available*
5 *for information technology enhancements related to imple-*
6 *menting cloud services, improving security measures, and*
7 *providing modern technology case management solutions:*
8 *Provided further, That not to exceed \$50,000 shall be avail-*
9 *able for payment for information and detection of fraud*
10 *against the Government, including payment for recovery of*
11 *stolen Government property: Provided further, That not to*
12 *exceed \$2,500 shall be available for awards to employees of*
13 *other Federal agencies and private citizens in recognition*
14 *of efforts and initiatives resulting in enhanced Office of In-*
15 *spector General effectiveness.*

16 ALLOWANCES AND OFFICE STAFF FOR FORMER
17 PRESIDENTS

18 *For carrying out the provisions of the Act of August*
19 *25, 1958 (3 U.S.C. 102 note), and Public Law 95–138,*
20 *\$5,200,000.*

21 FEDERAL CITIZEN SERVICES FUND
22 (INCLUDING TRANSFER OF FUNDS)

23 *For expenses authorized by 40 U.S.C. 323 and 44*
24 *U.S.C. 3604; and for expenses authorized by law, not other-*
25 *wise provided for, in support of interagency projects that*

553

1 *enable the Federal Government to enhance its ability to con-*
2 *duct activities electronically, through the development and*
3 *implementation of innovative uses of information tech-*
4 *nology; \$90,000,000, to be deposited into the Federal Citizen*
5 *Services Fund: Provided, That the previous amount may*
6 *be transferred to Federal agencies to carry out the purpose*
7 *of the Federal Citizen Services Fund: Provided further,*
8 *That the appropriations, revenues, reimbursements, and*
9 *collections deposited into the Fund shall be available until*
10 *expended for necessary expenses of Federal Citizen Services*
11 *and other activities that enable the Federal Government to*
12 *enhance its ability to conduct activities electronically in the*
13 *aggregate amount not to exceed \$200,000,000: Provided fur-*
14 *ther, That appropriations, revenues, reimbursements, and*
15 *collections accruing to this Fund during fiscal year 2023*
16 *in excess of such amount shall remain in the Fund and*
17 *shall not be available for expenditure except as authorized*
18 *in appropriations Acts: Provided further, That, of the total*
19 *amount appropriated, up to \$5,000,000 shall be available*
20 *for support functions and full-time hires to support activi-*
21 *ties related to the Administration's requirements under title*
22 *II of the Foundations for Evidence-Based Policymaking Act*
23 *of 2018 (Public Law 115–435): Provided further, That the*
24 *transfer authorities provided herein shall be in addition to*
25 *any other transfer authority provided in this Act.*

554

1 *TECHNOLOGY MODERNIZATION FUND*

2 *For the Technology Modernization Fund, \$50,000,000,*
3 *to remain available until expended, for technology-related*
4 *modernization activities.*

5 *WORKING CAPITAL FUND*

6 *For the Working Capital Fund of the General Services*
7 *Administration, \$5,900,000, to remain available until ex-*
8 *pended, for necessary costs incurred by the Administrator*
9 *to modernize rulemaking systems and to provide support*
10 *services for Federal rulemaking agencies.*

11 *ADMINISTRATIVE PROVISIONS—GENERAL SERVICES*12 *ADMINISTRATION*13 *(INCLUDING TRANSFER OF FUNDS)*

14 *SEC. 520. Funds available to the General Services Ad-*
15 *ministration shall be available for the hire of passenger*
16 *motor vehicles.*

17 *SEC. 521. Funds in the Federal Buildings Fund made*
18 *available for fiscal year 2023 for Federal Buildings Fund*
19 *activities may be transferred between such activities only*
20 *to the extent necessary to meet program requirements: Pro-*
21 *vided, That any proposed transfers shall be approved in ad-*
22 *vance by the Committees on Appropriations of the House*
23 *of Representatives and the Senate.*

24 *SEC. 522. Except as otherwise provided in this title,*
25 *funds made available by this Act shall be used to transmit*

1 *a fiscal year 2024 request for United States Courthouse con-*
2 *struction only if the request: (1) meets the design guide*
3 *standards for construction as established and approved by*
4 *the General Services Administration, the Judicial Con-*
5 *ference of the United States, and the Office of Management*
6 *and Budget; (2) reflects the priorities of the Judicial Con-*
7 *ference of the United States as set out in its approved*
8 *Courthouse Project Priorities plan; and (3) includes a*
9 *standardized courtroom utilization study of each facility to*
10 *be constructed, replaced, or expanded.*

11 *SEC. 523. None of the funds provided in this Act may*
12 *be used to increase the amount of occupiable square feet,*
13 *provide cleaning services, security enhancements, or any*
14 *other service usually provided through the Federal Build-*
15 *ings Fund, to any agency that does not pay the rate per*
16 *square foot assessment for space and services as determined*
17 *by the General Services Administration in consideration of*
18 *the Public Buildings Amendments Act of 1972 (Public Law*
19 *92–313).*

20 *SEC. 524. From funds made available under the head-*
21 *ing “Federal Buildings Fund, Limitations on Availability*
22 *of Revenue”, claims against the Government of less than*
23 *\$250,000 arising from direct construction projects and ac-*
24 *quisition of buildings may be liquidated from savings ef-*
25 *fects in other construction projects with prior notification*

1 *to the Committees on Appropriations of the House of Rep-*
2 *resentatives and the Senate.*

3 *SEC. 525. In any case in which the Committee on*
4 *Transportation and Infrastructure of the House of Rep-*
5 *resentatives and the Committee on Environment and Public*
6 *Works of the Senate adopt a resolution granting lease au-*
7 *thority pursuant to a prospectus transmitted to Congress*
8 *by the Administrator of the General Services Administra-*
9 *tion under 40 U.S.C. 3307, the Administrator shall ensure*
10 *that the delineated area of procurement is identical to the*
11 *delineated area included in the prospectus for all lease*
12 *agreements, except that, if the Administrator determines*
13 *that the delineated area of the procurement should not be*
14 *identical to the delineated area included in the prospectus,*
15 *the Administrator shall provide an explanatory statement*
16 *to each of such committees and the Committees on Appro-*
17 *priations of the House of Representatives and the Senate*
18 *prior to exercising any lease authority provided in the reso-*
19 *lution.*

20 *SEC. 526. With respect to projects funded under the*
21 *heading “Federal Citizen Services Fund”, the Adminis-*
22 *trator of General Services shall submit a spending plan and*
23 *explanation for each project to be undertaken to the Com-*
24 *mittees on Appropriations of the House of Representatives*

1 *and the Senate not later than 60 days after the date of en-*
2 *actment of this Act.*

3 *SEC. 527. The Administrator of the General Services*
4 *Administration shall select a site from one of the three listed*
5 *in the General Services Administration (GSA) Fiscal Year*
6 *2017 PNCR–FBI–NCR17 prospectus for a new fully con-*
7 *solidated Federal Bureau of Investigation (FBI) head-*
8 *quarters.*

9 *In considering the September 2022 and amended No-*
10 *vember 2022 GSA Site Selection Plan for the FBI Subur-*
11 *ban Headquarters, not later than 90 days after enactment*
12 *of this Act, prior to any action by the GSA site selection*
13 *panel for the new Federal FBI headquarters, the GSA Ad-*
14 *ministrator shall conduct separate and detailed consulta-*
15 *tions with individuals representing the sites from the State*
16 *of Maryland and Commonwealth of Virginia to further con-*
17 *sider perspectives related to mission requirements, sustain-*
18 *able siting and equity, and evaluate the viability of the*
19 *GSA’s Site Selection Criteria for the FBI Headquarters to*
20 *ensure it is consistent with Congressional intent as ex-*
21 *pressed in the resolution of the Committee on Environment*
22 *and Public Works of the Senate (112th Congress), adopted*
23 *December 8, 2011 and further described in the General*
24 *Services Administration Fiscal Year 2017 PNCR–FBI–*

1 *NCR17 prospectus. Following those consultations, the Ad-*
2 *ministrators shall proceed with the site selection process.*

3 *HARRY S TRUMAN SCHOLARSHIP FOUNDATION*

4 *SALARIES AND EXPENSES*

5 *For payment to the Harry S Truman Scholarship*
6 *Foundation Trust Fund, established by section 10 of Public*
7 *Law 93-642, \$3,000,000, to remain available until ex-*
8 *pired.*

9 *MERIT SYSTEMS PROTECTION BOARD*

10 *SALARIES AND EXPENSES*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For necessary expenses to carry out functions of the*
13 *Merit Systems Protection Board pursuant to Reorganiza-*
14 *tion Plan Numbered 2 of 1978, the Civil Service Reform*
15 *Act of 1978, and the Whistleblower Protection Act of 1989*
16 *(5 U.S.C. 5509 note), including services as authorized by*
17 *5 U.S.C. 3109, rental of conference rooms in the District*
18 *of Columbia and elsewhere, hire of passenger motor vehicles,*
19 *direct procurement of survey printing, and not to exceed*
20 *\$2,000 for official reception and representation expenses,*
21 *\$49,655,000, to remain available until September 30, 2024,*
22 *and in addition not to exceed \$2,345,000, to remain avail-*
23 *able until September 30, 2024, for administrative expenses*
24 *to adjudicate retirement appeals to be transferred from the*

559

1 *Civil Service Retirement and Disability Fund in amounts*
2 *determined by the Merit Systems Protection Board.*

3 *MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION*

4 *MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For payment to the Morris K. Udall and Stewart L.*
7 *Udall Foundation, pursuant to the Morris K. Udall and*
8 *Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.),*
9 *\$1,800,000, to remain available for direct expenditure until*
10 *expended, of which, notwithstanding sections 8 and 9 of*
11 *such Act, up to \$1,000,000 shall be available to carry out*
12 *the activities authorized by section 6(7) of Public Law 102–*
13 *259 and section 817(a) of Public Law 106–568 (20 U.S.C.*
14 *5604(7)): Provided, That all current and previous amounts*
15 *transferred to the Office of Inspector General of the Depart-*
16 *ment of the Interior will remain available until expended*
17 *for audits and investigations of the Morris K. Udall and*
18 *Stewart L. Udall Foundation, consistent with the Inspector*
19 *General Act of 1978 (5 U.S.C. App.), as amended, and for*
20 *annual independent financial audits of the Morris K. Udall*
21 *and Stewart L. Udall Foundation pursuant to the Account-*
22 *ability of Tax Dollars Act of 2002 (Public Law 107–289):*
23 *Provided further, That previous amounts transferred to the*
24 *Office of Inspector General of the Department of the Interior*
25 *may be transferred to the Morris K. Udall and Stewart L.*

560

1 *Udall Foundation for annual independent financial audits*
2 *pursuant to the Accountability of Tax Dollars Act of 2002*
3 *(Public Law 107–289).*

4 *ENVIRONMENTAL DISPUTE RESOLUTION FUND*

5 *For payment to the Environmental Dispute Resolution*
6 *Fund to carry out activities authorized in the Environ-*
7 *mental Policy and Conflict Resolution Act of 1998,*
8 *\$3,943,000, to remain available until expended.*

9 *NATIONAL ARCHIVES AND RECORDS ADMINISTRATION*

10 *OPERATING EXPENSES*

11 *For necessary expenses in connection with the admin-*
12 *istration of the National Archives and Records Administra-*
13 *tion and archived Federal records and related activities, as*
14 *provided by law, and for expenses necessary for the review*
15 *and declassification of documents, the activities of the Pub-*
16 *lic Interest Declassification Board, the operations and*
17 *maintenance of the electronic records archives, the hire of*
18 *passenger motor vehicles, and for uniforms or allowances*
19 *therefor, as authorized by law (5 U.S.C. 5901), including*
20 *maintenance, repairs, and cleaning, \$427,520,000, of which*
21 *\$30,000,000 shall remain available until expended for ex-*
22 *penses necessary to enhance the Federal Government’s abil-*
23 *ity to electronically preserve, manage, and store Govern-*
24 *ment records, and of which up to \$2,000,000 shall remain*

561

1 *available until expended to implement the Civil Rights Cold*
2 *Case Records Collection Act of 2018 (Public Law 115–426).*

3 *OFFICE OF INSPECTOR GENERAL*

4 *For necessary expenses of the Office of Inspector Gen-*
5 *eral in carrying out the provisions of the Inspector General*
6 *Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–*
7 *16 (2008), and the Inspector General Act of 1978 (5 U.S.C.*
8 *App.), and for the hire of passenger motor vehicles,*
9 *\$5,980,000.*

10 *REPAIRS AND RESTORATION*

11 *For the repair, alteration, and improvement of ar-*
12 *chives facilities and museum exhibits, related equipment for*
13 *public spaces, and to provide adequate storage for holdings,*
14 *\$22,224,000, to remain available until expended, of which*
15 *no less than \$7,250,000 is for upgrades to the Carter Presi-*
16 *dential Library in Atlanta, Georgia and of which*
17 *\$6,000,000 is for the Ulysses S. Grant Presidential Museum*
18 *in Starkville, Mississippi.*

19 *NATIONAL HISTORICAL PUBLICATIONS AND RECORDS*

20 *COMMISSION*

21 *GRANTS PROGRAM*

22 *For necessary expenses for allocations and grants for*
23 *historical publications and records as authorized by 44*
24 *U.S.C. 2504, \$12,000,000, to remain available until ex-*
25 *pended, of which up to \$2,000,000 shall be to preserve and*

562

1 *make publicly available the congressional papers of former*
2 *Members of the House and Senate.*

3 *ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND*
4 *RECORDS ADMINISTRATION*

5 *SEC. 530. For an additional amount for “National*
6 *Historical Publications and Records Commission Grants*
7 *Program”, \$22,573,000, which shall be for initiatives in the*
8 *amounts and for the projects specified in the table that ap-*
9 *pears under the heading “Administrative Provisions—Na-*
10 *tional Archives and Records Administration” in the ex-*
11 *planatory statement described in section 4 (in the matter*
12 *preceding division A of this consolidated Act): Provided,*
13 *That none of the funds made available by this section may*
14 *be transferred for any other purpose.*

15 *NATIONAL CREDIT UNION ADMINISTRATION*

16 *COMMUNITY DEVELOPMENT REVOLVING LOAN FUND*

17 *For the Community Development Revolving Loan*
18 *Fund program as authorized by 42 U.S.C. 9812, 9822, and*
19 *9910, \$3,500,000 shall be available until September 30,*
20 *2024, for technical assistance to low-income designated*
21 *credit unions: Provided, That credit unions designated sole-*
22 *ly as minority depository institutions shall be eligible to*
23 *apply for and receive such technical assistance.*

563

1 *OFFICE OF GOVERNMENT ETHICS*2 *SALARIES AND EXPENSES*

3 *For necessary expenses to carry out functions of the*
4 *Office of Government Ethics pursuant to the Ethics in Gov-*
5 *ernment Act of 1978, the Ethics Reform Act of 1989, and*
6 *the Representative Louise McIntosh Slaughter Stop Trad-*
7 *ing on Congressional Knowledge Act of 2012, including*
8 *services as authorized by 5 U.S.C. 3109, rental of conference*
9 *rooms in the District of Columbia and elsewhere, hire of*
10 *passenger motor vehicles, and not to exceed \$1,500 for offi-*
11 *cial reception and representation expenses, \$24,500,000.*

12 *OFFICE OF PERSONNEL MANAGEMENT*13 *SALARIES AND EXPENSES*14 *(INCLUDING TRANSFERS OF TRUST FUNDS)*

15 *For necessary expenses to carry out functions of the*
16 *Office of Personnel Management (OPM) pursuant to Reor-*
17 *ganization Plan Numbered 2 of 1978 and the Civil Service*
18 *Reform Act of 1978, including services as authorized by 5*
19 *U.S.C. 3109; medical examinations performed for veterans*
20 *by private physicians on a fee basis; rental of conference*
21 *rooms in the District of Columbia and elsewhere; hire of*
22 *passenger motor vehicles; not to exceed \$2,500 for official*
23 *reception and representation expenses; and payment of per*
24 *diem and/or subsistence allowances to employees where Vot-*
25 *ing Rights Act activities require an employee to remain*

564

1 *overnight at his or her post of duty, \$190,784,000: Provided,*
2 *That of the total amount made available under this head-*
3 *ing, \$19,373,000 shall remain available until expended, for*
4 *information technology modernization and Trust Fund*
5 *Federal Financial System migration or modernization, and*
6 *shall be in addition to funds otherwise made available for*
7 *such purposes: Provided further, That of the total amount*
8 *made available under this heading, \$1,381,748 may be*
9 *made available for strengthening the capacity and capabili-*
10 *ties of the acquisition workforce (as defined by the Office*
11 *of Federal Procurement Policy Act, as amended (41 U.S.C.*
12 *4001 et seq.)), including the recruitment, hiring, training,*
13 *and retention of such workforce and information technology*
14 *in support of acquisition workforce effectiveness or for man-*
15 *agement solutions to improve acquisition management; and*
16 *in addition \$194,924,000 for administrative expenses, to be*
17 *transferred from the appropriate trust funds of OPM with-*
18 *out regard to other statutes, including direct procurement*
19 *of printed materials, for the retirement and insurance pro-*
20 *grams: Provided further, That the provisions of this appro-*
21 *priation shall not affect the authority to use applicable*
22 *trust funds as provided by sections 8348(a)(1)(B),*
23 *8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title 5,*
24 *United States Code: Provided further, That no part of this*
25 *appropriation shall be available for salaries and expenses*

565

1 *of the Legal Examining Unit of OPM established pursuant*
2 *to Executive Order No. 9358 of July 1, 1943, or any suc-*
3 *cessor unit of like purpose: Provided further, That the Presi-*
4 *dent's Commission on White House Fellows, established by*
5 *Executive Order No. 11183 of October 3, 1964, may, during*
6 *fiscal year 2023, accept donations of money, property, and*
7 *personal services: Provided further, That such donations,*
8 *including those from prior years, may be used for the devel-*
9 *opment of publicity materials to provide information about*
10 *the White House Fellows, except that no such donations*
11 *shall be accepted for travel or reimbursement of travel ex-*
12 *penses, or for the salaries of employees of such Commission:*
13 *Provided further, That not to exceed 5 percent of amounts*
14 *made available under this heading may be transferred to*
15 *an information technology working capital fund established*
16 *for purposes authorized by subtitle G of title X of division*
17 *A of the National Defense Authorization Act for Fiscal Year*
18 *2018 (Public Law 115–91; 40 U.S.C. 11301 note): Provided*
19 *further, That the OPM Director shall notify, and receive*
20 *approval from, the Committees on Appropriations of the*
21 *House of Representatives and the Senate at least 15 days*
22 *in advance of any transfer under the preceding proviso:*
23 *Provided further, That amounts transferred to such a fund*
24 *under such transfer authority from any organizational cat-*
25 *egory of OPM shall not exceed 5 percent of each such organi-*

566

1 *zational category's budget as identified in the report re-*
2 *quired by section 608 of this Act: Provided further, That*
3 *amounts transferred to such a fund shall remain available*
4 *for obligation through September 30, 2026.*

5 *OFFICE OF INSPECTOR GENERAL*

6 *SALARIES AND EXPENSES*

7 *(INCLUDING TRANSFER OF TRUST FUNDS)*

8 *For necessary expenses of the Office of Inspector Gen-*
9 *eral in carrying out the provisions of the Inspector General*
10 *Act of 1978, including services as authorized by 5 U.S.C.*
11 *3109, hire of passenger motor vehicles, \$6,908,000, and in*
12 *addition, not to exceed \$29,487,000 for administrative ex-*
13 *penses to audit, investigate, and provide other oversight of*
14 *the Office of Personnel Management's retirement and insur-*
15 *ance programs, to be transferred from the appropriate trust*
16 *funds of the Office of Personnel Management, as determined*
17 *by the Inspector General: Provided, That the Inspector Gen-*
18 *eral is authorized to rent conference rooms in the District*
19 *of Columbia and elsewhere.*

20 *OFFICE OF SPECIAL COUNSEL*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses to carry out functions of the*
23 *Office of Special Counsel, including services as authorized*
24 *by 5 U.S.C. 3109, payment of fees and expenses for wit-*
25 *nesses, rental of conference rooms in the District of Colum-*

567

1 *bia and elsewhere, and hire of passenger motor vehicles,*
2 *\$31,904,000.*

3 *PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Privacy and Civil Lib-*
6 *erties Oversight Board, as authorized by section 1061 of the*
7 *Intelligence Reform and Terrorism Prevention Act of 2004*
8 *(42 U.S.C. 2000ee), \$10,600,000, to remain available until*
9 *September 30, 2024.*

10 *PUBLIC BUILDINGS REFORM BOARD*

11 *SALARIES AND EXPENSES*

12 *For salaries and expenses of the Public Buildings Re-*
13 *form Board in carrying out the Federal Assets Sale and*
14 *Transfer Act of 2016 (Public Law 114–287), \$4,000,000,*
15 *to remain available until expended.*

16 *SECURITIES AND EXCHANGE COMMISSION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses for the Securities and Exchange*
19 *Commission, including services as authorized by 5 U.S.C.*
20 *3109, the rental of space (to include multiple year leases)*
21 *in the District of Columbia and elsewhere, and not to exceed*
22 *\$3,500 for official reception and representation expenses,*
23 *\$2,149,000,000, to remain available until expended; of*
24 *which not less than \$18,979,000 shall be for the Office of*
25 *Inspector General; of which not to exceed \$275,000 shall be*

1 *available for a permanent secretariat for the International*
2 *Organization of Securities Commissions; and of which not*
3 *to exceed \$100,000 shall be available for expenses for con-*
4 *sultations and meetings hosted by the Commission with for-*
5 *ign governmental and other regulatory officials, members*
6 *of their delegations and staffs to exchange views concerning*
7 *securities matters, such expenses to include necessary logis-*
8 *tic and administrative expenses and the expenses of Com-*
9 *mission staff and foreign invitees in attendance including:*
10 *(1) incidental expenses such as meals; (2) travel and trans-*
11 *portation; and (3) related lodging or subsistence.*

12 *In addition to the foregoing appropriation, for move,*
13 *replication, and related costs associated with a replacement*
14 *lease for the Commission's District of Columbia head-*
15 *quarters facilities, not to exceed \$57,405,000, to remain*
16 *available until expended; and for move, replication, and re-*
17 *lated costs associated with a replacement lease for the Com-*
18 *mission's San Francisco Regional Office facilities, not to*
19 *exceed \$3,365,000, to remain available until expended.*

20 *For purposes of calculating the fee rate under section*
21 *31(j) of the Securities Exchange Act of 1934 (15 U.S.C.*
22 *78ee(j)) for fiscal year 2023, all amounts appropriated*
23 *under this heading shall be deemed to be the regular appro-*
24 *priation to the Commission for fiscal year 2023: Provided,*
25 *That fees and charges authorized by section 31 of the Secu-*

1 *rities Exchange Act of 1934 (15 U.S.C. 78ee) shall be cred-*
2 *ited to this account as offsetting collections: Provided fur-*
3 *ther, That not to exceed \$2,149,000,000 of such offsetting*
4 *collections shall be available until expended for necessary*
5 *expenses of this account; not to exceed \$57,405,000 of such*
6 *offsetting collections shall be available until expended for*
7 *move, replication, and related costs under this heading asso-*
8 *ciated with a replacement lease for the Commission's Dis-*
9 *trict of Columbia headquarters facilities; and not to exceed*
10 *\$3,365,000 of such offsetting collections shall be available*
11 *until expended for move, replication, and related costs*
12 *under this heading associated with a replacement lease for*
13 *the Commission's San Francisco Regional Office facilities:*
14 *Provided further, That the total amount appropriated*
15 *under this heading from the general fund for fiscal year*
16 *2023 shall be reduced as such offsetting fees are received*
17 *so as to result in a final total fiscal year 2023 appropria-*
18 *tion from the general fund estimated at not more than \$0:*
19 *Provided further, That if any amount of the appropriation*
20 *for move, replication, and related costs associated with a*
21 *replacement lease for the Commission's District of Columbia*
22 *headquarters facilities or if any amount of the appropria-*
23 *tion for move, replication, and related costs associated with*
24 *a replacement lease for the Commission's San Francisco Re-*
25 *gional Office facilities is subsequently de-obligated by the*

570

1 *Commission, such amount that was derived from the gen-*
2 *eral fund shall be returned to the general fund, and such*
3 *amounts that were derived from fees or assessments collected*
4 *for such purpose shall be paid to each national securities*
5 *exchange and national securities association, respectively,*
6 *in proportion to any fees or assessments paid by such na-*
7 *tional securities exchange or national securities association*
8 *under section 31 of the Securities Exchange Act of 1934*
9 *(15 U.S.C. 78ee) in fiscal year 2023.*

10 *SELECTIVE SERVICE SYSTEM*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Selective Service System,*
13 *including expenses of attendance at meetings and of train-*
14 *ing for uniformed personnel assigned to the Selective Serv-*
15 *ice System, as authorized by 5 U.S.C. 4101–4118 for civil-*
16 *ian employees; hire of passenger motor vehicles; services as*
17 *authorized by 5 U.S.C. 3109; and not to exceed \$750 for*
18 *official reception and representation expenses; \$31,700,000:*
19 *Provided, That during the current fiscal year, the President*
20 *may exempt this appropriation from the provisions of 31*
21 *U.S.C. 1341, whenever the President deems such action to*
22 *be necessary in the interest of national defense: Provided*
23 *further, That none of the funds appropriated by this Act*
24 *may be expended for or in connection with the induction*
25 *of any person into the Armed Forces of the United States.*

571

1 *SMALL BUSINESS ADMINISTRATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses, not otherwise provided for, of*
4 *the Small Business Administration, including hire of pas-*
5 *senger motor vehicles as authorized by sections 1343 and*
6 *1344 of title 31, United States Code, and not to exceed*
7 *\$3,500 for official reception and representation expenses,*
8 *\$326,000,000, of which not less than \$12,000,000 shall be*
9 *available for examinations, reviews, and other lender over-*
10 *sight activities: Provided, That the Administrator is au-*
11 *thorized to charge fees to cover the cost of publications devel-*
12 *oped by the Small Business Administration, and certain*
13 *loan program activities, including fees authorized by sec-*
14 *tion 5(b) of the Small Business Act: Provided further, That,*
15 *notwithstanding 31 U.S.C. 3302, revenues received from all*
16 *such activities shall be credited to this account, to remain*
17 *available until expended, for carrying out these purposes*
18 *without further appropriations: Provided further, That the*
19 *Small Business Administration may accept gifts in an*
20 *amount not to exceed \$4,000,000 and may co-sponsor ac-*
21 *tivities, each in accordance with section 132(a) of division*
22 *K of Public Law 108–447, during fiscal year 2023: Pro-*
23 *vided further, That \$6,100,000 shall be available for the*
24 *Loan Modernization and Accounting System, to be avail-*
25 *able until September 30, 2024: Provided further, That*

572

1 \$20,000,000 shall be available for costs associated with the
2 certification of small business concerns owned and con-
3 trolled by veterans or service-disabled veterans under sec-
4 tions 36A and 36 of the Small Business Act (15 U.S.C.
5 657f-1; 657f), respectively, and section 862 of Public Law
6 116-283, to be available until September 30, 2024.

7 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

8 For necessary expenses of programs supporting entre-
9 preneurial and small business development, \$320,000,000,
10 to remain available until September 30, 2024: Provided,
11 That \$140,000,000 shall be available to fund grants for per-
12 formance in fiscal year 2023 or fiscal year 2024 as author-
13 ized by section 21 of the Small Business Act: Provided fur-
14 ther, That \$41,000,000 shall be for marketing, management,
15 and technical assistance under section 7(m) of the Small
16 Business Act (15 U.S.C. 636(m)(4)) by intermediaries that
17 make microloans under the microloan program: Provided
18 further, That \$20,000,000 shall be available for grants to
19 States to carry out export programs that assist small busi-
20 ness concerns authorized under section 22(l) of the Small
21 Business Act (15 U.S.C. 649(l)).

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector Gen-
24 eral in carrying out the provisions of the Inspector General
25 Act of 1978, \$32,020,000.

573

1 *OFFICE OF ADVOCACY*

2 *For necessary expenses of the Office of Advocacy in*
3 *carrying out the provisions of title II of Public Law 94–*
4 *305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility*
5 *Act of 1980 (5 U.S.C. 601 et seq.), \$10,211,000, to remain*
6 *available until expended.*

7 *BUSINESS LOANS PROGRAM ACCOUNT*8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For the cost of direct loans, \$6,000,000, to remain*
10 *available until expended: Provided, That such costs, includ-*
11 *ing the cost of modifying such loans, shall be as defined*
12 *in section 502 of the Congressional Budget Act of 1974: Pro-*
13 *vided further, That subject to section 502 of the Congres-*
14 *sional Budget Act of 1974, during fiscal year 2023 commit-*
15 *ments to guarantee loans under section 503 of the Small*
16 *Business Investment Act of 1958 and commitments for*
17 *loans authorized under subparagraph (C) of section 502(7)*
18 *of the Small Business Investment Act of 1958 (15 U.S.C.*
19 *696(7)) shall not exceed, in the aggregate, \$15,000,000,000:*
20 *Provided further, That during fiscal year 2023 commit-*
21 *ments for general business loans authorized under para-*
22 *graphs (1) through (35) of section 7(a) of the Small Busi-*
23 *ness Act shall not exceed \$35,000,000,000 for a combination*
24 *of amortizing term loans and the aggregated maximum line*
25 *of credit provided by revolving loans: Provided further,*

574

1 *That during fiscal year 2023 commitments to guarantee*
2 *loans for debentures under section 303(b) of the Small Busi-*
3 *ness Investment Act of 1958 shall not exceed \$5,000,000,000:*
4 *Provided further, That during fiscal year 2023, guarantees*
5 *of trust certificates authorized by section 5(g) of the Small*
6 *Business Act shall not exceed a principal amount of*
7 *\$15,000,000,000. In addition, for administrative expenses*
8 *to carry out the direct and guaranteed loan programs,*
9 *\$165,300,000, which may be transferred to and merged with*
10 *the appropriations for Salaries and Expenses.*

11 *DISASTER LOANS PROGRAM ACCOUNT*

12 *(INCLUDING TRANSFERS OF FUNDS)*

13 *For administrative expenses to carry out the direct*
14 *loan program authorized by section 7(b) of the Small Busi-*
15 *ness Act, \$179,000,000, to be available until expended, of*
16 *which \$1,600,000 is for the Office of Inspector General of*
17 *the Small Business Administration for audits and reviews*
18 *of disaster loans and the disaster loan programs and shall*
19 *be transferred to and merged with the appropriations for*
20 *the Office of Inspector General; of which \$169,000,000 is*
21 *for direct administrative expenses of loan making and serv-*
22 *icing to carry out the direct loan program, which may be*
23 *transferred to and merged with the appropriations for Sala-*
24 *ries and Expenses; and of which \$8,400,000 is for indirect*
25 *administrative expenses for the direct loan program, which*

575

1 *may be transferred to and merged with the appropriations*
2 *for Salaries and Expenses: Provided, That, of the funds pro-*
3 *vided under this heading, \$143,000,000 shall be for major*
4 *disasters declared pursuant to the Robert T. Stafford Dis-*
5 *aster Relief and Emergency Assistance Act (42 U.S.C.*
6 *5122(2)): Provided further, That the amount for major dis-*
7 *asters under this heading is designated by the Congress as*
8 *being for disaster relief pursuant to a concurrent resolution*
9 *on the budget in the Senate and section 1(f) of H. Res. 1151*
10 *(117th Congress), as engrossed in the House of Representa-*
11 *tives on June 8, 2022.*

12 *ADMINISTRATIVE PROVISIONS—SMALL BUSINESS*

13 *ADMINISTRATION*

14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *SEC. 540. Not to exceed 5 percent of any appropriation*
16 *made available for the current fiscal year for the Small*
17 *Business Administration in this Act may be transferred be-*
18 *tween such appropriations, but no such appropriation shall*
19 *be increased by more than 10 percent by any such transfers:*
20 *Provided, That any transfer pursuant to this paragraph*
21 *shall be treated as a reprogramming of funds under section*
22 *608 of this Act and shall not be available for obligation*
23 *or expenditure except in compliance with the procedures set*
24 *forth in that section.*

576

1 *SEC. 541. Not to exceed 3 percent of any appropriation*
2 *made available in this Act for the Small Business Adminis-*
3 *tration under the headings “Salaries and Expenses” and*
4 *“Business Loans Program Account” may be transferred to*
5 *the Administration’s information technology system mod-*
6 *ernization and working capital fund (IT WCF), as author-*
7 *ized by section 1077(b)(1) of title X of division A of the*
8 *National Defense Authorization Act for Fiscal Year 2018,*
9 *for the purposes specified in section 1077(b)(3) of such Act,*
10 *upon the advance approval of the Committees on Appro-*
11 *priations of the House of Representatives and the Senate:*
12 *Provided, That amounts transferred to the IT WCF under*
13 *this section shall remain available for obligation through*
14 *September 30, 2026.*

15 *SEC. 542. For an additional amount for “Small Busi-*
16 *ness Administration—Salaries and Expenses”,*
17 *\$179,710,000, which shall be for initiatives related to small*
18 *business development and entrepreneurship, including pro-*
19 *grammatic, construction, and acquisition activities, in the*
20 *amounts and for the projects specified in the table that ap-*
21 *pears under the heading “Administrative Provisions—*
22 *Small Business Administration” in the explanatory state-*
23 *ment described in section 4 (in the matter preceding divi-*
24 *sion A of this consolidated Act): Provided, That, notwith-*
25 *standing sections 2701.92 and 2701.93 of title 2, Code of*

577

1 *Federal Regulations, the Administrator of the Small Busi-*
2 *ness Administration may permit awards to subrecipients*
3 *for initiatives funded under this section: Provided further,*
4 *That none of the funds made available by this section may*
5 *be transferred for any other purpose.*

6 *UNITED STATES POSTAL SERVICE*

7 *PAYMENT TO THE POSTAL SERVICE FUND*

8 *For payment to the Postal Service Fund for revenue*
9 *forgone on free and reduced rate mail, pursuant to sub-*
10 *sections (c) and (d) of section 2401 of title 39, United States*
11 *Code, \$50,253,000: Provided, That mail for overseas voting*
12 *and mail for the blind shall continue to be free: Provided*
13 *further, That none of the funds made available to the Postal*
14 *Service by this Act shall be used to implement any rule,*
15 *regulation, or policy of charging any officer or employee*
16 *of any State or local child support enforcement agency, or*
17 *any individual participating in a State or local program*
18 *of child support enforcement, a fee for information requested*
19 *or provided concerning an address of a postal customer:*
20 *Provided further, That none of the funds provided in this*
21 *Act shall be used to consolidate or close small rural and*
22 *other small post offices: Provided further, That the Postal*
23 *Service may not destroy, and shall continue to offer for sale,*
24 *any copies of the Multinational Species Conservation Funds*
25 *Semipostal Stamp, as authorized under the Multinational*

578

1 *Species Conservation Funds Semipostal Stamp Act of 2010*
2 *(Public Law 111–241).*

3 *OFFICE OF INSPECTOR GENERAL*

4 *SALARIES AND EXPENSES*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary expenses of the Office of Inspector Gen-*
7 *eral in carrying out the provisions of the Inspector General*
8 *Act of 1978, \$271,000,000, to be derived by transfer from*
9 *the Postal Service Fund and expended as authorized by sec-*
10 *tion 603(b)(3) of the Postal Accountability and Enhance-*
11 *ment Act (Public Law 109–435).*

12 *UNITED STATES TAX COURT*

13 *SALARIES AND EXPENSES*

14 *For necessary expenses, including contract reporting*
15 *and other services as authorized by 5 U.S.C. 3109, and not*
16 *to exceed \$3,000 for official reception and representation*
17 *expenses, \$57,300,000, of which \$1,000,000 shall remain*
18 *available until expended: Provided, That the amount made*
19 *available under 26 U.S.C. 7475 shall be transferred and*
20 *added to any amounts available under 26 U.S.C. 7473, to*
21 *remain available until expended, for the operation and*
22 *maintenance of the United States Tax Court: Provided fur-*
23 *ther, That travel expenses of the judges shall be paid upon*
24 *the written certificate of the judge.*

579

1

TITLE VI

2

GENERAL PROVISIONS—THIS ACT

3

(INCLUDING RESCISSION OF FUNDS)

4

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

9

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, except for transfers made pursuant to the authority in section 3173(d) of title 40, United States Code, unless expressly so provided herein.

15

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

22

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pur-

1 *suant to a transfer made by, or transfer authority provided*
2 *in, this Act or any other appropriations Act.*

3 *SEC. 605. None of the funds made available by this*
4 *Act shall be available for any activity or for paying the*
5 *salary of any Government employee where funding an ac-*
6 *tivity or paying a salary to a Government employee would*
7 *result in a decision, determination, rule, regulation, or pol-*
8 *icy that would prohibit the enforcement of section 307 of*
9 *the Tariff Act of 1930 (19 U.S.C. 1307).*

10 *SEC. 606. No funds appropriated pursuant to this Act*
11 *may be expended by an entity unless the entity agrees that*
12 *in expending the assistance the entity will comply with*
13 *chapter 83 of title 41, United States Code.*

14 *SEC. 607. No funds appropriated or otherwise made*
15 *available under this Act shall be made available to any per-*
16 *son or entity that has been convicted of violating chapter*
17 *83 of title 41, United States Code.*

18 *SEC. 608. Except as otherwise provided in this Act,*
19 *none of the funds provided in this Act, provided by previous*
20 *appropriations Acts to the agencies or entities funded in*
21 *this Act that remain available for obligation or expenditure*
22 *in fiscal year 2023, or provided from any accounts in the*
23 *Treasury derived by the collection of fees and available to*
24 *the agencies funded by this Act, shall be available for obliga-*
25 *tion or expenditure through a reprogramming of funds that:*

1 (1) creates a new program; (2) eliminates a program,
2 project, or activity; (3) increases funds or personnel for any
3 program, project, or activity for which funds have been de-
4 nied or restricted by the Congress; (4) proposes to use funds
5 directed for a specific activity by the Committee on Appro-
6 priations of either the House of Representatives or the Sen-
7 ate for a different purpose; (5) augments existing programs,
8 projects, or activities in excess of \$5,000,000 or 10 percent,
9 whichever is less; (6) reduces existing programs, projects,
10 or activities by \$5,000,000 or 10 percent, whichever is less;
11 or (7) creates or reorganizes offices, programs, or activities
12 unless prior approval is received from the Committees on
13 Appropriations of the House of Representatives and the
14 Senate: Provided, That prior to any significant reorganiza-
15 tion, restructuring, relocation, or closing of offices, pro-
16 grams, or activities, each agency or entity funded in this
17 Act shall consult with the Committees on Appropriations
18 of the House of Representatives and the Senate: Provided
19 further, That not later than 60 days after the date of enact-
20 ment of this Act, each agency funded by this Act shall sub-
21 mit a report to the Committees on Appropriations of the
22 House of Representatives and the Senate to establish the
23 baseline for application of reprogramming and transfer au-
24 thorities for the current fiscal year: Provided further, That
25 at a minimum the report shall include: (1) a table for each

1 appropriation, detailing both full-time employee equiva-
2 lents and budget authority, with separate columns to dis-
3 play the prior year enacted level, the President's budget re-
4 quest, adjustments made by Congress, adjustments due to
5 enacted rescissions, if appropriate, and the fiscal year en-
6 acted level; (2) a delineation in the table for each appro-
7 priation and its respective prior year enacted level by object
8 class and program, project, and activity as detailed in this
9 Act, in the accompanying report, or in the budget appendix
10 for the respective appropriation, whichever is more detailed,
11 and which shall apply to all items for which a dollar
12 amount is specified and to all programs for which new
13 budget authority is provided, as well as to discretionary
14 grants and discretionary grant allocations; and (3) an
15 identification of items of special congressional interest: Pro-
16 vided further, That the amount appropriated or limited for
17 salaries and expenses for an agency shall be reduced by
18 \$100,000 per day for each day after the required date that
19 the report has not been submitted to the Congress.

20 SEC. 609. Except as otherwise specifically provided by
21 law, not to exceed 50 percent of unobligated balances re-
22 maining available at the end of fiscal year 2023 from ap-
23 propriations made available for salaries and expenses for
24 fiscal year 2023 in this Act, shall remain available through
25 September 30, 2024, for each such account for the purposes

1 *authorized: Provided, That a request shall be submitted to*
2 *the Committees on Appropriations of the House of Rep-*
3 *resentatives and the Senate for approval prior to the ex-*
4 *penditure of such funds: Provided further, That these re-*
5 *quests shall be made in compliance with reprogramming*
6 *guidelines.*

7 *SEC. 610. (a) None of the funds made available in this*
8 *Act may be used by the Executive Office of the President*
9 *to request—*

10 *(1) any official background investigation report*
11 *on any individual from the Federal Bureau of Inves-*
12 *tigation; or*

13 *(2) a determination with respect to the treatment*
14 *of an organization as described in section 501(c) of*
15 *the Internal Revenue Code of 1986 and exempt from*
16 *taxation under section 501(a) of such Code from the*
17 *Department of the Treasury or the Internal Revenue*
18 *Service.*

19 *(b) Subsection (a) shall not apply—*

20 *(1) in the case of an official background inves-*
21 *tigation report, if such individual has given express*
22 *written consent for such request not more than 6*
23 *months prior to the date of such request and during*
24 *the same presidential administration; or*

1 (2) if such request is required due to extraor-
2 dinary circumstances involving national security.

3 SEC. 611. The cost accounting standards promulgated
4 under chapter 15 of title 41, United States Code shall not
5 apply with respect to a contract under the Federal Employ-
6 ees Health Benefits Program established under chapter 89
7 of title 5, United States Code.

8 SEC. 612. For the purpose of resolving litigation and
9 implementing any settlement agreements regarding the non-
10 foreign area cost-of-living allowance program, the Office of
11 Personnel Management may accept and utilize (without re-
12 gard to any restriction on unanticipated travel expenses
13 imposed in an appropriations Act) funds made available
14 to the Office of Personnel Management pursuant to court
15 approval.

16 SEC. 613. No funds appropriated by this Act shall be
17 available to pay for an abortion, or the administrative ex-
18 penses in connection with any health plan under the Fed-
19 eral employees health benefits program which provides any
20 benefits or coverage for abortions.

21 SEC. 614. The provision of section 613 shall not apply
22 where the life of the mother would be endangered if the fetus
23 were carried to term, or the pregnancy is the result of an
24 act of rape or incest.

1 *SEC. 615. In order to promote Government access to*
2 *commercial information technology, the restriction on pur-*
3 *chasing nondomestic articles, materials, and supplies set*
4 *forth in chapter 83 of title 41, United States Code (popu-*
5 *larly known as the Buy American Act), shall not apply to*
6 *the acquisition by the Federal Government of information*
7 *technology (as defined in section 11101 of title 40, United*
8 *States Code), that is a commercial item (as defined in sec-*
9 *tion 103 of title 41, United States Code).*

10 *SEC. 616. Notwithstanding section 1353 of title 31,*
11 *United States Code, no officer or employee of any regulatory*
12 *agency or commission funded by this Act may accept on*
13 *behalf of that agency, nor may such agency or commission*
14 *accept, payment or reimbursement from a non-Federal enti-*
15 *ty for travel, subsistence, or related expenses for the purpose*
16 *of enabling an officer or employee to attend and participate*
17 *in any meeting or similar function relating to the official*
18 *duties of the officer or employee when the entity offering*
19 *payment or reimbursement is a person or entity subject to*
20 *regulation by such agency or commission, or represents a*
21 *person or entity subject to regulation by such agency or*
22 *commission, unless the person or entity is an organization*
23 *described in section 501(c)(3) of the Internal Revenue Code*
24 *of 1986 and exempt from tax under section 501(a) of such*
25 *Code.*

1 *SEC. 617. (a)(1) Notwithstanding any other provision*
2 *of law, an Executive agency covered by this Act otherwise*
3 *authorized to enter into contracts for either leases or the*
4 *construction or alteration of real property for office, meet-*
5 *ing, storage, or other space must consult with the General*
6 *Services Administration before issuing a solicitation for of-*
7 *fers of new leases or construction contracts, and in the case*
8 *of succeeding leases, before entering into negotiations with*
9 *the current lessor.*

10 *(2) Any such agency with authority to enter into an*
11 *emergency lease may do so during any period declared by*
12 *the President to require emergency leasing authority with*
13 *respect to such agency.*

14 *(b) For purposes of this section, the term “Executive*
15 *agency covered by this Act” means any Executive agency*
16 *provided funds by this Act, but does not include the General*
17 *Services Administration or the United States Postal Serv-*
18 *ice.*

19 *SEC. 618. (a) There are appropriated for the following*
20 *activities the amounts required under current law:*

21 *(1) Compensation of the President (3 U.S.C.*
22 *102).*

23 *(2) Payments to—*

24 *(A) the Judicial Officers’ Retirement Fund*

25 *(28 U.S.C. 377(o));*

587

1 (B) *the Judicial Survivors' Annuities Fund*
2 (28 U.S.C. 376(c)); and

3 (C) *the United States Court of Federal*
4 *Claims Judges' Retirement Fund* (28 U.S.C.
5 178(l)).

6 (3) *Payment of Government contributions—*

7 (A) *with respect to the health benefits of re-*
8 *tired employees, as authorized by chapter 89 of*
9 *title 5, United States Code, and the Retired Fed-*
10 *eral Employees Health Benefits Act* (74 Stat.
11 849); and

12 (B) *with respect to the life insurance bene-*
13 *fits for employees retiring after December 31,*
14 *1989* (5 U.S.C. ch. 87).

15 (4) *Payment to finance the unfunded liability of*
16 *new and increased annuity benefits under the Civil*
17 *Service Retirement and Disability Fund* (5 U.S.C.
18 8348).

19 (5) *Payment of annuities authorized to be paid*
20 *from the Civil Service Retirement and Disability*
21 *Fund by statutory provisions other than subchapter*
22 *III of chapter 83 or chapter 84 of title 5, United*
23 *States Code.*

24 (b) *Nothing in this section may be construed to exempt*
25 *any amount appropriated by this section from any other-*

1 *wise applicable limitation on the use of funds contained in*
2 *this Act.*

3 *SEC. 619. None of the funds made available in this*
4 *Act may be used by the Federal Trade Commission to com-*
5 *plete the draft report entitled “Interagency Working Group*
6 *on Food Marketed to Children: Preliminary Proposed Nu-*
7 *trition Principles to Guide Industry Self-Regulatory Ef-*
8 *forts” unless the Interagency Working Group on Food Mar-*
9 *keted to Children complies with Executive Order No. 13563.*

10 *SEC. 620. (a) The head of each executive branch agency*
11 *funded by this Act shall ensure that the Chief Information*
12 *Officer of the agency has the authority to participate in*
13 *decisions regarding the budget planning process related to*
14 *information technology.*

15 *(b) Amounts appropriated for any executive branch*
16 *agency funded by this Act that are available for informa-*
17 *tion technology shall be allocated within the agency, con-*
18 *sistent with the provisions of appropriations Acts and budg-*
19 *et guidelines and recommendations from the Director of the*
20 *Office of Management and Budget, in such manner as speci-*
21 *fied by, or approved by, the Chief Information Officer of*
22 *the agency in consultation with the Chief Financial Officer*
23 *of the agency and budget officials.*

1 *SEC. 621. None of the funds made available in this*
2 *Act may be used in contravention of chapter 29, 31, or 33*
3 *of title 44, United States Code.*

4 *SEC. 622. None of the funds made available in this*
5 *Act may be used by a governmental entity to require the*
6 *disclosure by a provider of electronic communication service*
7 *to the public or remote computing service of the contents*
8 *of a wire or electronic communication that is in electronic*
9 *storage with the provider (as such terms are defined in sec-*
10 *tions 2510 and 2711 of title 18, United States Code) in*
11 *a manner that violates the Fourth Amendment to the Con-*
12 *stitution of the United States.*

13 *SEC. 623. No funds provided in this Act shall be used*
14 *to deny an Inspector General funded under this Act timely*
15 *access to any records, documents, or other materials avail-*
16 *able to the department or agency over which that Inspector*
17 *General has responsibilities under the Inspector General Act*
18 *of 1978, or to prevent or impede that Inspector General's*
19 *access to such records, documents, or other materials, under*
20 *any provision of law, except a provision of law that ex-*
21 *pressly refers to the Inspector General and expressly limits*
22 *the Inspector General's right of access. A department or*
23 *agency covered by this section shall provide its Inspector*
24 *General with access to all such records, documents, and*
25 *other materials in a timely manner. Each Inspector Gen-*

1 eral shall ensure compliance with statutory limitations on
2 disclosure relevant to the information provided by the estab-
3 lishment over which that Inspector General has responsibil-
4 ities under the Inspector General Act of 1978. Each Inspec-
5 tor General covered by this section shall report to the Com-
6 mittees on Appropriations of the House of Representatives
7 and the Senate within 5 calendar days any failures to com-
8 ply with this requirement.

9 SEC. 624. None of the funds appropriated by this Act
10 may be used by the Federal Communications Commission
11 to modify, amend, or change the rules or regulations of the
12 Commission for universal service high-cost support for com-
13 petitive eligible telecommunications carriers in a way that
14 is inconsistent with paragraph (e)(5) or (e)(6) of section
15 54.307 of title 47, Code of Federal Regulations, as in effect
16 on July 15, 2015: Provided, That this section shall not pro-
17 hibit the Commission from considering, developing, or
18 adopting other support mechanisms as an alternative to
19 Mobility Fund Phase II: Provided further, That any such
20 alternative mechanism shall maintain existing high-cost
21 support to competitive eligible telecommunications carriers
22 until support under such mechanism commences.

23 SEC. 625. (a) None of the funds made available in this
24 Act may be used to maintain or establish a computer net-

1 *work unless such network blocks the viewing, downloading,*
2 *and exchanging of pornography.*

3 *(b) Nothing in subsection (a) shall limit the use of*
4 *funds necessary for any Federal, State, Tribal, or local law*
5 *enforcement agency or any other entity carrying out crimi-*
6 *nal investigations, prosecution, adjudication activities, or*
7 *other law enforcement- or victim assistance-related activity.*

8 *SEC. 626. None of the funds appropriated or other-wise*
9 *made available by this Act may be used to pay award or*
10 *incentive fees for contractors whose performance has been*
11 *judged to be below satisfactory, behind schedule, over budget,*
12 *or has failed to meet the basic requirements of a contract,*
13 *unless the Agency determines that any such deviations are*
14 *due to unforeseeable events, government-driven scope*
15 *changes, or are not significant within the overall scope of*
16 *the project and/or program and unless such awards or in-*
17 *centive fees are consistent with section 16.401(e)(2) of the*
18 *Federal Acquisition Regulation.*

19 *SEC. 627. (a) None of the funds made available under*
20 *this Act may be used to pay for travel and conference activi-*
21 *ties that result in a total cost to an Executive branch de-*
22 *partment, agency, board or commission funded by this Act*
23 *of more than \$500,000 at any single conference unless the*
24 *agency or entity determines that such attendance is in the*
25 *national interest and advance notice is transmitted to the*

1 *Committees on Appropriations of the House of Representa-*
2 *tives and the Senate that includes the basis of that deter-*
3 *mination.*

4 **(b)** *None of the funds made available under this Act*
5 *may be used to pay for the travel to or attendance of more*
6 *than 50 employees, who are stationed in the United States,*
7 *at any single conference occurring outside the United States*
8 *unless the agency or entity determines that such attendance*
9 *is in the national interest and advance notice is trans-*
10 *mitted to the Committees on Appropriations of the House*
11 *of Representatives and the Senate that includes the basis*
12 *of that determination.*

13 **SEC. 628.** *None of the funds made available by this*
14 *Act may be used for first-class or business-class travel by*
15 *the employees of executive branch agencies funded by this*
16 *Act in contravention of sections 301–10.122 through 301–*
17 *10.125 of title 41, Code of Federal Regulations.*

18 **SEC. 629.** *In addition to any amounts appropriated*
19 *or otherwise made available for expenses related to enhance-*
20 *ments to www.oversight.gov, \$850,000, to remain available*
21 *until expended, shall be provided for an additional amount*
22 *for such purpose to the Inspectors General Council Fund*
23 *established pursuant to section 11(c)(3)(B) of the Inspector*
24 *General Act of 1978 (5 U.S.C. App.): Provided, That these*
25 *amounts shall be in addition to any amounts or any au-*

1 *thority available to the Council of the Inspectors General*
2 *on Integrity and Efficiency under section 11 of the Inspec-*
3 *tor General Act of 1978 (5 U.S.C. App.).*

4 *SEC. 630. None of the funds made available by this*
5 *Act may be obligated on contracts in excess of \$5,000 for*
6 *public relations, as that term is defined in Office and Man-*
7 *agement and Budget Circular A–87 (revised May 10, 2004),*
8 *unless advance notice of such an obligation is transmitted*
9 *to the Committees on Appropriations of the House of Rep-*
10 *resentatives and the Senate.*

11 *SEC. 631. Federal agencies funded under this Act shall*
12 *clearly state within the text, audio, or video used for adver-*
13 *tising or educational purposes, including emails or Internet*
14 *postings, that the communication is printed, published, or*
15 *produced and disseminated at U.S. taxpayer expense. The*
16 *funds used by a Federal agency to carry out this require-*
17 *ment shall be derived from amounts made available to the*
18 *agency for advertising or other communications regarding*
19 *the programs and activities of the agency.*

20 *SEC. 632. When issuing statements, press releases, re-*
21 *quests for proposals, bid solicitations and other documents*
22 *describing projects or programs funded in whole or in part*
23 *with Federal money, all grantees receiving Federal funds*
24 *included in this Act, shall clearly state—*

1 (1) *the percentage of the total costs of the pro-*
2 *gram or project which will be financed with Federal*
3 *money;*

4 (2) *the dollar amount of Federal funds for the*
5 *project or program; and*

6 (3) *percentage and dollar amount of the total*
7 *costs of the project or program that will be financed*
8 *by non-governmental sources.*

9 *SEC. 633. None of the funds made available by this*
10 *Act shall be used by the Securities and Exchange Commis-*
11 *sion to finalize, issue, or implement any rule, regulation,*
12 *or order regarding the disclosure of political contributions,*
13 *contributions to tax exempt organizations, or dues paid to*
14 *trade associations.*

15 *SEC. 634. Not later than 45 days after the last day*
16 *of each quarter, each agency funded in this Act shall submit*
17 *to the Committees on Appropriations of the House of Rep-*
18 *resentatives and the Senate a quarterly budget report that*
19 *includes total obligations of the Agency for that quarter for*
20 *each appropriation, by the source year of the appropriation.*

21 *SEC. 635. (a) Section 41002(c)(1) of Public Law 114–*
22 *94 (42 U.S.C. 4370m–1(c)(1)) is amended by adding at the*
23 *end the following new subparagraph:*

24 *“(E) PERSONNEL.—The Executive Director*
25 *of the Council may appoint and fix the com-*

1 *compensation of such employees as the Executive Di-*
2 *rector considers necessary to carry out the roles*
3 *and responsibilities of the Executive Director.”.*

4 *(b) Section 41009(d)(2) of Public Law 114–94 (42*
5 *U.S.C. 4370m–8(d)(2)) is amended by striking “staffing of*
6 *the Office of the Executive Director” and inserting “ap-*
7 *pointing and fixing the compensation of such employees as*
8 *the Executive Director considers necessary to carry out the*
9 *roles and responsibilities of the Executive Director”.*

10 *SEC. 636. (a) DESIGNATION.—The Federal building lo-*
11 *cated at 90 7th Street in San Francisco, California, shall*
12 *be known and designated as the “Speaker Nancy Pelosi*
13 *Federal Building”.*

14 *(b) REFERENCES.—Any reference in a law, map, regu-*
15 *lation, document, paper, or other record of the United*
16 *States to the Federal building referred to in subsection (a)*
17 *shall be deemed to be a reference to the “Speaker Nancy*
18 *Pelosi Federal Building”.*

19 *SEC. 637. Of the unobligated balances available in the*
20 *Department of the Treasury, Treasury Forfeiture Fund, es-*
21 *tablished by section 9703 of title 31, United States Code,*
22 *\$150,000,000 shall be permanently rescinded not later than*
23 *September 30, 2023.*

1 *TITLE VII*
2 *GENERAL PROVISIONS—GOVERNMENT-WIDE*
3 *DEPARTMENTS, AGENCIES, AND CORPORATIONS*
4 *(INCLUDING TRANSFERS OF FUNDS)*

5 *SEC. 701. No department, agency, or instrumentality*
6 *of the United States receiving appropriated funds under*
7 *this or any other Act for fiscal year 2023 shall obligate or*
8 *expend any such funds, unless such department, agency, or*
9 *instrumentality has in place, and will continue to admin-*
10 *ister in good faith, a written policy designed to ensure that*
11 *all of its workplaces are free from the illegal use, possession,*
12 *or distribution of controlled substances (as defined in the*
13 *Controlled Substances Act (21 U.S.C. 802)) by the officers*
14 *and employees of such department, agency, or instrumen-*
15 *tality.*

16 *SEC. 702. Unless otherwise specifically provided, the*
17 *maximum amount allowable during the current fiscal year*
18 *in accordance with section 1343(c) of title 31, United States*
19 *Code, for the purchase of any passenger motor vehicle (ex-*
20 *clusive of buses, ambulances, law enforcement vehicles, pro-*
21 *TECTIVE vehicles, and undercover surveillance vehicles), is*
22 *hereby fixed at \$26,733 except station wagons for which the*
23 *maximum shall be \$27,873: Provided, That these limits*
24 *may be exceeded by not to exceed \$7,775 for police-type vehi-*
25 *cles: Provided further, That the limits set forth in this sec-*

1 *tion may not be exceeded by more than 5 percent for electric*
2 *or hybrid vehicles purchased for demonstration under the*
3 *provisions of the Electric and Hybrid Vehicle Research, De-*
4 *velopment, and Demonstration Act of 1976: Provided fur-*
5 *ther, That the limits set forth in this section may be exceed-*
6 *ed by the incremental cost of clean alternative fuels vehicles*
7 *acquired pursuant to Public Law 101–549 over the cost of*
8 *comparable conventionally fueled vehicles: Provided further,*
9 *That the limits set forth in this section shall not apply to*
10 *any vehicle that is a commercial item and which operates*
11 *on alternative fuel, including but not limited to electric,*
12 *plug-in hybrid electric, and hydrogen fuel cell vehicles.*

13 *SEC. 703. Appropriations of the executive departments*
14 *and independent establishments for the current fiscal year*
15 *available for expenses of travel, or for the expenses of the*
16 *activity concerned, are hereby made available for quarters*
17 *allowances and cost-of-living allowances, in accordance*
18 *with 5 U.S.C. 5922–5924.*

19 *SEC. 704. Unless otherwise specified in law during the*
20 *current fiscal year, no part of any appropriation contained*
21 *in this or any other Act shall be used to pay the compensa-*
22 *tion of any officer or employee of the Government of the*
23 *United States (including any agency the majority of the*
24 *stock of which is owned by the Government of the United*
25 *States) whose post of duty is in the continental United*

1 *States unless such person: (1) is a citizen of the United*
2 *States; (2) is a person who is lawfully admitted for perma-*
3 *nent residence and is seeking citizenship as outlined in 8*
4 *U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as*
5 *a refugee under 8 U.S.C. 1157 or is granted asylum under*
6 *8 U.S.C. 1158 and has filed a declaration of intention to*
7 *become a lawful permanent resident and then a citizen*
8 *when eligible; or (4) is a person who owes allegiance to the*
9 *United States: Provided, That for purposes of this section,*
10 *affidavits signed by any such person shall be considered*
11 *prima facie evidence that the requirements of this section*
12 *with respect to his or her status are being complied with:*
13 *Provided further, That for purposes of paragraphs (2) and*
14 *(3) such affidavits shall be submitted prior to employment*
15 *and updated thereafter as necessary: Provided further, That*
16 *any person making a false affidavit shall be guilty of a*
17 *felony, and upon conviction, shall be fined no more than*
18 *\$4,000 or imprisoned for not more than 1 year, or both:*
19 *Provided further, That the above penal clause shall be in*
20 *addition to, and not in substitution for, any other provi-*
21 *sions of existing law: Provided further, That any payment*
22 *made to any officer or employee contrary to the provisions*
23 *of this section shall be recoverable in action by the Federal*
24 *Government: Provided further, That this section shall not*
25 *apply to any person who is an officer or employee of the*

1 *Government of the United States on the date of enactment*
2 *of this Act, or to international broadcasters employed by*
3 *the Broadcasting Board of Governors, or to temporary em-*
4 *ployment of translators, or to temporary employment in the*
5 *field service (not to exceed 60 days) as a result of emer-*
6 *gencies: Provided further, That this section does not apply*
7 *to the employment as Wildland firefighters for not more*
8 *than 120 days of nonresident aliens employed by the De-*
9 *partment of the Interior or the USDA Forest Service pursu-*
10 *ant to an agreement with another country.*

11 *SEC. 705. Appropriations available to any department*
12 *or agency during the current fiscal year for necessary ex-*
13 *penses, including maintenance or operating expenses, shall*
14 *also be available for payment to the General Services Ad-*
15 *ministration for charges for space and services and those*
16 *expenses of renovation and alteration of buildings and fa-*
17 *cilities which constitute public improvements performed in*
18 *accordance with the Public Buildings Act of 1959 (73 Stat.*
19 *479), the Public Buildings Amendments of 1972 (86 Stat.*
20 *216), or other applicable law.*

21 *SEC. 706. In addition to funds provided in this or any*
22 *other Act, all Federal agencies are authorized to receive and*
23 *use funds resulting from the sale of materials, including*
24 *Federal records disposed of pursuant to a records schedule*
25 *recovered through recycling or waste prevention programs.*

600

1 *Such funds shall be available until expended for the fol-*
2 *lowing purposes:*

3 *(1) Acquisition, waste reduction and prevention,*
4 *and recycling programs as described in Executive*
5 *Order No. 14057 (December 8, 2021), including any*
6 *such programs adopted prior to the effective date of*
7 *the Executive order.*

8 *(2) Other Federal agency environmental manage-*
9 *ment programs, including, but not limited to, the de-*
10 *velopment and implementation of hazardous waste*
11 *management and pollution prevention programs.*

12 *(3) Other employee programs as authorized by*
13 *law or as deemed appropriate by the head of the Fed-*
14 *eral agency.*

15 *SEC. 707. Funds made available by this or any other*
16 *Act for administrative expenses in the current fiscal year*
17 *of the corporations and agencies subject to chapter 91 of*
18 *title 31, United States Code, shall be available, in addition*
19 *to objects for which such funds are otherwise available, for*
20 *rent in the District of Columbia; services in accordance*
21 *with 5 U.S.C. 3109; and the objects specified under this*
22 *head, all the provisions of which shall be applicable to the*
23 *expenditure of such funds unless otherwise specified in the*
24 *Act by which they are made available: Provided, That in*
25 *the event any functions budgeted as administrative expenses*

601

1 *are subsequently transferred to or paid from other funds,*
2 *the limitations on administrative expenses shall be cor-*
3 *respondingly reduced.*

4 *SEC. 708. No part of any appropriation contained in*
5 *this or any other Act shall be available for interagency fi-*
6 *nancing of boards (except Federal Executive Boards), com-*
7 *missions, councils, committees, or similar groups (whether*
8 *or not they are interagency entities) which do not have a*
9 *prior and specific statutory approval to receive financial*
10 *support from more than one agency or instrumentality.*

11 *SEC. 709. None of the funds made available pursuant*
12 *to the provisions of this or any other Act shall be used to*
13 *implement, administer, or enforce any regulation which has*
14 *been disapproved pursuant to a joint resolution duly adopt-*
15 *ed in accordance with the applicable law of the United*
16 *States.*

17 *SEC. 710. During the period in which the head of any*
18 *department or agency, or any other officer or civilian em-*
19 *ployee of the Federal Government appointed by the Presi-*
20 *dent of the United States, holds office, no funds may be obli-*
21 *gated or expended in excess of \$5,000 to furnish or redeco-*
22 *rate the office of such department head, agency head, officer,*
23 *or employee, or to purchase furniture or make improve-*
24 *ments for any such office, unless advance notice of such fur-*
25 *nishing or redecoration is transmitted to the Committees*

602

1 *on Appropriations of the House of Representatives and the*
2 *Senate. For the purposes of this section, the term “office”*
3 *shall include the entire suite of offices assigned to the indi-*
4 *vidual, as well as any other space used primarily by the*
5 *individual or the use of which is directly controlled by the*
6 *individual.*

7 *SEC. 711. Notwithstanding 31 U.S.C. 1346, or section*
8 *708 of this Act, funds made available for the current fiscal*
9 *year by this or any other Act shall be available for the inter-*
10 *agency funding of national security and emergency pre-*
11 *paredness telecommunications initiatives which benefit*
12 *multiple Federal departments, agencies, or entities, as pro-*
13 *vided by Executive Order No. 13618 (July 6, 2012).*

14 *SEC. 712. (a) None of the funds made available by this*
15 *or any other Act may be obligated or expended by any de-*
16 *partment, agency, or other instrumentality of the Federal*
17 *Government to pay the salaries or expenses of any indi-*
18 *vidual appointed to a position of a confidential or policy-*
19 *determining character that is excepted from the competitive*
20 *service under section 3302 of title 5, United States Code,*
21 *(pursuant to schedule C of subpart C of part 213 of title*
22 *5 of the Code of Federal Regulations) unless the head of*
23 *the applicable department, agency, or other instrumentality*
24 *employing such schedule C individual certifies to the Direc-*
25 *tor of the Office of Personnel Management that the schedule*

1 *C position occupied by the individual was not created solely*
2 *or primarily in order to detail the individual to the White*
3 *House.*

4 *(b) The provisions of this section shall not apply to*
5 *Federal employees or members of the armed forces detailed*
6 *to or from an element of the intelligence community (as*
7 *that term is defined under section 3(4) of the National Secu-*
8 *rity Act of 1947 (50 U.S.C. 3003(4))).*

9 *SEC. 713. No part of any appropriation contained in*
10 *this or any other Act shall be available for the payment*
11 *of the salary of any officer or employee of the Federal Gov-*
12 *ernment, who—*

13 *(1) prohibits or prevents, or attempts or threat-*
14 *ens to prohibit or prevent, any other officer or em-*
15 *ployee of the Federal Government from having any*
16 *direct oral or written communication or contact with*
17 *any Member, committee, or subcommittee of the Con-*
18 *gress in connection with any matter pertaining to the*
19 *employment of such other officer or employee or per-*
20 *taining to the department or agency of such other of-*
21 *ficer or employee in any way, irrespective of whether*
22 *such communication or contact is at the initiative of*
23 *such other officer or employee or in response to the re-*
24 *quest or inquiry of such Member, committee, or sub-*
25 *committee; or*

604

1 (2) removes, suspends from duty without pay,
2 demotes, reduces in rank, seniority, status, pay, or
3 performance or efficiency rating, denies promotion to,
4 relocates, reassigns, transfers, disciplines, or discrimi-
5 nates in regard to any employment right, entitlement,
6 or benefit, or any term or condition of employment of,
7 any other officer or employee of the Federal Govern-
8 ment, or attempts or threatens to commit any of the
9 foregoing actions with respect to such other officer or
10 employee, by reason of any communication or contact
11 of such other officer or employee with any Member,
12 committee, or subcommittee of the Congress as de-
13 scribed in paragraph (1).

14 SEC. 714. (a) None of the funds made available in this
15 or any other Act may be obligated or expended for any em-
16 ployee training that—

17 (1) does not meet identified needs for knowledge,
18 skills, and abilities bearing directly upon the perform-
19 ance of official duties;

20 (2) contains elements likely to induce high levels
21 of emotional response or psychological stress in some
22 participants;

23 (3) does not require prior employee notification
24 of the content and methods to be used in the training
25 and written end of course evaluation;

1 (4) contains any methods or content associated
2 with religious or quasi-religious belief systems or
3 “new age” belief systems as defined in Equal Employ-
4 ment Opportunity Commission Notice N-915.022,
5 dated September 2, 1988; or

6 (5) is offensive to, or designed to change, partici-
7 pants’ personal values or lifestyle outside the work-
8 place.

9 (b) Nothing in this section shall prohibit, restrict, or
10 otherwise preclude an agency from conducting training
11 bearing directly upon the performance of official duties.

12 SEC. 715. No part of any funds appropriated in this
13 or any other Act shall be used by an agency of the executive
14 branch, other than for normal and recognized executive-leg-
15 islative relationships, for publicity or propaganda pur-
16 poses, and for the preparation, distribution or use of any
17 kit, pamphlet, booklet, publication, radio, television, or film
18 presentation designed to support or defeat legislation pend-
19 ing before the Congress, except in presentation to the Con-
20 gress itself.

21 SEC. 716. None of the funds appropriated by this or
22 any other Act may be used by an agency to provide a Fed-
23 eral employee’s home address to any labor organization ex-
24 cept when the employee has authorized such disclosure or

1 *when such disclosure has been ordered by a court of com-*
2 *petent jurisdiction.*

3 *SEC. 717. None of the funds made available in this*
4 *or any other Act may be used to provide any non-public*
5 *information such as mailing, telephone, or electronic mail-*
6 *ing lists to any person or any organization outside of the*
7 *Federal Government without the approval of the Commit-*
8 *tees on Appropriations of the House of Representatives and*
9 *the Senate.*

10 *SEC. 718. No part of any appropriation contained in*
11 *this or any other Act shall be used directly or indirectly,*
12 *including by private contractor, for publicity or propa-*
13 *ganda purposes within the United States not heretofore au-*
14 *thorized by Congress.*

15 *SEC. 719. (a) In this section, the term “agency”—*

16 *(1) means an Executive agency, as defined under*
17 *5 U.S.C. 105; and*

18 *(2) includes a military department, as defined*
19 *under section 102 of such title and the United States*
20 *Postal Service.*

21 *(b) Unless authorized in accordance with law or regu-*
22 *lations to use such time for other purposes, an employee*
23 *of an agency shall use official time in an honest effort to*
24 *perform official duties. An employee not under a leave sys-*
25 *tem, including a Presidential appointee exempted under 5*

607

1 *U.S.C. 6301(2), has an obligation to expend an honest effort*
2 *and a reasonable proportion of such employee's time in the*
3 *performance of official duties.*

4 *SEC. 720. Notwithstanding 31 U.S.C. 1346 and section*
5 *708 of this Act, funds made available for the current fiscal*
6 *year by this or any other Act to any department or agency,*
7 *which is a member of the Federal Accounting Standards*
8 *Advisory Board (FASAB), shall be available to finance an*
9 *appropriate share of FASAB administrative costs.*

10 *SEC. 721. Notwithstanding 31 U.S.C. 1346 and section*
11 *708 of this Act, the head of each Executive department and*
12 *agency is hereby authorized to transfer to or reimburse*
13 *“General Services Administration, Government-wide Pol-*
14 *icy” with the approval of the Director of the Office of Man-*
15 *agement and Budget, funds made available for the current*
16 *fiscal year by this or any other Act, including rebates from*
17 *charge card and other contracts: Provided, That these funds*
18 *shall be administered by the Administrator of General Serv-*
19 *ices to support Government-wide and other multi-agency fi-*
20 *nancial, information technology, procurement, and other*
21 *management innovations, initiatives, and activities, in-*
22 *cluding improving coordination and reducing duplication,*
23 *as approved by the Director of the Office of Management*
24 *and Budget, in consultation with the appropriate inter-*
25 *agency and multi-agency groups designated by the Director*

1 *(including the President’s Management Council for overall*
2 *management improvement initiatives, the Chief Financial*
3 *Officers Council for financial management initiatives, the*
4 *Chief Information Officers Council for information tech-*
5 *nology initiatives, the Chief Human Capital Officers Coun-*
6 *cil for human capital initiatives, the Chief Acquisition Offi-*
7 *cers Council for procurement initiatives, and the Perform-*
8 *ance Improvement Council for performance improvement*
9 *initiatives): Provided further, That the total funds trans-*
10 *ferred or reimbursed shall not exceed \$15,000,000 to im-*
11 *prove coordination, reduce duplication, and for other ac-*
12 *tivities related to Federal Government Priority Goals estab-*
13 *lished by 31 U.S.C. 1120, and not to exceed \$17,000,000*
14 *for Government-wide innovations, initiatives, and activi-*
15 *ties: Provided further, That the funds transferred to or for*
16 *reimbursement of “General Services Administration, Gov-*
17 *ernment-Wide Policy” during fiscal year 2023 shall remain*
18 *available for obligation through September 30, 2024: Pro-*
19 *vided further, That not later than 90 days after enactment*
20 *of this Act, the Director of the Office of Management and*
21 *Budget, in consultation with the Administrator of General*
22 *Services, shall submit to the Committees on Appropriations*
23 *of the House of Representatives and the Senate, the Com-*
24 *mittee on Homeland Security and Governmental Affairs of*
25 *the Senate, and the Committee on Oversight and Reform*

1 of the House of Representatives a detailed spend plan for
2 the funds to be transferred or reimbursed: Provided further,
3 That the spend plan shall, at a minimum, include: (i) the
4 amounts currently in the funds authorized under this sec-
5 tion and the estimate of amounts to be transferred or reim-
6 bursed in fiscal year 2023; (ii) a detailed breakdown of the
7 purposes for all funds estimated to be transferred or reim-
8 bursed pursuant to this section (including total number of
9 personnel and costs for all staff whose salaries are provided
10 for by this section); (iii) where applicable, a description of
11 the funds intended for use by or for the benefit of each execu-
12 tive council; and (iv) where applicable, a description of the
13 funds intended for use by or for the implementation of spe-
14 cific laws passed by Congress: Provided further, That no
15 transfers or reimbursements may be made pursuant to this
16 section until 15 days following notification of the Commit-
17 tees on Appropriations of the House of Representatives and
18 the Senate by the Director of the Office of Management and
19 Budget.

20 SEC. 722. Notwithstanding any other provision of law,
21 a woman may breastfeed her child at any location in a
22 Federal building or on Federal property, if the woman and
23 her child are otherwise authorized to be present at the loca-
24 tion.

1 *SEC. 723. Notwithstanding 31 U.S.C. 1346, or section*
2 *708 of this Act, funds made available for the current fiscal*
3 *year by this or any other Act shall be available for the inter-*
4 *agency funding of specific projects, workshops, studies, and*
5 *similar efforts to carry out the purposes of the National*
6 *Science and Technology Council (authorized by Executive*
7 *Order No. 12881), which benefit multiple Federal depart-*
8 *ments, agencies, or entities: Provided, That the Office of*
9 *Management and Budget shall provide a report describing*
10 *the budget of and resources connected with the National*
11 *Science and Technology Council to the Committees on Ap-*
12 *propriations, the House Committee on Science, Space, and*
13 *Technology, and the Senate Committee on Commerce,*
14 *Science, and Transportation 90 days after enactment of this*
15 *Act.*

16 *SEC. 724. Any request for proposals, solicitation, grant*
17 *application, form, notification, press release, or other publi-*
18 *cations involving the distribution of Federal funds shall*
19 *comply with any relevant requirements in part 200 of title*
20 *2, Code of Federal Regulations: Provided, That this section*
21 *shall apply to direct payments, formula funds, and grants*
22 *received by a State receiving Federal funds.*

23 *SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY*
24 *MONITORING OF INDIVIDUALS' INTERNET USE.—None of*

1 *the funds made available in this or any other Act may be*
2 *used by any Federal agency—*

3 *(1) to collect, review, or create any aggregation*
4 *of data, derived from any means, that includes any*
5 *personally identifiable information relating to an in-*
6 *dividual's access to or use of any Federal Government*
7 *Internet site of the agency; or*

8 *(2) to enter into any agreement with a third*
9 *party (including another government agency) to col-*
10 *lect, review, or obtain any aggregation of data, de-*
11 *rived from any means, that includes any personally*
12 *identifiable information relating to an individual's*
13 *access to or use of any nongovernmental Internet site.*

14 *(b) EXCEPTIONS.—The limitations established in sub-*
15 *section (a) shall not apply to—*

16 *(1) any record of aggregate data that does not*
17 *identify particular persons;*

18 *(2) any voluntary submission of personally iden-*
19 *tifiable information;*

20 *(3) any action taken for law enforcement, regu-*
21 *latory, or supervisory purposes, in accordance with*
22 *applicable law; or*

23 *(4) any action described in subsection (a)(1) that*
24 *is a system security action taken by the operator of*
25 *an Internet site and is necessarily incident to pro-*

1 *viding the Internet site services or to protecting the*
2 *rights or property of the provider of the Internet site.*

3 *(c) DEFINITIONS.—For the purposes of this section:*

4 *(1) The term “regulatory” means agency actions*
5 *to implement, interpret or enforce authorities pro-*
6 *vided in law.*

7 *(2) The term “supervisory” means examinations*
8 *of the agency’s supervised institutions, including as-*
9 *sessing safety and soundness, overall financial condi-*
10 *tion, management practices and policies and compli-*
11 *ance with applicable standards as provided in law.*

12 *SEC. 726. (a) None of the funds appropriated by this*
13 *Act may be used to enter into or renew a contract which*
14 *includes a provision providing prescription drug coverage,*
15 *except where the contract also includes a provision for con-*
16 *traceptive coverage.*

17 *(b) Nothing in this section shall apply to a contract*
18 *with—*

19 *(1) any of the following religious plans:*

20 *(A) Personal Care’s HMO; and*

21 *(B) OSF HealthPlans, Inc.; and*

22 *(2) any existing or future plan, if the carrier for*
23 *the plan objects to such coverage on the basis of reli-*
24 *gious beliefs.*

1 (c) *In implementing this section, any plan that enters*
2 *into or renews a contract under this section may not subject*
3 *any individual to discrimination on the basis that the indi-*
4 *vidual refuses to prescribe or otherwise provide for contra-*
5 *ceptives because such activities would be contrary to the in-*
6 *dividual's religious beliefs or moral convictions.*

7 (d) *Nothing in this section shall be construed to require*
8 *coverage of abortion or abortion-related services.*

9 SEC. 727. *The United States is committed to ensuring*
10 *the health of its Olympic, Pan American, and Paralympic*
11 *athletes, and supports the strict adherence to anti-doping*
12 *in sport through testing, adjudication, education, and re-*
13 *search as performed by nationally recognized oversight au-*
14 *thorities.*

15 SEC. 728. *Notwithstanding any other provision of law,*
16 *funds appropriated for official travel to Federal depart-*
17 *ments and agencies may be used by such departments and*
18 *agencies, if consistent with Office of Management and*
19 *Budget Circular A-126 regarding official travel for Govern-*
20 *ment personnel, to participate in the fractional aircraft*
21 *ownership pilot program.*

22 SEC. 729. *Notwithstanding any other provision of law,*
23 *none of the funds appropriated or made available under*
24 *this or any other appropriations Act may be used to imple-*
25 *ment or enforce restrictions or limitations on the Coast*

1 *Guard Congressional Fellowship Program, or to implement*
2 *the proposed regulations of the Office of Personnel Manage-*
3 *ment to add sections 300.311 through 300.316 to part 300*
4 *of title 5 of the Code of Federal Regulations, published in*
5 *the Federal Register, volume 68, number 174, on September*
6 *9, 2003 (relating to the detail of executive branch employees*
7 *to the legislative branch).*

8 *SEC. 730. Notwithstanding any other provision of law,*
9 *no executive branch agency shall purchase, construct, or*
10 *lease any additional facilities, except within or contiguous*
11 *to existing locations, to be used for the purpose of con-*
12 *ducting Federal law enforcement training without the ad-*
13 *vance approval of the Committees on Appropriations of the*
14 *House of Representatives and the Senate, except that the*
15 *Federal Law Enforcement Training Centers is authorized*
16 *to obtain the temporary use of additional facilities by lease,*
17 *contract, or other agreement for training which cannot be*
18 *accommodated in existing Centers facilities.*

19 *SEC. 731. Unless otherwise authorized by existing law,*
20 *none of the funds provided in this or any other Act may*
21 *be used by an executive branch agency to produce any pre-*
22 *packaged news story intended for broadcast or distribution*
23 *in the United States, unless the story includes a clear notifi-*
24 *cation within the text or audio of the prepackaged news*

1 *story that the prepackaged news story was prepared or*
2 *funded by that executive branch agency.*

3 *SEC. 732. None of the funds made available in this*
4 *Act may be used in contravention of section 552a of title*
5 *5, United States Code (popularly known as the Privacy*
6 *Act), and regulations implementing that section.*

7 *SEC. 733. (a) IN GENERAL.—None of the funds appro-*
8 *priated or otherwise made available by this or any other*
9 *Act may be used for any Federal Government contract with*
10 *any foreign incorporated entity which is treated as an in-*
11 *verted domestic corporation under section 835(b) of the*
12 *Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any*
13 *subsidiary of such an entity.*

14 *(b) WAIVERS.—*

15 *(1) IN GENERAL.—Any Secretary shall waive*
16 *subsection (a) with respect to any Federal Govern-*
17 *ment contract under the authority of such Secretary*
18 *if the Secretary determines that the waiver is required*
19 *in the interest of national security.*

20 *(2) REPORT TO CONGRESS.—Any Secretary*
21 *issuing a waiver under paragraph (1) shall report*
22 *such issuance to Congress.*

23 *(c) EXCEPTION.—This section shall not apply to any*
24 *Federal Government contract entered into before the date*

1 *of the enactment of this Act, or to any task order issued*
2 *pursuant to such contract.*

3 *SEC. 734. During fiscal year 2023, for each employee*
4 *who—*

5 *(1) retires under section 8336(d)(2) or*
6 *8414(b)(1)(B) of title 5, United States Code; or*

7 *(2) retires under any other provision of sub-*
8 *chapter III of chapter 83 or chapter 84 of such title*
9 *5 and receives a payment as an incentive to separate,*
10 *the separating agency shall remit to the Civil Service*
11 *Retirement and Disability Fund an amount equal to*
12 *the Office of Personnel Management's average unit*
13 *cost of processing a retirement claim for the preceding*
14 *fiscal year. Such amounts shall be available until ex-*
15 *pended to the Office of Personnel Management and*
16 *shall be deemed to be an administrative expense*
17 *under section 8348(a)(1)(B) of title 5, United States*
18 *Code.*

19 *SEC. 735. (a) None of the funds made available in this*
20 *or any other Act may be used to recommend or require any*
21 *entity submitting an offer for a Federal contract to disclose*
22 *any of the following information as a condition of submit-*
23 *ting the offer:*

24 *(1) Any payment consisting of a contribution,*
25 *expenditure, independent expenditure, or disburse-*

1 *ment for an electioneering communication that is*
2 *made by the entity, its officers or directors, or any of*
3 *its affiliates or subsidiaries to a candidate for election*
4 *for Federal office or to a political committee, or that*
5 *is otherwise made with respect to any election for*
6 *Federal office.*

7 *(2) Any disbursement of funds (other than a*
8 *payment described in paragraph (1)) made by the en-*
9 *tity, its officers or directors, or any of its affiliates or*
10 *subsidiaries to any person with the intent or the rea-*
11 *sonable expectation that the person will use the funds*
12 *to make a payment described in paragraph (1).*

13 *(b) In this section, each of the terms “contribution”,*
14 *“expenditure”, “independent expenditure”, “electioneering*
15 *communication”, “candidate”, “election”, and “Federal of-*
16 *fice” has the meaning given such term in the Federal Elec-*
17 *tion Campaign Act of 1971 (52 U.S.C. 30101 et seq.).*

18 *SEC. 736. None of the funds made available in this*
19 *or any other Act may be used to pay for the painting of*
20 *a portrait of an officer or employee of the Federal Govern-*
21 *ment, including the President, the Vice President, a Member*
22 *of Congress (including a Delegate or a Resident Commis-*
23 *sioner to Congress), the head of an executive branch agency*
24 *(as defined in section 133 of title 41, United States Code),*
25 *or the head of an office of the legislative branch.*

1 *SEC. 737. (a)(1) Notwithstanding any other provision*
2 *of law, and except as otherwise provided in this section,*
3 *no part of any of the funds appropriated for fiscal year*
4 *2023, by this or any other Act, may be used to pay any*
5 *prevailing rate employee described in section 5342(a)(2)(A)*
6 *of title 5, United States Code—*

7 *(A) during the period from the date of expiration*
8 *of the limitation imposed by the comparable section*
9 *for the previous fiscal years until the normal effective*
10 *date of the applicable wage survey adjustment that is*
11 *to take effect in fiscal year 2023, in an amount that*
12 *exceeds the rate payable for the applicable grade and*
13 *step of the applicable wage schedule in accordance*
14 *with such section; and*

15 *(B) during the period consisting of the remain-*
16 *der of fiscal year 2023, in an amount that exceeds,*
17 *as a result of a wage survey adjustment, the rate pay-*
18 *able under subparagraph (A) by more than the sum*
19 *of—*

20 *(i) the percentage adjustment taking effect*
21 *in fiscal year 2023 under section 5303 of title 5,*
22 *United States Code, in the rates of pay under the*
23 *General Schedule; and*

24 *(ii) the difference between the overall aver-*
25 *age percentage of the locality-based com-*

1 *parability payments taking effect in fiscal year*
2 *2023 under section 5304 of such title (whether by*
3 *adjustment or otherwise), and the overall average*
4 *percentage of such payments which was effective*
5 *in the previous fiscal year under such section.*

6 (2) *Notwithstanding any other provision of law, no*
7 *prevailing rate employee described in subparagraph (B) or*
8 *(C) of section 5342(a)(2) of title 5, United States Code, and*
9 *no employee covered by section 5348 of such title, may be*
10 *paid during the periods for which paragraph (1) is in effect*
11 *at a rate that exceeds the rates that would be payable under*
12 *paragraph (1) were paragraph (1) applicable to such em-*
13 *ployee.*

14 (3) *For the purposes of this subsection, the rates pay-*
15 *able to an employee who is covered by this subsection and*
16 *who is paid from a schedule not in existence on September*
17 *30, 2022, shall be determined under regulations prescribed*
18 *by the Office of Personnel Management.*

19 (4) *Notwithstanding any other provision of law, rates*
20 *of premium pay for employees subject to this subsection*
21 *may not be changed from the rates in effect on September*
22 *30, 2022, except to the extent determined by the Office of*
23 *Personnel Management to be consistent with the purpose of*
24 *this subsection.*

620

1 (5) *This subsection shall apply with respect to pay for*
2 *service performed after September 30, 2022.*

3 (6) *For the purpose of administering any provision*
4 *of law (including any rule or regulation that provides pre-*
5 *mium pay, retirement, life insurance, or any other em-*
6 *ployee benefit) that requires any deduction or contribution,*
7 *or that imposes any requirement or limitation on the basis*
8 *of a rate of salary or basic pay, the rate of salary or basic*
9 *pay payable after the application of this subsection shall*
10 *be treated as the rate of salary or basic pay.*

11 (7) *Nothing in this subsection shall be considered to*
12 *permit or require the payment to any employee covered by*
13 *this subsection at a rate in excess of the rate that would*
14 *be payable were this subsection not in effect.*

15 (8) *The Office of Personnel Management may provide*
16 *for exceptions to the limitations imposed by this subsection*
17 *if the Office determines that such exceptions are necessary*
18 *to ensure the recruitment or retention of qualified employ-*
19 *ees.*

20 (b) *Notwithstanding subsection (a), the adjustment in*
21 *rates of basic pay for the statutory pay systems that take*
22 *place in fiscal year 2023 under sections 5344 and 5348 of*
23 *title 5, United States Code, shall be—*

24 (1) *not less than the percentage received by em-*
25 *ployees in the same location whose rates of basic pay*

621

1 are adjusted pursuant to the statutory pay systems
2 under sections 5303 and 5304 of title 5, United States
3 Code: Provided, That prevailing rate employees at lo-
4 cations where there are no employees whose pay is in-
5 creased pursuant to sections 5303 and 5304 of title 5,
6 United States Code, and prevailing rate employees de-
7 scribed in section 5343(a)(5) of title 5, United States
8 Code, shall be considered to be located in the pay lo-
9 cality designated as “Rest of United States” pursuant
10 to section 5304 of title 5, United States Code, for pur-
11 poses of this subsection; and

12 (2) effective as of the first day of the first appli-
13 cable pay period beginning after September 30, 2022.

14 SEC. 738. (a) The head of any Executive branch de-
15 partment, agency, board, commission, or office funded by
16 this or any other appropriations Act shall submit annual
17 reports to the Inspector General or senior ethics official for
18 any entity without an Inspector General, regarding the
19 costs and contracting procedures related to each conference
20 held by any such department, agency, board, commission,
21 or office during fiscal year 2023 for which the cost to the
22 United States Government was more than \$100,000.

23 (b) Each report submitted shall include, for each con-
24 ference described in subsection (a) held during the applica-
25 ble period—

622

1 (1) a description of its purpose;

2 (2) the number of participants attending;

3 (3) a detailed statement of the costs to the United

4 *States Government, including—*

5 (A) the cost of any food or beverages;

6 (B) the cost of any audio-visual services;

7 (C) the cost of employee or contractor travel

8 *to and from the conference; and*

9 (D) a discussion of the methodology used to

10 *determine which costs relate to the conference;*

11 *and*

12 (4) a description of the contracting procedures

13 *used including—*

14 (A) whether contracts were awarded on a

15 *competitive basis; and*

16 (B) a discussion of any cost comparison

17 *conducted by the departmental component or of-*

18 *fice in evaluating potential contractors for the*

19 *conference.*

20 (c) Within 15 days after the end of a quarter, the head

21 *of any such department, agency, board, commission, or of-*

22 *fice shall notify the Inspector General or senior ethics offi-*

23 *cial for any entity without an Inspector General, of the*

24 *date, location, and number of employees attending a con-*

25 *ference held by any Executive branch department, agency,*

1 board, commission, or office funded by this or any other
2 appropriations Act during fiscal year 2023 for which the
3 cost to the United States Government was more than
4 \$20,000.

5 (d) A grant or contract funded by amounts appro-
6 priated by this or any other appropriations Act may not
7 be used for the purpose of defraying the costs of a conference
8 described in subsection (c) that is not directly and program-
9 matically related to the purpose for which the grant or con-
10 tract was awarded, such as a conference held in connection
11 with planning, training, assessment, review, or other rou-
12 tine purposes related to a project funded by the grant or
13 contract.

14 (e) None of the funds made available in this or any
15 other appropriations Act may be used for travel and con-
16 ference activities that are not in compliance with Office of
17 Management and Budget Memorandum M-12-12 dated
18 May 11, 2012 or any subsequent revisions to that memo-
19 randum.

20 SEC. 739. None of the funds made available in this
21 or any other appropriations Act may be used to increase,
22 eliminate, or reduce funding for a program, project, or ac-
23 tivity as proposed in the President's budget request for a
24 fiscal year until such proposed change is subsequently en-
25 acted in an appropriation Act, or unless such change is

1 *made pursuant to the reprogramming or transfer provisions*
2 *of this or any other appropriations Act.*

3 *SEC. 740. None of the funds made available by this*
4 *or any other Act may be used to implement, administer,*
5 *enforce, or apply the rule entitled “Competitive Area” pub-*
6 *lished by the Office of Personnel Management in the Federal*
7 *Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).*

8 *SEC. 741. None of the funds appropriated or otherwise*
9 *made available by this or any other Act may be used to*
10 *begin or announce a study or public-private competition*
11 *regarding the conversion to contractor performance of any*
12 *function performed by Federal employees pursuant to Office*
13 *of Management and Budget Circular A–76 or any other ad-*
14 *ministrative regulation, directive, or policy.*

15 *SEC. 742. (a) None of the funds appropriated or other-*
16 *wise made available by this or any other Act may be avail-*
17 *able for a contract, grant, or cooperative agreement with*
18 *an entity that requires employees or contractors of such en-*
19 *tity seeking to report fraud, waste, or abuse to sign internal*
20 *confidentiality agreements or statements prohibiting or oth-*
21 *erwise restricting such employees or contractors from law-*
22 *fully reporting such waste, fraud, or abuse to a designated*
23 *investigative or law enforcement representative of a Federal*
24 *department or agency authorized to receive such informa-*
25 *tion.*

1 (b) *The limitation in subsection (a) shall not con-*
2 *travene requirements applicable to Standard Form 312,*
3 *Form 4414, or any other form issued by a Federal depart-*
4 *ment or agency governing the nondisclosure of classified in-*
5 *formation.*

6 SEC. 743. (a) *No funds appropriated in this or any*
7 *other Act may be used to implement or enforce the agree-*
8 *ments in Standard Forms 312 and 4414 of the Government*
9 *or any other nondisclosure policy, form, or agreement if*
10 *such policy, form, or agreement does not contain the fol-*
11 *lowing provisions: “These provisions are consistent with*
12 *and do not supersede, conflict with, or otherwise alter the*
13 *employee obligations, rights, or liabilities created by exist-*
14 *ing statute or Executive order relating to (1) classified in-*
15 *formation, (2) communications to Congress, (3) the report-*
16 *ing to an Inspector General or the Office of Special Counsel*
17 *of a violation of any law, rule, or regulation, or mis-*
18 *management, a gross waste of funds, an abuse of authority,*
19 *or a substantial and specific danger to public health or safe-*
20 *ty, or (4) any other whistleblower protection. The defini-*
21 *tions, requirements, obligations, rights, sanctions, and li-*
22 *abilities created by controlling Executive orders and statu-*
23 *tory provisions are incorporated into this agreement and*
24 *are controlling.”: Provided, That notwithstanding the pre-*
25 *ceding provision of this section, a nondisclosure policy form*

1 *or agreement that is to be executed by a person connected*
2 *with the conduct of an intelligence or intelligence-related*
3 *activity, other than an employee or officer of the United*
4 *States Government, may contain provisions appropriate to*
5 *the particular activity for which such document is to be*
6 *used. Such form or agreement shall, at a minimum, require*
7 *that the person will not disclose any classified information*
8 *received in the course of such activity unless specifically au-*
9 *thorized to do so by the United States Government. Such*
10 *nondisclosure forms shall also make it clear that they do*
11 *not bar disclosures to Congress, or to an authorized official*
12 *of an executive agency or the Department of Justice, that*
13 *are essential to reporting a substantial violation of law.*

14 *(b) A nondisclosure agreement may continue to be im-*
15 *plemented and enforced notwithstanding subsection (a) if*
16 *it complies with the requirements for such agreement that*
17 *were in effect when the agreement was entered into.*

18 *(c) No funds appropriated in this or any other Act*
19 *may be used to implement or enforce any agreement entered*
20 *into during fiscal year 2014 which does not contain sub-*
21 *stantially similar language to that required in subsection*
22 *(a).*

23 *SEC. 744. None of the funds made available by this*
24 *or any other Act may be used to enter into a contract,*
25 *memorandum of understanding, or cooperative agreement*

1 *with, make a grant to, or provide a loan or loan guarantee*
2 *to, any corporation that has any unpaid Federal tax liabil-*
3 *ity that has been assessed, for which all judicial and admin-*
4 *istrative remedies have been exhausted or have lapsed, and*
5 *that is not being paid in a timely manner pursuant to an*
6 *agreement with the authority responsible for collecting the*
7 *tax liability, where the awarding agency is aware of the*
8 *unpaid tax liability, unless a Federal agency has considered*
9 *suspension or debarment of the corporation and has made*
10 *a determination that this further action is not necessary*
11 *to protect the interests of the Government.*

12 *SEC. 745. None of the funds made available by this*
13 *or any other Act may be used to enter into a contract,*
14 *memorandum of understanding, or cooperative agreement*
15 *with, make a grant to, or provide a loan or loan guarantee*
16 *to, any corporation that was convicted of a felony criminal*
17 *violation under any Federal law within the preceding 24*
18 *months, where the awarding agency is aware of the convic-*
19 *tion, unless a Federal agency has considered suspension or*
20 *debarment of the corporation and has made a determina-*
21 *tion that this further action is not necessary to protect the*
22 *interests of the Government.*

23 *SEC. 746. (a) During fiscal year 2023, on the date on*
24 *which a request is made for a transfer of funds in accord-*
25 *ance with section 1017 of Public Law 111–203, the Bureau*

1 *of Consumer Financial Protection shall notify the Commit-*
2 *tees on Appropriations of the House of Representatives and*
3 *the Senate, the Committee on Financial Services of the*
4 *House of Representatives, and the Committee on Banking,*
5 *Housing, and Urban Affairs of the Senate of such request.*

6 *(b) Any notification required by this section shall be*
7 *made available on the Bureau's public website.*

8 *SEC. 747. (a) Notwithstanding any official rate ad-*
9 *justed under section 104 of title 3, United States Code, the*
10 *rate payable to the Vice President during calendar year*
11 *2023 shall be the rate payable to the Vice President on De-*
12 *cember 31, 2022, by operation of section 747 of division*
13 *E of Public Law 117–103.*

14 *(b) Notwithstanding any official rate adjusted under*
15 *section 5318 of title 5, United States Code, or any other*
16 *provision of law, the payable rate during calendar year*
17 *2023 for an employee serving in an Executive Schedule po-*
18 *sition, or in a position for which the rate of pay is fixed*
19 *by statute at an Executive Schedule rate, shall be the rate*
20 *payable for the applicable Executive Schedule level on De-*
21 *cember 31, 2022, by operation of section 747 of division*
22 *E of Public Law 117–103. Such an employee may not re-*
23 *ceive a rate increase during calendar year 2023, except as*
24 *provided in subsection (i).*

1 (c) *Notwithstanding section 401 of the Foreign Service*
2 *Act of 1980 (Public Law 96–465) or any other provision*
3 *of law, a chief of mission or ambassador at large is subject*
4 *to subsection (b) in the same manner as other employees*
5 *who are paid at an Executive Schedule rate.*

6 (d)(1) *This subsection applies to—*

7 (A) *a noncareer appointee in the Senior Execu-*
8 *tive Service paid a rate of basic pay at or above the*
9 *official rate for level IV of the Executive Schedule; or*
10 (B) *a limited term appointee or limited emer-*
11 *gency appointee in the Senior Executive Service serv-*
12 *ing under a political appointment and paid a rate of*
13 *basic pay at or above the official rate for level IV of*
14 *the Executive Schedule.*

15 (2) *Notwithstanding sections 5382 and 5383 of title*
16 *5, United States Code, an employee described in paragraph*
17 *(1) may not receive a pay rate increase during calendar*
18 *year 2023, except as provided in subsection (i).*

19 (e) *Notwithstanding any other provision of law, any*
20 *employee paid a rate of basic pay (including any locality*
21 *based payments under section 5304 of title 5, United States*
22 *Code, or similar authority) at or above the official rate for*
23 *level IV of the Executive Schedule who serves under a polit-*
24 *ical appointment may not receive a pay rate increase dur-*
25 *ing calendar year 2023, except as provided in subsection*

1 *(i). This subsection does not apply to employees in the Gen-*
2 *eral Schedule pay system or the Foreign Service pay sys-*
3 *tem, to employees appointed under section 3161 of title 5,*
4 *United States Code, or to employees in another pay system*
5 *whose position would be classified at GS-15 or below if*
6 *chapter 51 of title 5, United States Code, applied to them.*

7 *(f) Nothing in subsections (b) through (e) shall prevent*
8 *employees who do not serve under a political appointment*
9 *from receiving pay increases as otherwise provided under*
10 *applicable law.*

11 *(g) This section does not apply to an individual who*
12 *makes an election to retain Senior Executive Service basic*
13 *pay under section 3392(c) of title 5, United States Code,*
14 *for such time as that election is in effect.*

15 *(h) This section does not apply to an individual who*
16 *makes an election to retain Senior Foreign Service pay en-*
17 *titlements under section 302(b) of the Foreign Service Act*
18 *of 1980 (Public Law 96-465) for such time as that election*
19 *is in effect.*

20 *(i) Notwithstanding subsections (b) through (e), an em-*
21 *ployee in a covered position may receive a pay rate increase*
22 *upon an authorized movement to a different covered posi-*
23 *tion only if that new position has higher-level duties and*
24 *a pre-established level or range of pay higher than the level*
25 *or range for the position held immediately before the move-*

631

1 *ment. Any such increase must be based on the rates of pay*
2 *and applicable limitations on payable rates of pay in effect*
3 *on December 31, 2022, by operation of section 747 of divi-*
4 *sion E of Public Law 117–103.*

5 *(j) Notwithstanding any other provision of law, for an*
6 *individual who is newly appointed to a covered position*
7 *during the period of time subject to this section, the initial*
8 *pay rate shall be based on the rates of pay and applicable*
9 *limitations on payable rates of pay in effect on December*
10 *31, 2022, by operation of section 747 of division E of Public*
11 *Law 117–103.*

12 *(k) If an employee affected by this section is subject*
13 *to a biweekly pay period that begins in calendar year 2023*
14 *but ends in calendar year 2024, the bar on the employee’s*
15 *receipt of pay rate increases shall apply through the end*
16 *of that pay period.*

17 *(l) For the purpose of this section, the term “covered*
18 *position” means a position occupied by an employee whose*
19 *pay is restricted under this section.*

20 *(m) This section takes effect on the first day of the first*
21 *applicable pay period beginning on or after January 1,*
22 *2023.*

23 *SEC. 748. In the event of a violation of the Impound-*
24 *ment Control Act of 1974, the President or the head of the*
25 *relevant department or agency, as the case may be, shall*

632

1 *report immediately to the Congress all relevant facts and*
2 *a statement of actions taken: Provided, That a copy of each*
3 *report shall also be transmitted to the Committees on Ap-*
4 *propriations of the House of Representatives and the Senate*
5 *and the Comptroller General on the same date the report*
6 *is transmitted to the Congress.*

7 *SEC. 749. (a) Each department or agency of the execu-*
8 *tive branch of the United States Government shall notify*
9 *the Committees on Appropriations and the Budget of the*
10 *House of Representatives and the Senate and any other ap-*
11 *propriate congressional committees if—*

12 *(1) an apportionment is not made in the re-*
13 *quired time period provided in section 1513(b) of title*
14 *31, United States Code;*

15 *(2) an approved apportionment received by the*
16 *department or agency conditions the availability of*
17 *an appropriation on further action; or*

18 *(3) an approved apportionment received by the*
19 *department or agency may hinder the prudent obliga-*
20 *tion of such appropriation or the execution of a pro-*
21 *gram, project, or activity by such department or*
22 *agency.*

23 *(b) Any notification submitted to a congressional com-*
24 *mittee pursuant to this section shall contain information*
25 *identifying the bureau, account name, appropriation name,*

1 *and Treasury Appropriation Fund Symbol or fund ac-*
2 *count.*

3 *SEC. 750. (a) Any non-Federal entity receiving funds*
4 *provided in this or any other appropriations Act for fiscal*
5 *year 2023 that are specified in the disclosure table sub-*
6 *mitted in compliance with clause 9 of rule XXI of the Rules*
7 *of the House of Representatives or Rule XLIV of the Stand-*
8 *ing Rules of the Senate that is included in the report or*
9 *explanatory statement accompanying any such Act shall be*
10 *deemed to be a recipient of a Federal award with respect*
11 *to such funds for purposes of the requirements of 2 CFR*
12 *200.334, regarding records retention, and 2 CFR 200.337,*
13 *regarding access by the Comptroller General of the United*
14 *States.*

15 *(b) Nothing in this section shall be construed to limit,*
16 *amend, supersede, or restrict in any manner any require-*
17 *ments otherwise applicable to non-Federal entities described*
18 *in paragraph (1) or any existing authority of the Comp-*
19 *troller General.*

20 *SEC. 751. Notwithstanding section 1346 of title 31,*
21 *United States Code, or section 708 of this Act, funds made*
22 *available by this or any other Act to any Federal agency*
23 *may be used by that Federal agency for interagency funding*
24 *for coordination with, participation in, or recommenda-*
25 *tions involving, activities of the U.S. Army Medical Re-*

1 *search and Development Command, the Congressionally Di-*
2 *rected Medical Research Programs and the National Insti-*
3 *tutes of Health research programs.*

4 *SEC. 752. (a)(1) Not later than 100 days after the date*
5 *of enactment of this Act, the Director of the Office of Man-*
6 *agement and Budget (in this section referred to as the “Di-*
7 *rector”), in coordination with the Architectural and Trans-*
8 *portation Barriers Compliance Board and the Adminis-*
9 *trator of General Services (in this section referred to as the*
10 *“Administrator”), shall disseminate amended or updated*
11 *criteria and instructions to any Federal department or*
12 *agency (in this section referred to as an “agency”) covered*
13 *by section 508 of the Rehabilitation Act of 1973 (29 U.S.C.*
14 *794d) for the evaluation required pursuant to paragraph*
15 *(3)(B).*

16 *(2) Such criteria and instructions shall—*

17 *(A) include, at minimum, requirements that in-*
18 *formation technologies and digital services must—*

19 *(i) conform to the technical standards ref-*
20 *erenced in subsection (a)(2)(A) of such section*
21 *508, as determined by appropriate conformance*
22 *testing; and*

23 *(ii) be accessible to and usable by individ-*
24 *uals with disabilities as determined from con-*
25 *sultation with individuals with disabilities, in-*

1 cluding those with visual, auditory, tactile, and
2 cognitive disabilities, or members of any dis-
3 ability organization; and

4 (B) provide guidance to agencies regarding the
5 types and format of data and information to be sub-
6 mitted to the Director and the Administrator pursu-
7 ant to paragraph (3), including how to submit such
8 data and information, the metrics by which compli-
9 ance will be assessed in the reports required in sub-
10 section (b), and any other directions necessary for
11 agencies to demonstrate compliance with accessibility
12 standards for electronic and information technology
13 procured and in use within an agency, as required by
14 such section 508.

15 (3) Not later than 225 days after the date of enactment
16 of this Act, the head of each agency shall—

17 (A) evaluate the extent to which the electronic
18 and information technology of the agency are acces-
19 sible to and usable by individuals with disabilities de-
20 scribed in subsection (a)(1) of such section 508 com-
21 pared to the access to and use of the technology and
22 services by individuals described in such section who
23 are not individuals with disabilities;

1 (B) evaluate the electronic and information tech-
2 nology of the agency in accordance with the criteria
3 and instructions provided in paragraph (1); and

4 (C) submit a report containing the evaluations
5 jointly to the Director and the Administrator.

6 (b)(1) Not later than 1 year after the date of enactment
7 of this Act, and annually thereafter, the Administrator, in
8 consultation with the Director, shall prepare and submit
9 to the Committees on Appropriations and Homeland Secu-
10 rity and Governmental Affairs of the Senate and the Com-
11 mittees on Appropriations and Oversight and Reform of the
12 House of Representatives a report that shall include—

13 (A) a comprehensive assessment (including infor-
14 mation identifying the metrics and data used) of
15 compliance by each agency, and by the Federal Gov-
16 ernment generally, with the criteria and instructions
17 disseminated under subsection (a)(1);

18 (B) a detailed description of the actions, activi-
19 ties, and other efforts made by the Administrator over
20 the year preceding submission to support such com-
21 pliance at agencies and any planned efforts in the
22 coming year to improve compliance at agencies; and

23 (C) a list of recommendations that agencies or
24 Congress may take to help support that compliance.

1 (2) *The Administrator shall ensure that the reports re-*
2 *quired under this subsection are made available on a public*
3 *website and are maintained as an open Government data*
4 *asset (as that term is defined in section 3502 of title 44,*
5 *United States Code).*

6 *SEC. 753. Notwithstanding 31 U.S.C. 1346 and section*
7 *708 of this Act, the head of each Executive department and*
8 *agency is hereby authorized to transfer to or reimburse*
9 *“General Services Administration, Federal Citizen Services*
10 *Fund” with the approval of the Director of the Office of*
11 *Management and Budget, funds made available for the cur-*
12 *rent fiscal year by this or any other Act, including rebates*
13 *from charge card and other contracts: Provided, That these*
14 *funds, in addition to amounts otherwise available, shall be*
15 *administered by the Administrator of General Services to*
16 *carry out the purposes of the Federal Citizen Services Fund*
17 *and to support Government-wide and other multi-agency*
18 *financial, information technology, procurement, and other*
19 *activities, including services authorized by 44 U.S.C. 3604*
20 *and enabling Federal agencies to take advantage of infor-*
21 *mation technology in sharing information: Provided fur-*
22 *ther, That the total funds transferred or reimbursed shall*
23 *not exceed \$15,000,000 for such purposes: Provided further,*
24 *That the funds transferred to or for reimbursement of “Gen-*
25 *eral Services Administration, Federal Citizen Services*

1 *Fund” during fiscal year 2023 shall remain available for*
2 *obligation through September 30, 2024: Provided further,*
3 *That not later than 90 days after enactment of this Act,*
4 *the Administrator of General Services, in consultation with*
5 *the Director of the Office of Management and Budget, shall*
6 *submit to the Committees on Appropriations of the House*
7 *of Representatives and the Senate a detailed spend plan for*
8 *the funds to be transferred or reimbursed: Provided further,*
9 *That the spend plan shall, at a minimum, include: (i) the*
10 *amounts currently in the funds authorized under this sec-*
11 *tion and the estimate of amounts to be transferred or reim-*
12 *bursed in fiscal year 2023; (ii) a detailed breakdown of the*
13 *purposes for all funds estimated to be transferred or reim-*
14 *bursed pursuant to this section (including total number of*
15 *personnel and costs for all staff whose salaries are provided*
16 *for by this section); and (iii) where applicable, a descrip-*
17 *tion of the funds intended for use by or for the implementa-*
18 *tion of specific laws passed by Congress: Provided further,*
19 *That no transfers or reimbursements may be made pursu-*
20 *ant to this section until 15 days following notification of*
21 *the Committees on Appropriations of the House of Rep-*
22 *resentatives and the Senate by the Director of the Office*
23 *of Management and Budget.*

1 *SEC. 754. Except as expressly provided otherwise, any*
2 *reference to “this Act” contained in any title other than*
3 *title IV or VIII shall not apply to such title IV or VIII.*

1 *TITLE VIII*
2 *GENERAL PROVISIONS—DISTRICT OF COLUMBIA*
3 *(INCLUDING TRANSFERS OF FUNDS)*

4 *SEC. 801. There are appropriated from the applicable*
5 *funds of the District of Columbia such sums as may be nec-*
6 *essary for making refunds and for the payment of legal set-*
7 *tlements or judgments that have been entered against the*
8 *District of Columbia government.*

9 *SEC. 802. None of the Federal funds provided in this*
10 *Act shall be used for publicity or propaganda purposes or*
11 *implementation of any policy including boycott designed to*
12 *support or defeat legislation pending before Congress or any*
13 *State legislature.*

14 *SEC. 803. (a) None of the Federal funds provided*
15 *under this Act to the agencies funded by this Act, both Fed-*
16 *eral and District government agencies, that remain avail-*
17 *able for obligation or expenditure in fiscal year 2023, or*
18 *provided from any accounts in the Treasury of the United*
19 *States derived by the collection of fees available to the agen-*
20 *cies funded by this Act, shall be available for obligation or*
21 *expenditures for an agency through a reprogramming of*
22 *funds which—*

- 23 *(1) creates new programs;*
24 *(2) eliminates a program, project, or responsi-*
25 *bility center;*

641

1 (3) *establishes or changes allocations specifically*
2 *denied, limited or increased under this Act;*

3 (4) *increases funds or personnel by any means*
4 *for any program, project, or responsibility center for*
5 *which funds have been denied or restricted;*

6 (5) *re-establishes any program or project pre-*
7 *viously deferred through reprogramming;*

8 (6) *augments any existing program, project, or*
9 *responsibility center through a reprogramming of*
10 *funds in excess of \$3,000,000 or 10 percent, whichever*
11 *is less; or*

12 (7) *increases by 20 percent or more personnel as-*
13 *signed to a specific program, project or responsibility*
14 *center, unless prior approval is received from the*
15 *Committees on Appropriations of the House of Rep-*
16 *resentatives and the Senate.*

17 (b) *The District of Columbia government is authorized*
18 *to approve and execute reprogramming and transfer re-*
19 *quests of local funds under this title through November 7,*
20 *2023.*

21 SEC. 804. *None of the Federal funds provided in this*
22 *Act may be used by the District of Columbia to provide*
23 *for salaries, expenses, or other costs associated with the of-*
24 *fices of United States Senator or United States Representa-*
25 *tive under section 4(d) of the District of Columbia State-*

1 *hood Constitutional Convention Initiatives of 1979 (D.C.*
2 *Law 3–171; D.C. Official Code, sec. 1–123).*

3 *SEC. 805. Except as otherwise provided in this section,*
4 *none of the funds made available by this Act or by any*
5 *other Act may be used to provide any officer or employee*
6 *of the District of Columbia with an official vehicle unless*
7 *the officer or employee uses the vehicle only in the perform-*
8 *ance of the officer’s or employee’s official duties. For pur-*
9 *poses of this section, the term “official duties” does not in-*
10 *clude travel between the officer’s or employee’s residence and*
11 *workplace, except in the case of—*

12 *(1) an officer or employee of the Metropolitan*
13 *Police Department who resides in the District of Co-*
14 *lumbia or is otherwise designated by the Chief of the*
15 *Department;*

16 *(2) at the discretion of the Fire Chief, an officer*
17 *or employee of the District of Columbia Fire and*
18 *Emergency Medical Services Department who resides*
19 *in the District of Columbia and is on call 24 hours*
20 *a day;*

21 *(3) at the discretion of the Director of the De-*
22 *partment of Corrections, an officer or employee of the*
23 *District of Columbia Department of Corrections who*
24 *resides in the District of Columbia and is on call 24*
25 *hours a day;*

1 (4) *at the discretion of the Chief Medical Exam-*
2 *iner, an officer or employee of the Office of the Chief*
3 *Medical Examiner who resides in the District of Co-*
4 *lumbia and is on call 24 hours a day;*

5 (5) *at the discretion of the Director of the Home-*
6 *land Security and Emergency Management Agency,*
7 *an officer or employee of the Homeland Security and*
8 *Emergency Management Agency who resides in the*
9 *District of Columbia and is on call 24 hours a day;*

10 (6) *the Mayor of the District of Columbia; and*

11 (7) *the Chairman of the Council of the District*
12 *of Columbia.*

13 *SEC. 806. (a) None of the Federal funds contained in*
14 *this Act may be used by the District of Columbia Attorney*
15 *General or any other officer or entity of the District govern-*
16 *ment to provide assistance for any petition drive or civil*
17 *action which seeks to require Congress to provide for voting*
18 *representation in Congress for the District of Columbia.*

19 *(b) Nothing in this section bars the District of Colum-*
20 *bia Attorney General from reviewing or commenting on*
21 *briefs in private lawsuits, or from consulting with officials*
22 *of the District government regarding such lawsuits.*

23 *SEC. 807. None of the Federal funds contained in this*
24 *Act may be used to distribute any needle or syringe for the*
25 *purpose of preventing the spread of blood borne pathogens*

1 *in any location that has been determined by the local public*
2 *health or local law enforcement authorities to be inappro-*
3 *priate for such distribution.*

4 *SEC. 808. Nothing in this Act may be construed to pre-*
5 *vent the Council or Mayor of the District of Columbia from*
6 *addressing the issue of the provision of contraceptive cov-*
7 *erage by health insurance plans, but it is the intent of Con-*
8 *gress that any legislation enacted on such issue should in-*
9 *clude a “conscience clause” which provides exceptions for*
10 *religious beliefs and moral convictions.*

11 *SEC. 809. (a) None of the Federal funds contained in*
12 *this Act may be used to enact or carry out any law, rule,*
13 *or regulation to legalize or otherwise reduce penalties asso-*
14 *ciated with the possession, use, or distribution of any sched-*
15 *ule I substance under the Controlled Substances Act (21*
16 *U.S.C. 801 et seq.) or any tetrahydrocannabinols deriva-*
17 *tive.*

18 *(b) No funds available for obligation or expenditure*
19 *by the District of Columbia government under any author-*
20 *ity may be used to enact any law, rule, or regulation to*
21 *legalize or otherwise reduce penalties associated with the*
22 *possession, use, or distribution of any schedule I substance*
23 *under the Controlled Substances Act (21 U.S.C. 801 et seq.)*
24 *or any tetrahydrocannabinols derivative for recreational*
25 *purposes.*

1 *SEC. 810. No funds available for obligation or expendi-*
2 *ture by the District of Columbia government under any au-*
3 *thority shall be expended for any abortion except where the*
4 *life of the mother would be endangered if the fetus were car-*
5 *ried to term or where the pregnancy is the result of an act*
6 *of rape or incest.*

7 *SEC. 811. (a) No later than 30 calendar days after*
8 *the date of the enactment of this Act, the Chief Financial*
9 *Officer for the District of Columbia shall submit to the ap-*
10 *propriate committees of Congress, the Mayor, and the Coun-*
11 *cil of the District of Columbia, a revised appropriated funds*
12 *operating budget in the format of the budget that the Dis-*
13 *trict of Columbia government submitted pursuant to section*
14 *442 of the District of Columbia Home Rule Act (D.C. Offi-*
15 *cial Code, sec. 1–204.42), for all agencies of the District of*
16 *Columbia government for fiscal year 2023 that is in the*
17 *total amount of the approved appropriation and that re-*
18 *aligns all budgeted data for personal services and other-*
19 *than-personal services, respectively, with anticipated actual*
20 *expenditures.*

21 *(b) This section shall apply only to an agency for*
22 *which the Chief Financial Officer for the District of Colum-*
23 *bia certifies that a reallocation is required to address unan-*
24 *anticipated changes in program requirements.*

646

1 *SEC. 812. No later than 30 calendar days after the*
2 *date of the enactment of this Act, the Chief Financial Offi-*
3 *cer for the District of Columbia shall submit to the appro-*
4 *priate committees of Congress, the Mayor, and the Council*
5 *for the District of Columbia, a revised appropriated funds*
6 *operating budget for the District of Columbia Public*
7 *Schools that aligns schools budgets to actual enrollment. The*
8 *revised appropriated funds budget shall be in the format*
9 *of the budget that the District of Columbia government sub-*
10 *mitted pursuant to section 442 of the District of Columbia*
11 *Home Rule Act (D.C. Official Code, sec. 1–204.42).*

12 *SEC. 813. (a) Amounts appropriated in this Act as*
13 *operating funds may be transferred to the District of Co-*
14 *lumbia’s enterprise and capital funds and such amounts,*
15 *once transferred, shall retain appropriation authority con-*
16 *sistent with the provisions of this Act.*

17 *(b) The District of Columbia government is authorized*
18 *to reprogram or transfer for operating expenses any local*
19 *funds transferred or reprogrammed in this or the four prior*
20 *fiscal years from operating funds to capital funds, and such*
21 *amounts, once transferred or reprogrammed, shall retain*
22 *appropriation authority consistent with the provisions of*
23 *this Act.*

24 *(c) The District of Columbia government may not*
25 *transfer or reprogram for operating expenses any funds de-*

1 rived from bonds, notes, or other obligations issued for cap-
2 ital projects.

3 SEC. 814. None of the Federal funds appropriated in
4 this Act shall remain available for obligation beyond the
5 current fiscal year, nor may any be transferred to other
6 appropriations, unless expressly so provided herein.

7 SEC. 815. Except as otherwise specifically provided by
8 law or under this Act, not to exceed 50 percent of unobli-
9 gated balances remaining available at the end of fiscal year
10 2023 from appropriations of Federal funds made available
11 for salaries and expenses for fiscal year 2023 in this Act,
12 shall remain available through September 30, 2024, for each
13 such account for the purposes authorized: Provided, That
14 a request shall be submitted to the Committees on Appro-
15 priations of the House of Representatives and the Senate
16 for approval prior to the expenditure of such funds: Pro-
17 vided further, That these requests shall be made in compli-
18 ance with reprogramming guidelines outlined in section
19 803 of this Act.

20 SEC. 816. (a)(1) During fiscal year 2024, during a
21 period in which neither a District of Columbia continuing
22 resolution or a regular District of Columbia appropriation
23 bill is in effect, local funds are appropriated in the amount
24 provided for any project or activity for which local funds
25 are provided in the Act referred to in paragraph (2) (subject

1 *to any modifications enacted by the District of Columbia*
2 *as of the beginning of the period during which this sub-*
3 *section is in effect) at the rate set forth by such Act.*

4 (2) *The Act referred to in this paragraph is the Act*
5 *of the Council of the District of Columbia pursuant to which*
6 *a proposed budget is approved for fiscal year 2024 which*
7 *(subject to the requirements of the District of Columbia*
8 *Home Rule Act) will constitute the local portion of the an-*
9 *nual budget for the District of Columbia government for*
10 *fiscal year 2024 for purposes of section 446 of the District*
11 *of Columbia Home Rule Act (sec. 1–204.46, D.C. Official*
12 *Code).*

13 (b) *Appropriations made by subsection (a) shall cease*
14 *to be available—*

15 (1) *during any period in which a District of Co-*
16 *lumbia continuing resolution for fiscal year 2024 is*
17 *in effect; or*

18 (2) *upon the enactment into law of the regular*
19 *District of Columbia appropriation bill for fiscal year*
20 *2024.*

21 (c) *An appropriation made by subsection (a) is pro-*
22 *vided under the authority and conditions as provided under*
23 *this Act and shall be available to the extent and in the man-*
24 *ner that would be provided by this Act.*

1 (d) *An appropriation made by subsection (a) shall*
2 *cover all obligations or expenditures incurred for such*
3 *project or activity during the portion of fiscal year 2024*
4 *for which this section applies to such project or activity.*

5 (e) *This section shall not apply to a project or activity*
6 *during any period of fiscal year 2024 if any other provision*
7 *of law (other than an authorization of appropriations)—*

8 (1) *makes an appropriation, makes funds avail-*
9 *able, or grants authority for such project or activity*
10 *to continue for such period; or*

11 (2) *specifically provides that no appropriation*
12 *shall be made, no funds shall be made available, or*
13 *no authority shall be granted for such project or ac-*
14 *tivity to continue for such period.*

15 (f) *Nothing in this section shall be construed to affect*
16 *obligations of the government of the District of Columbia*
17 *mandated by other law.*

18 SEC. 817. (a) *Section 244 of the Revised Statutes of*
19 *the United States relating to the District of Columbia (sec.*
20 *9–1201.03, D.C. Official Code) does not apply with respect*
21 *to any railroads installed pursuant to the Long Bridge*
22 *Project.*

23 (b) *In this section, the term “Long Bridge Project”*
24 *means the project carried out by the District of Columbia*
25 *and the Commonwealth of Virginia to construct a new Long*

650

1 *Bridge adjacent to the existing Long Bridge over the Poto-*
2 *mac River, including related infrastructure and other re-*
3 *lated projects, to expand commuter and regional passenger*
4 *rail service and to provide bike and pedestrian access cross-*
5 *ings over the Potomac River.*

6 *SEC. 818. Not later than 45 days after the last day*
7 *of each quarter, each Federal and District government agen-*
8 *cy appropriated Federal funds in this Act shall submit to*
9 *the Committees on Appropriations of the House of Rep-*
10 *resentatives and the Senate a quarterly budget report that*
11 *includes total obligations of the Agency for that quarter for*
12 *each Federal funds appropriation provided in this Act, by*
13 *the source year of the appropriation.*

14 *SEC. 819. (a)(1) Section 11–2604(a), District of Co-*
15 *lumbia Official Code, is amended by striking “at a fixed*
16 *rate of \$90 per hour” and inserting “an hourly rate not*
17 *to exceed the rate payable under section 3006A(d)(1) of title*
18 *18, United States Code”.*

19 *(2) The amendments made by this section shall apply*
20 *with respect to cases and proceedings initiated on or after*
21 *the date of the enactment of this Act.*

22 *(b)(1) Section 11–2605, District of Columbia Official*
23 *Code, is amended in subsections (b) and (c) by striking*
24 *“(or, in the case of investigative services, a fixed rate of*
25 *\$25 per hour)” each place it appears.*

651

1 (2) *The amendments made by this section shall apply*
2 *with respect to investigative services provided in connection*
3 *with cases and proceedings initiated on or after the date*
4 *of the enactment of this Act.*

5 *SEC. 820. Except as expressly provided otherwise, any*
6 *reference to “this Act” contained in this title or in title*
7 *IV shall be treated as referring only to the provisions of*
8 *this title or of title IV.*

9 *This division may be cited as the “Financial Services*
10 *and General Government Appropriations Act, 2023”.*

652

1 ***DIVISION F—DEPARTMENT OF HOMELAND***
2 ***SECURITY APPROPRIATIONS ACT, 2023***

3 ***TITLE I***

4 ***DEPARTMENTAL MANAGEMENT, INTELLIGENCE,***
5 ***SITUATIONAL AWARENESS, AND OVERSIGHT***

6 ***OFFICE OF THE SECRETARY AND EXECUTIVE***

7 ***MANAGEMENT***

8 ***OPERATIONS AND SUPPORT***

9 *For necessary expenses of the Office of the Secretary*
10 *and for executive management for operations and support,*
11 *\$336,746,000; of which \$18,862,000 shall remain available*
12 *until September 30, 2024: Provided, That not to exceed*
13 *\$30,000 shall be for official reception and representation*
14 *expenses: Provided further, That \$5,000,000 shall be with-*
15 *held from obligation until the Secretary submits, to the*
16 *Committees on Appropriations of the Senate and the House*
17 *of Representatives, responses to all questions for the record*
18 *for each hearing on the fiscal year 2024 budget submission*
19 *for the Department of Homeland Security held by such*
20 *Committees prior to July 1.*

21 ***PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS***

22 *For necessary expenses of the Office of the Secretary*
23 *and for executive management for procurement, construc-*
24 *tion, and improvements, \$8,048,000, to remain available*
25 *until September 30, 2025.*

653

1 *FEDERAL ASSISTANCE*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For necessary expenses of the Office of the Secretary*
4 *and for executive management for Federal assistance*
5 *through grants, contracts, cooperative agreements, and other*
6 *activities, \$40,000,000, which shall be transferred to “Fed-*
7 *eral Emergency Management Agency—Federal Assistance”,*
8 *of which \$20,000,000 shall be for targeted violence and ter-*
9 *rorism prevention grants and of which \$20,000,000, to re-*
10 *main available until September 30, 2024, shall be for the*
11 *Alternatives to Detention Case Management pilot program.*

12 *MANAGEMENT DIRECTORATE*13 *OPERATIONS AND SUPPORT*

14 *For necessary expenses of the Management Directorate*
15 *for operations and support, including vehicle fleet mod-*
16 *ernization, \$1,743,160,000: Provided, That not to exceed*
17 *\$2,000 shall be for official reception and representation ex-*
18 *penses.*

19 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

20 *For necessary expenses of the Management Directorate*
21 *for procurement, construction, and improvements,*
22 *\$325,245,000, of which \$137,245,000 shall remain available*
23 *until September 30, 2025, and of which \$188,000,000 shall*
24 *remain available until September 30, 2027.*

1 *FEDERAL PROTECTIVE SERVICE*

2 *The revenues and collections of security fees credited*
3 *to this account shall be available until expended for nec-*
4 *essary expenses related to the protection of federally owned*
5 *and leased buildings and for the operations of the Federal*
6 *Protective Service.*

7 *INTELLIGENCE, ANALYSIS, AND SITUATIONAL AWARENESS*8 *OPERATIONS AND SUPPORT*

9 *For necessary expenses of the Office of Intelligence and*
10 *Analysis and the Office of Homeland Security Situational*
11 *Awareness for operations and support, \$316,640,000, of*
12 *which \$95,273,000 shall remain available until September*
13 *30, 2024: Provided, That not to exceed \$3,825 shall be for*
14 *official reception and representation expenses and not to ex-*
15 *ceed \$2,000,000 is available for facility needs associated*
16 *with secure space at fusion centers, including improvements*
17 *to buildings.*

18 *OFFICE OF THE INSPECTOR GENERAL*19 *OPERATIONS AND SUPPORT*

20 *For necessary expenses of the Office of the Inspector*
21 *General for operations and support, \$214,879,000: Pro-*
22 *vided, That not to exceed \$300,000 may be used for certain*
23 *confidential operational expenses, including the payment of*
24 *informants, to be expended at the direction of the Inspector*
25 *General.*

1 *ADMINISTRATIVE PROVISIONS*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *SEC. 101. (a) The Secretary of Homeland Security*
4 *shall submit a report not later than October 15, 2023, to*
5 *the Inspector General of the Department of Homeland Secu-*
6 *rity listing all grants and contracts awarded by any means*
7 *other than full and open competition during fiscal years*
8 *2022 or 2023.*

9 *(b) The Inspector General shall review the report re-*
10 *quired by subsection (a) to assess departmental compliance*
11 *with applicable laws and regulations and report the results*
12 *of that review to the Committees on Appropriations of the*
13 *Senate and the House of Representatives not later than Feb-*
14 *ruary 15, 2024.*

15 *SEC. 102. Not later than 30 days after the last day*
16 *of each month, the Chief Financial Officer of the Depart-*
17 *ment of Homeland Security shall submit to the Committees*
18 *on Appropriations of the Senate and the House of Rep-*
19 *resentatives a monthly budget and staffing report that in-*
20 *cludes total obligations of the Department for that month*
21 *and for the fiscal year at the appropriation and program,*
22 *project, and activity levels, by the source year of the appro-*
23 *priation.*

24 *SEC. 103. The Secretary of Homeland Security shall*
25 *require that all contracts of the Department of Homeland*

656

1 *Security that provide award fees link such fees to successful*
2 *acquisition outcomes, which shall be specified in terms of*
3 *cost, schedule, and performance.*

4 *SEC. 104. (a) The Secretary of Homeland Security, in*
5 *consultation with the Secretary of the Treasury, shall notify*
6 *the Committees on Appropriations of the Senate and the*
7 *House of Representatives of any proposed transfers of funds*
8 *available under section 9705(g)(4)(B) of title 31, United*
9 *States Code, from the Department of the Treasury For-*
10 *feiture Fund to any agency within the Department of*
11 *Homeland Security.*

12 *(b) None of the funds identified for such a transfer may*
13 *be obligated until the Committees on Appropriations of the*
14 *Senate and the House of Representatives are notified of the*
15 *proposed transfer.*

16 *SEC. 105. All official costs associated with the use of*
17 *Government aircraft by Department of Homeland Security*
18 *personnel to support official travel of the Secretary and the*
19 *Deputy Secretary shall be paid from amounts made avail-*
20 *able for the Office of the Secretary.*

21 *SEC. 106. (a) The Under Secretary for Management*
22 *shall brief the Committees on Appropriations of the Senate*
23 *and the House of Representatives not later than 45 days*
24 *after the end of each fiscal quarter on all Level 1 and Level*
25 *2 acquisition programs on the Master Acquisition Oversight*

1 *list between Acquisition Decision Event and Full Oper-*
2 *ational Capability, including programs that have been re-*
3 *moved from such list during the preceding quarter.*

4 *(b) For each such program, the briefing described in*
5 *subsection (a) shall include—*

6 *(1) a description of the purpose of the program,*
7 *including the capabilities being acquired and the*
8 *component(s) sponsoring the acquisition;*

9 *(2) the total number of units, as appropriate, to*
10 *be acquired annually until procurement is complete*
11 *under the current acquisition program baseline;*

12 *(3) the Acquisition Review Board status, includ-*
13 *ing—*

14 *(A) the current acquisition phase by incre-*
15 *ment, as applicable;*

16 *(B) the date of the most recent review; and*

17 *(C) whether the program has been paused or*
18 *is in breach status;*

19 *(4) a comparison between the initial Depart-*
20 *ment-approved acquisition program baseline cost,*
21 *schedule, and performance thresholds and objectives*
22 *and the program's current such thresholds and objec-*
23 *tives, if applicable;*

1 (5) *the lifecycle cost estimate, adjusted for com-*
2 *parison to the Future Years Homeland Security Pro-*
3 *gram, including—*

4 (A) *the confidence level for the estimate;*

5 (B) *the fiscal years included in the esti-*
6 *mate;*

7 (C) *a breakout of the estimate for the prior*
8 *five years, the current year, and the budget year;*

9 (D) *a breakout of the estimate by appro-*
10 *priation account or other funding source; and*

11 (E) *a description of and rationale for any*
12 *changes to the estimate as compared to the pre-*
13 *viously approved baseline, as applicable, and*
14 *during the prior fiscal year;*

15 (6) *a summary of the findings of any inde-*
16 *pendent verification and validation of the items to be*
17 *acquired or an explanation for why no such*
18 *verification and validation has been performed;*

19 (7) *a table displaying the obligation of all pro-*
20 *gram funds by prior fiscal year, the estimated obliga-*
21 *tion of funds for the current fiscal year, and an esti-*
22 *mate for the planned carryover of funds into the sub-*
23 *sequent fiscal year;*

24 (8) *a listing of prime contractors and major sub-*
25 *contractors; and*

1 (9) narrative descriptions of risks to cost, sched-
2 ule, or performance that could result in a program
3 breach if not successfully mitigated.

4 (c) The Under Secretary for Management shall submit
5 each approved Acquisition Decision Memorandum for pro-
6 grams described in this section to the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 not later than five business days after the date of approval
9 of such memorandum by the Under Secretary for Manage-
10 ment or the designee of the Under Secretary.

11 SEC. 107. (a) None of the funds made available to the
12 Department of Homeland Security in this Act or prior ap-
13 propriations Acts may be obligated for any new pilot or
14 demonstration unless the component or office carrying out
15 such pilot or demonstration has documented the informa-
16 tion described in subsection (c).

17 (b) Prior to the obligation of any such funds made
18 available for “Operations and Support” for a new pilot or
19 demonstration, the Under Secretary for Management shall
20 provide a report to the Committees on Appropriations of
21 the Senate and the House of Representatives on the infor-
22 mation described in subsection (c).

23 (c) The information required under subsections (a)
24 and (b) for a pilot or demonstration shall include the fol-
25 lowing—

660

1 (1) *documented objectives that are well-defined*
2 *and measurable;*

3 (2) *an assessment methodology that details—*
4 (A) *the type and source of assessment data;*
5 (B) *the methods for, and frequency of, col-*
6 *lecting such data; and*
7 (C) *how such data will be analyzed; and*

8 (3) *an implementation plan, including mile-*
9 *stones, cost estimates, and implementation schedules,*
10 *including a projected end date.*

11 (d) *Not later than 90 days after the date of completion*
12 *of a pilot or demonstration described in subsection (e) the*
13 *Under Secretary for Management shall provide a report to*
14 *the Committees on Appropriations of the Senate and the*
15 *House of Representatives detailing lessons learned, actual*
16 *costs, any planned expansion or continuation of the pilot*
17 *or demonstration, and any planned transition of such pilot*
18 *or demonstration into an enduring program or operation.*

19 (e) *For the purposes of this section, a pilot or dem-*
20 *onstration program is a study, demonstration, experi-*
21 *mental program, or trial that—*

22 (1) *is a small-scale, short-term experiment con-*
23 *ducted in order to evaluate feasibility, duration, costs,*
24 *or adverse events, and improve upon the design of an*

1 *effort prior to implementation of a larger scale effort;*
2 *and*

3 *(2) uses more than 10 full-time equivalents or*
4 *obligates, or proposes to obligate, \$5,000,000 or more,*
5 *but does not include congressionally directed pro-*
6 *grams or enhancements and does not include pro-*
7 *grams that were in operation as of March 15, 2022.*

8 *(f) For the purposes of this section, a pilot or dem-*
9 *onstration does not include any testing, evaluation, or ini-*
10 *tial deployment phase executed under a procurement con-*
11 *tract for the acquisition of information technology services*
12 *or systems, or any pilot or demonstration carried out by*
13 *a non-federal recipient under any financial assistance*
14 *agreement funded by the Department.*

15 *SEC. 108. Of the amount made available by section*
16 *4005 of the American Rescue Plan Act of 2021 (Public Law*
17 *117–2), \$14,000,000 shall be transferred to “Office of In-*
18 *spector General—Operations and Support” for oversight of*
19 *the use of funds made available under such section 4005.*

662

1 *TITLE II*
2 *SECURITY, ENFORCEMENT, AND INVESTIGATIONS*
3 *U.S. CUSTOMS AND BORDER PROTECTION*
4 *OPERATIONS AND SUPPORT*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary expenses of U.S. Customs and Border*
7 *Protection for operations and support, including the trans-*
8 *portation of unaccompanied alien minors; the provision of*
9 *air and marine support to Federal, State, local, and inter-*
10 *national agencies in the enforcement or administration of*
11 *laws enforced by the Department of Homeland Security; at*
12 *the discretion of the Secretary of Homeland Security, the*
13 *provision of such support to Federal, State, and local agen-*
14 *cies in other law enforcement and emergency humanitarian*
15 *efforts; the purchase and lease of up to 7,500 (6,500 for re-*
16 *placement only) police-type vehicles; the purchase, mainte-*
17 *nance, or operation of marine vessels, aircraft, and un-*
18 *manned aerial systems; and contracting with individuals*
19 *for personal services abroad; \$15,590,694,000; of which*
20 *\$3,274,000 shall be derived from the Harbor Maintenance*
21 *Trust Fund for administrative expenses related to the collec-*
22 *tion of the Harbor Maintenance Fee pursuant to section*
23 *9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.*
24 *9505(c)(3)) and notwithstanding section 1511(e)(1) of the*
25 *Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of*

1 *which \$500,000,000 shall be available until September 30,*
2 *2024; and of which such sums as become available in the*
3 *Customs User Fee Account, except sums subject to section*
4 *13031(f)(3) of the Consolidated Omnibus Budget Reconcili-*
5 *ation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived*
6 *from that account: Provided, That not to exceed \$34,425*
7 *shall be for official reception and representation expenses:*
8 *Provided further, That not to exceed \$150,000 shall be*
9 *available for payment for rental space in connection with*
10 *preclearance operations: Provided further, That not to ex-*
11 *ceed \$2,000,000 shall be for awards of compensation to in-*
12 *formants, to be accounted for solely under the certificate of*
13 *the Secretary of Homeland Security: Provided further, That*
14 *\$800,000,000 shall be transferred to “Federal Emergency*
15 *Management Agency—Federal Assistance” to support shel-*
16 *tering and related activities provided by non-Federal enti-*
17 *ties, including facility improvements and construction, in*
18 *support of relieving overcrowding in short-term holding fa-*
19 *cilities of U.S. Customs and Border Protection, of which*
20 *not to exceed \$11,200,000 shall be for the administrative*
21 *costs of the Federal Emergency Management Agency: Pro-*
22 *vided further, That not to exceed \$5,000,000 may be trans-*
23 *ferred to the Bureau of Indian Affairs for the maintenance*
24 *and repair of roads on Native American reservations used*
25 *by the U.S. Border Patrol: Provided further, That of the*

1 *amounts made available under this heading for the Execu-*
2 *tive Leadership and Oversight program, project, and activ-*
3 *ity, as outlined in the explanatory statement described in*
4 *section 4 (in the matter preceding division A of this consoli-*
5 *dated Act), \$5,000,000 shall not be available for obligation*
6 *until the reports concerning human capital strategic plans*
7 *and the Office of Field Operations workload staffing model*
8 *that are directed in such explanatory statement are sub-*
9 *mitted to the Committees on Appropriations of the Senate*
10 *and the House of Representatives.*

11 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

12 *For necessary expenses of U.S. Customs and Border*
13 *Protection for procurement, construction, and improve-*
14 *ments, including procurement of marine vessels, aircraft,*
15 *and unmanned aerial systems, \$581,558,000, of which*
16 *\$481,658,000 shall remain available until September 30,*
17 *2025; and of which \$99,900,000 shall remain available*
18 *until September 30, 2027.*

19 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

20 *OPERATIONS AND SUPPORT*

21 *For necessary expenses of U.S. Immigration and Cus-*
22 *toms Enforcement for operations and support, including the*
23 *purchase and lease of up to 3,790 (2,350 for replacement*
24 *only) police-type vehicles; overseas vetted units; and mainte-*
25 *nance, minor construction, and minor leasehold improve-*

665

1 ments at owned and leased facilities; \$8,396,305,000; of
2 which not less than \$6,000,000 shall remain available until
3 expended for efforts to enforce laws against forced child
4 labor; of which \$46,696,000 shall remain available until
5 September 30, 2024; of which not less than \$2,000,000 is
6 for paid apprenticeships for participants in the Human
7 Exploitation Rescue Operative Child-Rescue Corps; of
8 which not less than \$15,000,000 shall be available for inves-
9 tigation of intellectual property rights violations, including
10 operation of the National Intellectual Property Rights Co-
11 ordination Center; and of which not less than
12 \$4,181,786,000 shall be for enforcement, detention, and re-
13 moval operations, including transportation of unaccom-
14 panied alien minors: Provided, That not to exceed \$11,475
15 shall be for official reception and representation expenses:
16 Provided further, That not to exceed \$10,000,000 shall be
17 available until expended for conducting special operations
18 under section 3131 of the Customs Enforcement Act of 1986
19 (19 U.S.C. 2081): Provided further, That not to exceed
20 \$2,000,000 shall be for awards of compensation to inform-
21 ants, to be accounted for solely under the certificate of the
22 Secretary of Homeland Security: Provided further, That not
23 to exceed \$11,216,000 shall be available to fund or reim-
24 burse other Federal agencies for the costs associated with
25 the care, maintenance, and repatriation of smuggled aliens

666

1 *unlawfully present in the United States: Provided further,*
2 *That of the amounts made available under this heading for*
3 *the Executive Leadership and Oversight program, project,*
4 *and activity, as outlined in the explanatory statement de-*
5 *scribed in section 4 (in the matter preceding division A of*
6 *this consolidated Act), \$5,000,000 shall not be available for*
7 *obligation until the reports directed under this heading in*
8 *the explanatory statements accompanying Public Laws*
9 *116–6, 116–93, and 117–103 have been submitted to the*
10 *Committees on Appropriations of the Senate and the House*
11 *of Representatives.*

12 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

13 *For necessary expenses of U.S. Immigration and Cus-*
14 *toms Enforcement for procurement, construction, and im-*
15 *provements, \$22,997,000, to remain available until Sep-*
16 *tember 30, 2025.*

17 *TRANSPORTATION SECURITY ADMINISTRATION*

18 *OPERATIONS AND SUPPORT*

19 *For necessary expenses of the Transportation Security*
20 *Administration for operations and support, \$8,798,363,000,*
21 *to remain available until September 30, 2024: Provided,*
22 *That not to exceed \$7,650 shall be for official reception and*
23 *representation expenses: Provided further, That security*
24 *service fees authorized under section 44940 of title 49,*
25 *United States Code, shall be credited to this appropriation*

667

1 *as offsetting collections and shall be available only for avia-*
2 *tion security: Provided further, That the sum appropriated*
3 *under this heading from the general fund shall be reduced*
4 *on a dollar-for-dollar basis as such offsetting collections are*
5 *received during fiscal year 2023 so as to result in a final*
6 *fiscal year appropriation from the general fund estimated*
7 *at not more than \$6,308,363,000.*

8 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

9 *For necessary expenses of the Transportation Security*
10 *Administration for procurement, construction, and im-*
11 *provements, \$141,645,000, to remain available until Sep-*
12 *tember 30, 2025.*

13 *RESEARCH AND DEVELOPMENT*

14 *For necessary expenses of the Transportation Security*
15 *Administration for research and development, \$33,532,000,*
16 *to remain available until September 30, 2024.*

17 *COAST GUARD*18 *OPERATIONS AND SUPPORT*

19 *For necessary expenses of the Coast Guard for oper-*
20 *ations and support including the Coast Guard Reserve; pur-*
21 *chase or lease of not to exceed 25 passenger motor vehicles,*
22 *which shall be for replacement only; purchase or lease of*
23 *small boats for contingent and emergent requirements (at*
24 *a unit cost of not more than \$700,000) and repairs and*
25 *service-life replacements, not to exceed a total of*

668

1 \$31,000,000; purchase, lease, or improvements of boats nec-
2 essary for overseas deployments and activities; payments
3 pursuant to section 156 of Public Law 97–377 (42 U.S.C.
4 402 note; 96 Stat. 1920); and recreation and welfare;
5 \$9,700,478,000, of which \$530,000,000 shall be for defense-
6 related activities; of which \$24,500,000 shall be derived
7 from the Oil Spill Liability Trust Fund to carry out the
8 purposes of section 1012(a)(5) of the Oil Pollution Act of
9 1990 (33 U.S.C. 2712(a)(5)); of which \$20,000,000 shall re-
10 main available until September 30, 2025; of which
11 \$24,359,000 shall remain available until September 30,
12 2027, for environmental compliance and restoration; and
13 of which \$70,000,000 shall remain available until Sep-
14 tember 30, 2024, which shall only be available for vessel
15 depot level maintenance: Provided, That not to exceed
16 \$23,000 shall be for official reception and representation
17 expenses.

18 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

19 *For necessary expenses of the Coast Guard for procure-*
20 *ment, construction, and improvements, including aids to*
21 *navigation, shore facilities (including facilities at Depart-*
22 *ment of Defense installations used by the Coast Guard), and*
23 *vessels and aircraft, including equipment related thereto,*
24 *\$1,669,650,000, to remain available until September 30,*
25 *2027; of which \$20,000,000 shall be derived from the Oil*

669

1 *Spill Liability Trust Fund to carry out the purposes of sec-*
2 *tion 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.*
3 *2712(a)(5)).*

4 *RESEARCH AND DEVELOPMENT*

5 *For necessary expenses of the Coast Guard for research*
6 *and development; and for maintenance, rehabilitation,*
7 *lease, and operation of facilities and equipment;*
8 *\$7,476,000, to remain available until September 30, 2025,*
9 *of which \$500,000 shall be derived from the Oil Spill Li-*
10 *ability Trust Fund to carry out the purposes of section*
11 *1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.*
12 *2712(a)(5)): Provided, That there may be credited to and*
13 *used for the purposes of this appropriation funds received*
14 *from State and local governments, other public authorities,*
15 *private sources, and foreign countries for expenses incurred*
16 *for research, development, testing, and evaluation.*

17 *RETIRED PAY*

18 *For retired pay, including the payment of obligations*
19 *otherwise chargeable to lapsed appropriations for this pur-*
20 *pose, payments under the Retired Serviceman's Family*
21 *Protection and Survivor Benefits Plans, payment for career*
22 *status bonuses, payment of continuation pay under section*
23 *356 of title 37, United States Code, concurrent receipts,*
24 *combat-related special compensation, and payments for*
25 *medical care of retired personnel and their dependents*

670

1 *under chapter 55 of title 10, United States Code,*
2 *\$2,044,414,000, to remain available until expended.*

3 *UNITED STATES SECRET SERVICE*

4 *OPERATIONS AND SUPPORT*

5 *For necessary expenses of the United States Secret*
6 *Service for operations and support, including purchase of*
7 *not to exceed 652 vehicles for police-type use; hire of pas-*
8 *senger motor vehicles; purchase of motorcycles made in the*
9 *United States; hire of aircraft; rental of buildings in the*
10 *District of Columbia; fencing, lighting, guard booths, and*
11 *other facilities on private or other property not in Govern-*
12 *ment ownership or control, as may be necessary to perform*
13 *protective functions; conduct of and participation in fire-*
14 *arms matches; presentation of awards; conduct of behav-*
15 *ioral research in support of protective intelligence and oper-*
16 *ations; payment in advance for commercial accommoda-*
17 *tions as may be necessary to perform protective functions;*
18 *and payment, without regard to section 5702 of title 5,*
19 *United States Code, of subsistence expenses of employees*
20 *who are on protective missions, whether at or away from*
21 *their duty stations; \$2,734,267,000; of which \$52,296,000*
22 *shall remain available until September 30, 2024, and of*
23 *which \$6,000,000 shall be for a grant for activities related*
24 *to investigations of missing and exploited children; and of*
25 *which up to \$20,500,000 may be for calendar year 2022*

671

1 *premium pay in excess of the annual equivalent of the limi-*
2 *tation on the rate of pay contained in section 5547(a) of*
3 *title 5, United States Code, pursuant to section 2 of the*
4 *Overtime Pay for Protective Services Act of 2016 (5 U.S.C.*
5 *5547 note), as last amended by Public Law 116–269: Pro-*
6 *vided, That not to exceed \$19,125 shall be for official recep-*
7 *tion and representation expenses: Provided further, That*
8 *not to exceed \$100,000 shall be to provide technical assist-*
9 *ance and equipment to foreign law enforcement organiza-*
10 *tions in criminal investigations within the jurisdiction of*
11 *the United States Secret Service.*

12 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

13 *For necessary expenses of the United States Secret*
14 *Service for procurement, construction, and improvements,*
15 *\$83,888,000, to remain available until September 30, 2025.*

16 *RESEARCH AND DEVELOPMENT*

17 *For necessary expenses of the United States Secret*
18 *Service for research and development, \$4,025,000, to remain*
19 *available until September 30, 2024.*

20 *ADMINISTRATIVE PROVISIONS*

21 *SEC. 201. Section 201 of the Department of Homeland*
22 *Security Appropriations Act, 2018 (division F of Public*
23 *Law 115–141), related to overtime compensation limita-*
24 *tions, shall apply with respect to funds made available in*
25 *this Act in the same manner as such section applied to*

1 *funds made available in that Act, except that “fiscal year*
2 *2023” shall be substituted for “fiscal year 2018”.*

3 *SEC. 202. Funding made available under the headings*
4 *“U.S. Customs and Border Protection—Operations and*
5 *Support” and “U.S. Customs and Border Protection—Pro-*
6 *curement, Construction, and Improvements” shall be avail-*
7 *able for customs expenses when necessary to maintain oper-*
8 *ations and prevent adverse personnel actions in Puerto Rico*
9 *and the U.S. Virgin Islands, in addition to funding pro-*
10 *vided by sections 740 and 1406i of title 48, United States*
11 *Code.*

12 *SEC. 203. As authorized by section 601(b) of the*
13 *United States-Colombia Trade Promotion Agreement Im-*
14 *plementation Act (Public Law 112–42), fees collected from*
15 *passengers arriving from Canada, Mexico, or an adjacent*
16 *island pursuant to section 13031(a)(5) of the Consolidated*
17 *Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.*
18 *58c(a)(5)) shall be available until expended.*

19 *SEC. 204. (a) For an additional amount for “U.S.*
20 *Customs and Border Protection—Operations and Sup-*
21 *port”, \$31,000,000, to remain available until expended, to*
22 *be reduced by amounts collected and credited to this appro-*
23 *priation in fiscal year 2023 from amounts authorized to*
24 *be collected by section 286(i) of the Immigration and Na-*
25 *tionality Act (8 U.S.C. 1356(i)), section 10412 of the Farm*

1 *Security and Rural Investment Act of 2002 (7 U.S.C.*
2 *8311), and section 817 of the Trade Facilitation and Trade*
3 *Enforcement Act of 2015 (Public Law 114–125), or other*
4 *such authorizing language.*

5 *(b) To the extent that amounts realized from such col-*
6 *lections exceed \$31,000,000, those amounts in excess of*
7 *\$31,000,000 shall be credited to this appropriation, to re-*
8 *main available until expended.*

9 *SEC. 205. None of the funds made available in this*
10 *Act for U.S. Customs and Border Protection may be used*
11 *to prevent an individual not in the business of importing*
12 *a prescription drug (within the meaning of section 801(g)*
13 *of the Federal Food, Drug, and Cosmetic Act) from import-*
14 *ing a prescription drug from Canada that complies with*
15 *the Federal Food, Drug, and Cosmetic Act: Provided, That*
16 *this section shall apply only to individuals transporting on*
17 *their person a personal-use quantity of the prescription*
18 *drug, not to exceed a 90-day supply: Provided further, That*
19 *the prescription drug may not be—*

20 *(1) a controlled substance, as defined in section*
21 *102 of the Controlled Substances Act (21 U.S.C. 802);*
22 *or*

23 *(2) a biological product, as defined in section*
24 *351 of the Public Health Service Act (42 U.S.C. 262).*

1 *SEC. 206. (a) Notwithstanding any other provision of*
2 *law, none of the funds provided in this or any other Act*
3 *shall be used to approve a waiver of the navigation and*
4 *vessel-inspection laws pursuant to section 501(b) of title 46,*
5 *United States Code, for the transportation of crude oil dis-*
6 *tributed from and to the Strategic Petroleum Reserve until*
7 *the Secretary of Homeland Security, after consultation with*
8 *the Secretaries of the Departments of Energy and Transpor-*
9 *tation and representatives from the United States flag mar-*
10 *itime industry, takes adequate measures to ensure the use*
11 *of United States flag vessels.*

12 *(b) The Secretary shall notify the Committees on Ap-*
13 *propriations of the Senate and the House of Representa-*
14 *tives, the Committee on Commerce, Science, and Transpor-*
15 *tation of the Senate, and the Committee on Transportation*
16 *and Infrastructure of the House of Representatives within*
17 *2 business days of any request for waivers of navigation*
18 *and vessel-inspection laws pursuant to section 501(b) of*
19 *title 46, United States Code, with respect to such transpor-*
20 *tation, and the disposition of such requests.*

21 *SEC. 207. (a) Beginning on the date of enactment of*
22 *this Act, the Secretary of Homeland Security shall not—*
23 *(1) establish, collect, or otherwise impose any*
24 *new border crossing fee on individuals crossing the*

1 *Southern border or the Northern border at a land port*
2 *of entry; or*

3 *(2) conduct any study relating to the imposition*
4 *of a border crossing fee.*

5 *(b) In this section, the term “border crossing fee”*
6 *means a fee that every pedestrian, cyclist, and driver and*
7 *passenger of a private motor vehicle is required to pay for*
8 *the privilege of crossing the Southern border or the Northern*
9 *border at a land port of entry.*

10 *SEC. 208. (a) Not later than 90 days after the date*
11 *of enactment of this Act, the Commissioner of U.S. Customs*
12 *and Border Protection shall submit an expenditure plan for*
13 *any amounts made available for “U.S. Customs and Border*
14 *Protection—Procurement, Construction, and Improve-*
15 *ments” in this Act and prior Acts to the Committees on*
16 *Appropriations of the Senate and the House of Representa-*
17 *tives.*

18 *(b) No such amounts provided in this Act may be obli-*
19 *gated prior to the submission of such plan.*

20 *SEC. 209. Section 211 of the Department of Homeland*
21 *Security Appropriations Act, 2021 (division F of Public*
22 *Law 116–260), prohibiting the use of funds for the construc-*
23 *tion of fencing in certain areas, shall apply with respect*
24 *to funds made available in this Act in the same manner*
25 *as such section applied to funds made available in that Act.*

1 *SEC. 210. (a) Funds made available in this Act may*
2 *be used to alter operations within the National Targeting*
3 *Center of U.S. Customs and Border Protection.*

4 *(b) None of the funds provided by this Act, provided*
5 *by previous appropriations Acts that remain available for*
6 *obligation or expenditure in fiscal year 2023, or provided*
7 *from any accounts in the Treasury of the United States*
8 *derived by the collection of fees available to the components*
9 *funded by this Act, may be used to reduce anticipated or*
10 *planned vetting operations at existing locations unless spe-*
11 *cifically authorized by a statute enacted after the date of*
12 *enactment of this Act.*

13 *SEC. 211. (a) Of the amounts transferred from “U.S.*
14 *Customs and Border Protection—Operations and Support”*
15 *to “Federal Emergency Management Agency—Federal As-*
16 *sistance” in this Act, up to \$785,000,000 may be made*
17 *available for the emergency food and shelter program under*
18 *title II of the McKinney Vento Homeless Assistance Act (42*
19 *U.S.C. 11331) for the purposes of providing shelter and*
20 *other services to families and individuals encountered by*
21 *the Department of Homeland Security.*

22 *(b) Notwithstanding sections 313(a) and 316 of such*
23 *Act, up to \$50,000,000 of any amounts made available to*
24 *the emergency food and shelter program under subsection*

1 *(a) may be used for the construction and expansion of shel-*
2 *ter facilities.*

3 *(c) Notwithstanding section 311 of such Act, funds*
4 *made available for the purposes described in subsection (b)*
5 *may be awarded to the Emergency Food and Shelter Pro-*
6 *gram National Board up to 6 months after the date of en-*
7 *actment of this Act.*

8 *(d) Notwithstanding sections 315 and 316(b) of such*
9 *Act, funds made available under subsection (b) may be dis-*
10 *bursed by the Emergency Food and Shelter Program Na-*
11 *tional Board up to 24 months after the date on which such*
12 *funds become available.*

13 *(e) Amounts made available under subsection (a) may*
14 *be available for the reimbursement of costs incurred after*
15 *June 30, 2022.*

16 *(f) The real property disposition requirements at 2*
17 *CFR 200.311(c) shall not apply to grants funded by the*
18 *amounts transferred from “U.S. Customs and Border Pro-*
19 *tection—Operations and Support” to “Federal Emergency*
20 *Management Agency—Federal Assistance” in this Act.*

21 *SEC. 212. Of the total amount made available under*
22 *“U.S. Customs and Border Protection—Procurement, Con-*
23 *struction, and Improvements”, \$581,558,000 shall be avail-*
24 *able only as follows:*

678

1 (1) \$230,277,000 for the acquisition and deploy-
2 ment of border security technologies;

3 (2) \$126,047,000 for trade and travel assets and
4 infrastructure;

5 (3) \$99,900,000 for facility construction and im-
6 provements;

7 (4) \$92,661,000 for integrated operations assets
8 and infrastructure; and

9 (5) \$32,673,000 for mission support and infra-
10 structure.

11 *SEC. 213. None of the funds provided under the head-*
12 *ing “U.S. Immigration and Customs Enforcement—Oper-*
13 *ations and Support” may be used to continue a delegation*
14 *of law enforcement authority authorized under section*
15 *287(g) of the Immigration and Nationality Act (8 U.S.C.*
16 *1357(g)) if the Department of Homeland Security Inspector*
17 *General determines that the terms of the agreement gov-*
18 *erning the delegation of authority have been materially vio-*
19 *lated.*

20 *SEC. 214. (a) None of the funds provided under the*
21 *heading “U.S. Immigration and Customs Enforcement—*
22 *Operations and Support” may be used to continue any con-*
23 *tract for the provision of detention services if the two most*
24 *recent overall performance evaluations received by the con-*
25 *tracted facility are less than “adequate” or the equivalent*

1 *median score in any subsequent performance evaluation*
2 *system.*

3 *(b) The performance evaluations referenced in sub-*
4 *section (a) shall be conducted by the U.S. Immigration and*
5 *Customs Enforcement Office of Professional Responsibility.*

6 *SEC. 215. Without regard to the limitation as to time*
7 *and condition of section 503(d) of this Act, the Secretary*
8 *may reprogram within and transfer funds to “U.S. Immi-*
9 *gration and Customs Enforcement—Operations and Sup-*
10 *port” as necessary to ensure the detention of aliens*
11 *prioritized for removal.*

12 *SEC. 216. The reports required to be submitted under*
13 *section 216 of the Department of Homeland Security Ap-*
14 *propriations Act, 2021 (division F of Public Law 116–260)*
15 *shall continue to be submitted semimonthly and each matter*
16 *required to be included in such reports by such section 216*
17 *shall apply in the same manner and to the same extent*
18 *during the period described in such section 216.*

19 *SEC. 217. The terms and conditions of sections 216*
20 *and 217 of the Department of Homeland Security Appro-*
21 *priations Act, 2020 (division D of Public Law 116–93)*
22 *shall apply to this Act.*

23 *SEC. 218. Members of the United States House of Rep-*
24 *resentatives and the United States Senate, including the*
25 *leadership; the heads of Federal agencies and commissions,*

1 *including the Secretary, Deputy Secretary, Under Secre-*
2 *taries, and Assistant Secretaries of the Department of*
3 *Homeland Security; the United States Attorney General,*
4 *Deputy Attorney General, Assistant Attorneys General, and*
5 *the United States Attorneys; and senior members of the Ex-*
6 *ecutive Office of the President, including the Director of the*
7 *Office of Management and Budget, shall not be exempt from*
8 *Federal passenger and baggage screening.*

9 *SEC. 219. Any award by the Transportation Security*
10 *Administration to deploy explosives detection systems shall*
11 *be based on risk, the airport's current reliance on other*
12 *screening solutions, lobby congestion resulting in increased*
13 *security concerns, high injury rates, airport readiness, and*
14 *increased cost effectiveness.*

15 *SEC. 220. Notwithstanding section 44923 of title 49,*
16 *United States Code, for fiscal year 2023, any funds in the*
17 *Aviation Security Capital Fund established by section*
18 *44923(h) of title 49, United States Code, may be used for*
19 *the procurement and installation of explosives detection sys-*
20 *tems or for the issuance of other transaction agreements for*
21 *the purpose of funding projects described in section*
22 *44923(a) of such title.*

23 *SEC. 221. Not later than 45 days after the submission*
24 *of the President's budget proposal, the Administrator of the*
25 *Transportation Security Administration shall submit to the*

1 *Committees on Appropriations and Commerce, Science, and*
2 *Transportation of the Senate and the Committees on Appro-*
3 *priations and Homeland Security in the House of Rep-*
4 *resentatives a single report that fulfills the following re-*
5 *quirements:*

6 (1) *a Capital Investment Plan, both constrained*
7 *and unconstrained, that includes a plan for contin-*
8 *uous and sustained capital investment in new, and*
9 *the replacement of aged, transportation security*
10 *equipment;*

11 (2) *the 5-year technology investment plan as re-*
12 *quired by section 1611 of title XVI of the Homeland*
13 *Security Act of 2002, as amended by section 3 of the*
14 *Transportation Security Acquisition Reform Act*
15 *(Public Law 113–245); and*

16 (3) *the Advanced Integrated Passenger Screening*
17 *Technologies report as required by the Senate Report*
18 *accompanying the Department of Homeland Security*
19 *Appropriations Act, 2019 (Senate Report 115–283).*

20 SEC. 222. *Section 225 of division A of Public Law*
21 *116–6 (49 U.S.C. 44901 note), relating to a pilot program*
22 *for screening outside of an existing primary passenger ter-*
23 *минаl screening area, is amended in subsection (e) by strik-*
24 *ing “2023” and inserting “2025”.*

1 *SEC. 223. (a) None of the funds made available by this*
2 *Act under the heading “Coast Guard—Operations and*
3 *Support” shall be for expenses incurred for recreational ves-*
4 *sels under section 12114 of title 46, United States Code,*
5 *except to the extent fees are collected from owners of yachts*
6 *and credited to the appropriation made available by this*
7 *Act under the heading “Coast Guard—Operations and*
8 *Support”.*

9 *(b) To the extent such fees are insufficient to pay ex-*
10 *penses of recreational vessel documentation under such sec-*
11 *tion 12114, and there is a backlog of recreational vessel ap-*
12 *plications, personnel performing non-recreational vessel*
13 *documentation functions under subchapter II of chapter*
14 *121 of title 46, United States Code, may perform docu-*
15 *mentation under section 12114.*

16 *SEC. 224. Without regard to the limitation as to time*
17 *and condition of section 503(d) of this Act, after June 30,*
18 *in accordance with the notification requirement described*
19 *in subsection (b) of such section, up to the following*
20 *amounts may be reprogrammed within “Coast Guard—Op-*
21 *erations and Support”—*

22 *(1) \$10,000,000 to or from the “Military Per-*
23 *sonnel” funding category; and*

24 *(2) \$10,000,000 between the “Field Operations”*
25 *funding subcategories.*

1 *SEC. 225. Notwithstanding any other provision of law,*
2 *the Commandant of the Coast Guard shall submit to the*
3 *Committees on Appropriations of the Senate and the House*
4 *of Representatives a future-years capital investment plan*
5 *as described in the second proviso under the heading “Coast*
6 *Guard—Acquisition, Construction, and Improvements” in*
7 *the Department of Homeland Security Appropriations Act,*
8 *2015 (Public Law 114–4), which shall be subject to the re-*
9 *quirements in the third and fourth provisos under such*
10 *heading.*

11 *SEC. 226. Of the funds made available for defense-re-*
12 *lated activities under the heading “Coast Guard—Oper-*
13 *ations and Support”, up to \$190,000,000 that are used for*
14 *enduring overseas missions in support of the global fight*
15 *against terrorism may be reallocated by program, project,*
16 *and activity, notwithstanding section 503 of this Act.*

17 *SEC. 227. None of the funds in this Act shall be used*
18 *to reduce the Coast Guard’s legacy Operations Systems Cen-*
19 *ter mission or its government-employed or contract staff lev-*
20 *els.*

21 *SEC. 228. None of the funds appropriated by this Act*
22 *may be used to conduct, or to implement the results of, a*
23 *competition under Office of Management and Budget Cir-*
24 *cular A–76 for activities performed with respect to the Coast*
25 *Guard National Vessel Documentation Center.*

1 *SEC. 229. Funds made available in this Act may be*
2 *used to alter operations within the Civil Engineering Pro-*
3 *gram of the Coast Guard nationwide, including civil engi-*
4 *neering units, facilities design and construction centers,*
5 *maintenance and logistics commands, and the Coast Guard*
6 *Academy, except that none of the funds provided in this*
7 *Act may be used to reduce operations within any civil engi-*
8 *neering unit unless specifically authorized by a statute en-*
9 *acted after the date of enactment of this Act.*

10 *SEC. 230. Amounts deposited into the Coast Guard*
11 *Housing Fund in fiscal year 2023 shall be available until*
12 *expended to carry out the purposes of section 2946 of title*
13 *14, United States Code, and shall be in addition to funds*
14 *otherwise available for such purposes.*

15 *SEC. 231. (a) Notwithstanding section 2110 of title 46,*
16 *United States Code, none of the funds made available in*
17 *this Act shall be used to charge a fee for an inspection of*
18 *a towing vessel, as defined in 46 CFR 136.110, that utilizes*
19 *the Towing Safety Management System option for a Cer-*
20 *tificate of Inspection issued under subchapter M of title 46,*
21 *Code of Federal Regulations.*

22 *(b) Subsection (a) shall not apply after the date the*
23 *Commandant of the Coast Guard makes a determination*
24 *under section 815(a) of the Frank LoBiondo Coast Guard*
25 *Authorization Act of 2018 (Public Law 115–282) and, as*

1 *necessary based on such determination, carries out the re-*
2 *quirements of section 815(b) of such Act.*

3 *SEC. 232. The United States Secret Service is author-*
4 *ized to obligate funds in anticipation of reimbursements*
5 *from executive agencies, as defined in section 105 of title*
6 *5, United States Code, for personnel receiving training*
7 *sponsored by the James J. Rowley Training Center, except*
8 *that total obligations at the end of the fiscal year shall not*
9 *exceed total budgetary resources available under the heading*
10 *“United States Secret Service—Operations and Support”*
11 *at the end of the fiscal year.*

12 *SEC. 233. (a) None of the funds made available to the*
13 *United States Secret Service by this Act or by previous ap-*
14 *propriations Acts may be made available for the protection*
15 *of the head of a Federal agency other than the Secretary*
16 *of Homeland Security.*

17 *(b) The Director of the United States Secret Service*
18 *may enter into agreements to provide such protection on*
19 *a fully reimbursable basis.*

20 *SEC. 234. For purposes of section 503(a)(3) of this Act,*
21 *up to \$15,000,000 may be reprogrammed within “United*
22 *States Secret Service—Operations and Support”.*

23 *SEC. 235. Funding made available in this Act for*
24 *“United States Secret Service—Operations and Support”*
25 *is available for travel of United States Secret Service em-*

1 *ployees on protective missions without regard to the limita-*
2 *tions on such expenditures in this or any other Act if the*
3 *Director of the United States Secret Service or a designee*
4 *notifies the Committees on Appropriations of the Senate*
5 *and the House of Representatives 10 or more days in ad-*
6 *vance, or as early as practicable, prior to such expenditures.*

7 *SEC. 236. Of the amounts made available by this Act*
8 *under the heading “United States Secret Service—Oper-*
9 *ations and Support”, \$23,000,000, to remain available*
10 *until expended, shall be distributed as a grant or coopera-*
11 *tive agreement for existing National Computer Forensics*
12 *Institute facilities currently used by the United States Se-*
13 *cret Service to carry out activities under section 383 of title*
14 *6, United States Code, of which not to exceed 5 percent,*
15 *or the applicable negotiated rate, shall be for the adminis-*
16 *trative costs of the Department of Homeland Security in*
17 *carrying out this section.*

687

1 *TITLE III*
2 *PROTECTION, PREPAREDNESS, RESPONSE, AND*
3 *RECOVERY*
4 *CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY*
5 *OPERATIONS AND SUPPORT*

6 *For necessary expenses of the Cybersecurity and Infra-*
7 *structure Security Agency for operations and support,*
8 *\$2,350,559,000, of which \$36,293,000 shall remain avail-*
9 *able until September 30, 2024: Provided, That not to exceed*
10 *\$5,500 shall be for official reception and representation ex-*
11 *penses.*

12 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*
13 *For necessary expenses of the Cybersecurity and Infra-*
14 *structure Security Agency for procurement, construction,*
15 *and improvements, \$549,148,000, of which \$522,048,000*
16 *shall remain available until September 30, 2025, and of*
17 *which \$27,100,000 shall remain available until September*
18 *30, 2027.*

19 *RESEARCH AND DEVELOPMENT*
20 *For necessary expenses of the Cybersecurity and Infra-*
21 *structure Security Agency for research and development,*
22 *\$7,431,000, to remain available until September 30, 2024.*

688

1 *FEDERAL EMERGENCY MANAGEMENT AGENCY*2 *OPERATIONS AND SUPPORT*

3 *For necessary expenses of the Federal Emergency Man-*
4 *agement Agency for operations and support,*
5 *\$1,379,680,000: Provided, That not to exceed \$2,250 shall*
6 *be for official reception and representation expenses.*

7 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

8 *For necessary expenses of the Federal Emergency Man-*
9 *agement Agency for procurement, construction, and im-*
10 *provements, \$207,730,000, of which \$130,425,000 shall re-*
11 *main available until September 30, 2025, and of which*
12 *\$77,305,000 shall remain available until September 30,*
13 *2027.*

14 *FEDERAL ASSISTANCE*15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For activities of the Federal Emergency Management*
17 *Agency for Federal assistance through grants, contracts, co-*
18 *operative agreements, and other activities, \$3,882,014,000,*
19 *which shall be allocated as follows:*

20 (1) *\$520,000,000 for the State Homeland Secu-*
21 *urity Grant Program under section 2004 of the Home-*
22 *land Security Act of 2002 (6 U.S.C. 605), of which*
23 *\$90,000,000 shall be for Operation Stonegarden and*
24 *\$15,000,000 shall be for Tribal Homeland Security*
25 *Grants under section 2005 of the Homeland Security*

1 *Act of 2002 (6 U.S.C. 606): Provided, That notwith-*
2 *standing subsection (c)(4) of such section 2004, for*
3 *fiscal year 2023, the Commonwealth of Puerto Rico*
4 *shall make available to local and tribal governments*
5 *amounts provided to the Commonwealth of Puerto*
6 *Rico under this paragraph in accordance with sub-*
7 *section (c)(1) of such section 2004.*

8 (2) *\$615,000,000 for the Urban Area Security*
9 *Initiative under section 2003 of the Homeland Secu-*
10 *rity Act of 2002 (6 U.S.C. 604).*

11 (3) *\$305,000,000 for the Nonprofit Security*
12 *Grant Program under sections 2003 and 2004 of the*
13 *Homeland Security Act of 2002 (6 U.S.C. 604 and*
14 *605), of which \$152,500,000 is for eligible recipients*
15 *located in high-risk urban areas that receive funding*
16 *under section 2003 of such Act and \$152,500,000 is*
17 *for eligible recipients that are located outside such*
18 *areas: Provided, That eligible recipients are those de-*
19 *scribed in section 2009(b) of such Act (6 U.S.C.*
20 *609a(b)) or are an otherwise eligible recipient at risk*
21 *of a terrorist or other extremist attack.*

22 (4) *\$105,000,000 for Public Transportation Se-*
23 *curity Assistance, Railroad Security Assistance, and*
24 *Over-the-Road Bus Security Assistance under sections*
25 *1406, 1513, and 1532 of the Implementing Rec-*

690

1 *ommendations of the 9/11 Commission Act of 2007 (6*
2 *U.S.C. 1135, 1163, and 1182), of which \$10,000,000*
3 *shall be for Amtrak security and \$2,000,000 shall be*
4 *for Over-the-Road Bus Security: Provided, That such*
5 *public transportation security assistance shall be pro-*
6 *vided directly to public transportation agencies.*

7 *(5) \$100,000,000 for Port Security Grants in ac-*
8 *cordance with section 70107 of title 46, United States*
9 *Code.*

10 *(6) \$720,000,000, to remain available until Sep-*
11 *tember 30, 2024, of which \$360,000,000 shall be for*
12 *Assistance to Firefighter Grants and \$360,000,000*
13 *shall be for Staffing for Adequate Fire and Emer-*
14 *gency Response Grants under sections 33 and 34 re-*
15 *spectively of the Federal Fire Prevention and Control*
16 *Act of 1974 (15 U.S.C. 2229 and 2229a).*

17 *(7) \$355,000,000 for emergency management*
18 *performance grants under the National Flood Insur-*
19 *ance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert*
20 *T. Stafford Disaster Relief and Emergency Assistance*
21 *Act (42 U.S.C. 5121), the Earthquake Hazards Re-*
22 *duction Act of 1977 (42 U.S.C. 7701), section 762 of*
23 *title 6, United States Code, and Reorganization Plan*
24 *No. 3 of 1978 (5 U.S.C. App.).*

691

1 (8) \$312,750,000 for necessary expenses for Flood
2 Hazard Mapping and Risk Analysis, in addition to
3 and to supplement any other sums appropriated
4 under the National Flood Insurance Fund, and such
5 additional sums as may be provided by States or
6 other political subdivisions for cost-shared mapping
7 activities under section 1360(f)(2) of the National
8 Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)),
9 to remain available until expended.

10 (9) \$12,000,000 for Regional Catastrophic Pre-
11 paredness Grants.

12 (10) \$130,000,000 for the emergency food and
13 shelter program under title III of the McKinney-Vento
14 Homeless Assistance Act (42 U.S.C. 11331), to re-
15 main available until September 30, 2024: Provided,
16 That not to exceed 3.5 percent shall be for total ad-
17 ministrative costs.

18 (11) \$56,000,000 for the Next Generation Warn-
19 ing System.

20 (12) \$335,145,000 for Community Project Fund-
21 ing and Congressionally Directed Spending grants,
22 which shall be for the purposes, and the amounts,
23 specified in the table entitled “Community Project
24 Funding/Congressionally Directed Spending” under
25 this heading in the explanatory statement described

692

1 *in section 4 (in the matter preceding division A of*
2 *this consolidated Act), of which—*

(A) \$86,140,285, in addition to amounts otherwise made available for such purpose, is for emergency operations center grants under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c);

(B) \$233,043,782, in addition to amounts otherwise made available for such purpose, is for pre-disaster mitigation grants under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(e), notwithstanding subsections (f), (g), and (l) of that section (42 U.S.C. 5133(f), (g), (l)); and

15 (C) \$15,960,933 is for management and ad-
16 ministration costs of recipients.

17 (13) \$316,119,000 to sustain current operations
18 for training, exercises, technical assistance, and other
19 programs.

20 *DISASTER RELIEF FUND*

21 *For necessary expenses in carrying out the Robert T.*
22 *Stafford Disaster Relief and Emergency Assistance Act (42*
23 *U.S.C. 5121 et seq.), \$19,945,000,000, to remain available*
24 *until expended, shall be for major disasters declared pursu-*
25 *ant to the Robert T. Stafford Disaster Relief and Emer-*

1 *gency Assistance Act (42 U.S.C. 5121 et seq.) and is des-*
2 *ignated by the Congress as being for disaster relief pursuant*
3 *to a concurrent resolution on the budget in the Senate and*
4 *section 1(f) of H. Res. 1151 (117th Congress), as engrossed*
5 *in the House of Representatives on June 8, 2022.*

6 *NATIONAL FLOOD INSURANCE FUND*

7 *For activities under the National Flood Insurance Act*
8 *of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protec-*
9 *tion Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-*
10 *Waters Flood Insurance Reform Act of 2012 (Public Law*
11 *112–141, 126 Stat. 916), and the Homeowner Flood Insur-*
12 *ance Affordability Act of 2014 (Public Law 113–89; 128*
13 *Stat. 1020), \$225,000,000, to remain available until Sep-*
14 *tember 30, 2024, which shall be derived from offsetting*
15 *amounts collected under section 1308(d) of the National*
16 *Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which*
17 *\$18,500,000 shall be available for mission support associ-*
18 *ated with flood management; and of which \$206,500,000*
19 *shall be available for flood plain management and flood*
20 *mapping: Provided, That any additional fees collected pur-*
21 *suant to section 1308(d) of the National Flood Insurance*
22 *Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offset-*
23 *ting collections to this account, to be available for flood*
24 *plain management and flood mapping: Provided further,*
25 *That in fiscal year 2023, no funds shall be available from*

1 *the National Flood Insurance Fund under section 1310 of*
2 *the National Flood Insurance Act of 1968 (42 U.S.C. 4017)*
3 *in excess of—*

4 (1) \$223,770,000 for operating expenses and sal-
5 aries and expenses associated with flood insurance op-
6 erations;

7 (2) \$960,647,000 for commissions and taxes of
8 agents;

9 (3) such sums as are necessary for interest on
10 Treasury borrowings; and

11 (4) \$175,000,000, which shall remain available
12 until expended, for flood mitigation actions and for
13 flood mitigation assistance under section 1366 of the
14 National Flood Insurance Act of 1968 (42 U.S.C.
15 4104c), notwithstanding sections 1366(e) and
16 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

17 *Provided further, That the amounts collected under section*
18 *102 of the Flood Disaster Protection Act of 1973 (42 U.S.C.*
19 *4012a) and section 1366(e) of the National Flood Insurance*
20 *Act of 1968 (42 U.S.C. 4104c(e)), shall be deposited in the*
21 *National Flood Insurance Fund to supplement other*
22 *amounts specified as available for section 1366 of the Na-*
23 *tional Flood Insurance Act of 1968, notwithstanding section*
24 *102(f)(8), section 1366(e) of the National Flood Insurance*
25 *Act of 1968, and paragraphs (1) through (3) of section*

1 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e),
2 4104d(b)(1)–(3)): Provided further, That total administra-
3 tive costs shall not exceed 4 percent of the total appropria-
4 tion: Provided further, That up to \$5,000,000 is available
5 to carry out section 24 of the Homeowner Flood Insurance
6 Affordability Act of 2014 (42 U.S.C. 4033).

7 ADMINISTRATIVE PROVISIONS

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 301. Funds made available under the heading
10 “Cybersecurity and Infrastructure Security Agency—Oper-
11 ations and Support” may be made available for the nec-
12 essary expenses of procuring or providing access to cyberse-
13 curity threat feeds for branches, agencies, independent agen-
14 cies, corporations, establishments, and instrumentalities of
15 the Federal Government of the United States, state, local,
16 tribal, and territorial entities, fusion centers as described
17 in section 210A of the Homeland Security Act (6 U.S.C.
18 124h), and Information and Analysis Organizations.

19 SEC. 302. (a) The Director of the Cybersecurity and
20 Infrastructure Security Agency (or the Director’s designee)
21 shall provide the briefings to the Committees on Appropria-
22 tions of the Senate and the House of Representatives de-
23 scribed under the heading “Quarterly Budget and Staffing
24 Briefings” in the explanatory statement for division F of

1 *Public Law 117–103 described in section 4 in the matter*
2 *preceding division A of such Public Law—*

3 *(1) with respect to the first quarter of fiscal year*
4 *2023, not later than the later of 30 days after the date*
5 *of enactment of this Act or January 30, 2023; and*

6 *(2) with respect to each subsequent fiscal quarter*
7 *in fiscal year 2023, not later than 21 days after the*
8 *end of each such quarter.*

9 *(b) In the event that any such briefing required during*
10 *this fiscal year under subsection (a) is not provided, the*
11 *amount made available in title III to the Cybersecurity and*
12 *Infrastructure Security Agency under the heading “Oper-*
13 *ations and Support” shall be reduced by \$50,000 for each*
14 *day of noncompliance with subsection (a), and the amount*
15 *made available under such heading and specified in the de-*
16 *tailed funding table in the explanatory statement for this*
17 *division described in section 4 (in the matter preceding di-*
18 *vision A of this consolidated Act) for Management and*
19 *Business Activities shall be correspondingly reduced by an*
20 *equivalent amount.*

21 *SEC. 303. (a) Notwithstanding section 2008(a)(12) of*
22 *the Homeland Security Act of 2002 (6 U.S.C. 609(a)(12))*
23 *or any other provision of law, not more than 5 percent of*
24 *the amount of a grant made available in paragraphs (1)*
25 *through (5) under “Federal Emergency Management Agen-*

1 *cy—Federal Assistance”, may be used by the recipient for*
2 *expenses directly related to administration of the grant.*

3 *(b) The authority provided in subsection (a) shall also*
4 *apply to a state recipient for the administration of a grant*
5 *under such paragraph (3).*

6 *SEC. 304. Notwithstanding section 2004(e)(1) of the*
7 *Homeland Security Act of 2002 (6 U.S.C. 605(e)(1)), the*
8 *meaning of “total funds appropriated for grants under this*
9 *section and section 2003” in each place that it appears shall*
10 *not include any funds provided for the Nonprofit Security*
11 *Grant Program in paragraph (3) under the heading “Fed-*
12 *eral Emergency Management Agency—Federal Assistance”*
13 *in this Act.*

14 *SEC. 305. Applications for grants under the heading*
15 *“Federal Emergency Management Agency—Federal Assist-*
16 *ance”, for paragraphs (1) through (5), shall be made avail-*
17 *able to eligible applicants not later than 60 days after the*
18 *date of enactment of this Act, eligible applicants shall sub-*
19 *mit applications not later than 80 days after the grant an-*
20 *nouncement, and the Administrator of the Federal Emer-*
21 *gency Management Agency shall act within 65 days after*
22 *the receipt of an application.*

23 *SEC. 306. (a) Under the heading “Federal Emergency*
24 *Management Agency—Federal Assistance”, for grants*
25 *under paragraphs (1) through (5) and (9), the Adminis-*

1 *trator of the Federal Emergency Management Agency shall*
2 *brief the Committees on Appropriations of the Senate and*
3 *the House of Representatives 5 full business days in advance*
4 *of announcing publicly the intention of making an award.*

5 *(b) If any such public announcement is made before*
6 *5 full business days have elapsed following such briefing,*
7 *\$1,000,000 of amounts appropriated by this Act for “Fed-*
8 *eral Emergency Management Agency—Operations and*
9 *Support” shall be rescinded.*

10 *SEC. 307. Under the heading “Federal Emergency*
11 *Management Agency—Federal Assistance”, for grants*
12 *under paragraphs (1) and (2), the installation of commu-*
13 *nications towers is not considered construction of a building*
14 *or other physical facility.*

15 *SEC. 308. The reporting requirements in paragraphs*
16 *(1) and (2) under the heading “Federal Emergency Man-*
17 *agement Agency—Disaster Relief Fund” in the Department*
18 *of Homeland Security Appropriations Act, 2015 (Public*
19 *Law 114–4), related to reporting on the Disaster Relief*
20 *Fund, shall be applied in fiscal year 2023 with respect to*
21 *budget year 2024 and current fiscal year 2023, respec-*
22 *tively—*

23 *(1) in paragraph (1) by substituting “fiscal year*
24 *2024” for “fiscal year 2016”; and*

1 (2) in paragraph (2) by inserting “business”
2 after “fifth”.

3 SEC. 309. In making grants under the heading “Fed-
4 eral Emergency Management Agency—Federal Assistance”,
5 for Staffing for Adequate Fire and Emergency Response
6 grants, the Administrator of the Federal Emergency Man-
7 agement Agency may grant waivers from the requirements
8 in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2),
9 and (c)(4) of section 34 of the Federal Fire Prevention and
10 Control Act of 1974 (15 U.S.C. 2229a).

11 SEC. 310. (a) The aggregate charges assessed during
12 fiscal year 2023, as authorized in title III of the Depart-
13 ments of Veterans Affairs and Housing and Urban Develop-
14 ment, and Independent Agencies Appropriations Act, 1999
15 (42 U.S.C. 5196e), shall not be less than 100 percent of the
16 amounts anticipated by the Department of Homeland Secu-
17 rity to be necessary for its Radiological Emergency Pre-
18 paredness Program for the next fiscal year.

19 (b) The methodology for assessment and collection of
20 fees shall be fair and equitable and shall reflect costs of pro-
21 viding such services, including administrative costs of col-
22 lecting such fees.

23 (c) Such fees shall be deposited in a Radiological
24 Emergency Preparedness Program account as offsetting col-

700

1 *lections and will become available for authorized purposes*
2 *on October 1, 2023, and remain available until expended.*
3 *SEC. 311. In making grants under the heading “Fed-*
4 *eral Emergency Management Agency—Federal Assistance”,*
5 *for Assistance to Firefighter Grants, the Administrator of*
6 *the Federal Emergency Management Agency may waive*
7 *subsection (k) of section 33 of the Federal Fire Prevention*
8 *and Control Act of 1974 (15 U.S.C. 2229).*

701

1 *TITLE IV*
2 *RESEARCH, DEVELOPMENT, TRAINING, AND*
3 *SERVICES*

4 *U.S. CITIZENSHIP AND IMMIGRATION SERVICES*
5 *OPERATIONS AND SUPPORT*

6 *For necessary expenses of U.S. Citizenship and Immi-*
7 *gration Services for operations and support, including for*
8 *the E-Verify Program and for the Refugee and Inter-*
9 *national Operations Programs, \$242,981,000: Provided,*
10 *That such amounts shall be in addition to any other*
11 *amounts made available for such purposes, and shall not*
12 *be construed to require any reduction of any fee described*
13 *in section 286(m) of the Immigration and Nationality Act*
14 *(8 U.S.C. 1356(m)): Provided further, That not to exceed*
15 *\$5,000 shall be for official reception and representation ex-*
16 *penses.*

17 *FEDERAL ASSISTANCE*

18 *For necessary expenses of U.S. Citizenship and Immi-*
19 *gration Services for Federal assistance for the Citizenship*
20 *and Integration Grant Program, \$25,000,000, to remain*
21 *available until September 30, 2024.*

22 *FEDERAL LAW ENFORCEMENT TRAINING CENTERS*
23 *OPERATIONS AND SUPPORT*

24 *For necessary expenses of the Federal Law Enforce-*
25 *ment Training Centers for operations and support, includ-*

702

1 *ing the purchase of not to exceed 117 vehicles for police-*
2 *type use and hire of passenger motor vehicles, and services*
3 *as authorized by section 3109 of title 5, United States Code,*
4 *\$354,552,000, of which \$66,665,000 shall remain available*
5 *until September 30, 2024: Provided, That not to exceed*
6 *\$7,180 shall be for official reception and representation ex-*
7 *penses.*

8 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

9 *For necessary expenses of the Federal Law Enforce-*
10 *ment Training Centers for procurement, construction, and*
11 *improvements, \$51,995,000, to remain available until Sep-*
12 *tember 30, 2027, for acquisition of necessary additional real*
13 *property and facilities, construction and ongoing mainte-*
14 *nance, facility improvements and related expenses of the*
15 *Federal Law Enforcement Training Centers.*

16 *SCIENCE AND TECHNOLOGY DIRECTORATE*17 *OPERATIONS AND SUPPORT*

18 *For necessary expenses of the Science and Technology*
19 *Directorate for operations and support, including the pur-*
20 *chase or lease of not to exceed 5 vehicles, \$384,107,000, of*
21 *which \$219,897,000 shall remain available until September*
22 *30, 2024: Provided, That not to exceed \$10,000 shall be for*
23 *official reception and representation expenses.*

703

1 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

2 *For necessary expenses of the Science and Technology*
3 *Directorate for procurement, construction, and improve-*
4 *ments, \$55,216,000, to remain available until September*
5 *30, 2027.*

6 *RESEARCH AND DEVELOPMENT*

7 *For necessary expenses of the Science and Technology*
8 *Directorate for research and development, \$461,218,000, to*
9 *remain available until September 30, 2025.*

10 *COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE*11 *OPERATIONS AND SUPPORT*

12 *For necessary expenses of the Countering Weapons of*
13 *Mass Destruction Office for operations and support,*
14 *\$151,970,000, of which \$50,446,000 shall remain available*
15 *until September 30, 2024: Provided, That not to exceed*
16 *\$2,250 shall be for official reception and representation ex-*
17 *penses.*

18 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

19 *For necessary expenses of the Countering Weapons of*
20 *Mass Destruction Office for procurement, construction, and*
21 *improvements, \$75,204,000, to remain available until Sep-*
22 *tember 30, 2025.*

704

1 *RESEARCH AND DEVELOPMENT*

2 *For necessary expenses of the Countering Weapons of*
3 *Mass Destruction Office for research and development,*
4 *\$64,615,000, to remain available until September 30, 2025.*

5 *FEDERAL ASSISTANCE*

6 *For necessary expenses of the Countering Weapons of*
7 *Mass Destruction Office for Federal assistance through*
8 *grants, contracts, cooperative agreements, and other activi-*
9 *ties, \$139,183,000, to remain available until September 30,*
10 *2025.*

11 *ADMINISTRATIVE PROVISIONS*

12 *SEC. 401. (a) Notwithstanding any other provision of*
13 *law, funds otherwise made available to U.S. Citizenship*
14 *and Immigration Services may be used to acquire, operate,*
15 *equip, and dispose of up to 5 vehicles, for replacement only,*
16 *for areas where the Administrator of General Services does*
17 *not provide vehicles for lease.*

18 *(b) The Director of U.S. Citizenship and Immigration*
19 *Services may authorize employees who are assigned to those*
20 *areas to use such vehicles to travel between the employees'*
21 *residences and places of employment.*

22 *SEC. 402. None of the funds appropriated by this Act*
23 *may be used to process or approve a competition under Of-*
24 *fice of Management and Budget Circular A-76 for services*
25 *provided by employees (including employees serving on a*

705

1 *temporary or term basis) of U.S. Citizenship and Immigra-*
2 *tion Services of the Department of Homeland Security who*
3 *are known as Immigration Information Officers, Immigra-*
4 *tion Service Analysts, Contact Representatives, Investiga-*
5 *tive Assistants, or Immigration Services Officers.*

6 *SEC. 403. Notwithstanding any other provision of law,*
7 *any Federal funds made available to U.S. Citizenship and*
8 *Immigration Services may be used for the collection and*
9 *use of biometrics taken at a U.S. Citizenship and Immigra-*
10 *tion Services Application Support Center that is overseen*
11 *virtually by U.S. Citizenship and Immigration Services*
12 *personnel using appropriate technology.*

13 *SEC. 404. The Director of the Federal Law Enforce-*
14 *ment Training Centers is authorized to distribute funds to*
15 *Federal law enforcement agencies for expenses incurred par-*
16 *ticipating in training accreditation.*

17 *SEC. 405. The Federal Law Enforcement Training Ac-*
18 *creditation Board, including representatives from the Fed-*
19 *eral law enforcement community and non-Federal accredi-*
20 *tation experts involved in law enforcement training, shall*
21 *lead the Federal law enforcement training accreditation*
22 *process to continue the implementation of measuring and*
23 *assessing the quality and effectiveness of Federal law en-*
24 *forcement training programs, facilities, and instructors.*

706

1 *SEC. 406. (a) The Director of the Federal Law En-*
2 *forcement Training Centers may accept transfers to its*
3 *“Procurement, Construction, and Improvements” account*
4 *from Government agencies requesting the construction of*
5 *special use facilities, as authorized by the Economy Act (31*
6 *U.S.C. 1535(b)).*

7 *(b) The Federal Law Enforcement Training Centers*
8 *shall maintain administrative control and ownership upon*
9 *completion of such facilities.*

10 *SEC. 407. The functions of the Federal Law Enforce-*
11 *ment Training Centers instructor staff shall be classified*
12 *as inherently governmental for purposes of the Federal Ac-*
13 *tivities Inventory Reform Act of 1998 (31 U.S.C. 501 note).*

707

1 *TITLE V*2 *GENERAL PROVISIONS*3 *(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)*

4 *SEC. 501. No part of any appropriation contained in*
5 *this Act shall remain available for obligation beyond the*
6 *current fiscal year unless expressly so provided herein.*

7 *SEC. 502. Subject to the requirements of section 503*
8 *of this Act, the unexpended balances of prior appropriations*
9 *provided for activities in this Act may be transferred to*
10 *appropriation accounts for such activities established pur-*
11 *suant to this Act, may be merged with funds in the applica-*
12 *ble established accounts, and thereafter may be accounted*
13 *for as one fund for the same time period as originally en-*
14 *acted.*

15 *SEC. 503. (a) None of the funds provided by this Act,*
16 *provided by previous appropriations Acts to the components*
17 *in or transferred to the Department of Homeland Security*
18 *that remain available for obligation or expenditure in fiscal*
19 *year 2023, or provided from any accounts in the Treasury*
20 *of the United States derived by the collection of fees avail-*
21 *able to the components funded by this Act, shall be available*
22 *for obligation or expenditure through a reprogramming of*
23 *funds that—*

24 *(1) creates or eliminates a program, project, or*
25 *activity, or increases funds for any program, project,*

708

1 *or activity for which funds have been denied or re-*
2 *stricted by the Congress;*

3 *(2) contracts out any function or activity pres-*
4 *ently performed by Federal employees or any new*
5 *function or activity proposed to be performed by Fed-*
6 *eral employees in the President's budget proposal for*
7 *fiscal year 2023 for the Department of Homeland Se-*
8 *curity;*

9 *(3) augments funding for existing programs,*
10 *projects, or activities in excess of \$5,000,000 or 10*
11 *percent, whichever is less;*

12 *(4) reduces funding for any program, project, or*
13 *activity, or numbers of personnel, by 10 percent or*
14 *more; or*

15 *(5) results from any general savings from a re-*
16 *duction in personnel that would result in a change in*
17 *funding levels for programs, projects, or activities as*
18 *approved by the Congress.*

19 *(b) Subsection (a) shall not apply if the Committees*
20 *on Appropriations of the Senate and the House of Rep-*
21 *resentatives are notified at least 15 days in advance of such*
22 *reprogramming.*

23 *(c) Up to 5 percent of any appropriation made avail-*
24 *able for the current fiscal year for the Department of Home-*
25 *land Security by this Act or provided by previous appro-*

1 *priations Acts may be transferred between such appropria-*
2 *tions if the Committees on Appropriations of the Senate*
3 *and the House of Representatives are notified at least 30*
4 *days in advance of such transfer, but no such appropria-*
5 *tion, except as otherwise specifically provided, shall be in-*
6 *creased by more than 10 percent by such transfer.*

7 *(d) Notwithstanding subsections (a), (b), and (c), no*
8 *funds shall be reprogrammed within or transferred between*
9 *appropriations based upon an initial notification provided*
10 *after June 30, except in extraordinary circumstances that*
11 *imminently threaten the safety of human life or the protec-*
12 *tion of property.*

13 *(e) The notification thresholds and procedures set forth*
14 *in subsections (a), (b), (c), and (d) shall apply to any use*
15 *of deobligated balances of funds provided in previous De-*
16 *partment of Homeland Security Appropriations Acts that*
17 *remain available for obligation in the current year.*

18 *(f) Notwithstanding subsection (c), the Secretary of*
19 *Homeland Security may transfer to the fund established by*
20 *8 U.S.C. 1101 note, up to \$20,000,000 from appropriations*
21 *available to the Department of Homeland Security: Pro-*
22 *vided, That the Secretary shall notify the Committees on*
23 *Appropriations of the Senate and the House of Representa-*
24 *tives at least 5 days in advance of such transfer.*

710

1 *SEC. 504. (a) Section 504 of the Department of Home-*
2 *land Security Appropriations Act, 2017 (division F of Pub-*
3 *lic Law 115–31), related to the operations of a working cap-*
4 *ital fund, shall apply with respect to funds made available*
5 *in this Act in the same manner as such section applied*
6 *to funds made available in that Act.*

7 *(b) Funds from such working capital fund may be obli-*
8 *gated and expended in anticipation of reimbursements from*
9 *components of the Department of Homeland Security.*

10 *SEC. 505. (a) Except as otherwise specifically provided*
11 *by law, not to exceed 50 percent of unobligated balances*
12 *remaining available at the end of fiscal year 2023, as re-*
13 *corded in the financial records at the time of a reprogram-*
14 *ming notification, but not later than June 30, 2024, from*
15 *appropriations for “Operations and Support” for fiscal*
16 *year 2023 in this Act shall remain available through Sep-*
17 *tember 30, 2024, in the account and for the purposes for*
18 *which the appropriations were provided.*

19 *(b) Prior to the obligation of such funds, a notification*
20 *shall be submitted to the Committees on Appropriations of*
21 *the Senate and the House of Representatives in accordance*
22 *with section 503 of this Act.*

23 *SEC. 506. (a) Funds made available by this Act for*
24 *intelligence activities are deemed to be specifically author-*
25 *ized by the Congress for purposes of section 504 of the Na-*

1 *tional Security Act of 1947 (50 U.S.C. 414) during fiscal*
2 *year 2023 until the enactment of an Act authorizing intel-*
3 *ligence activities for fiscal year 2023.*

4 *(b) Amounts described in subsection (a) made avail-*
5 *able for “Intelligence, Analysis, and Situational Aware-*
6 *ness—Operations and Support” that exceed the amounts in*
7 *such authorization for such account shall be transferred to*
8 *and merged with amounts made available under the head-*
9 *ing “Management Directorate—Operations and Support”.*

10 *(c) Prior to the obligation of any funds transferred*
11 *under subsection (b), the Management Directorate shall*
12 *brief the Committees on Appropriations of the Senate and*
13 *the House of Representatives on a plan for the use of such*
14 *funds.*

15 *SEC. 507. (a) The Secretary of Homeland Security, or*
16 *the designee of the Secretary, shall notify the Committees*
17 *on Appropriations of the Senate and the House of Rep-*
18 *resentatives at least 3 full business days in advance of—*

19 *(1) making or awarding a grant allocation or*
20 *grant in excess of \$1,000,000;*

21 *(2) making or awarding a contract, other trans-*
22 *action agreement, or task or delivery order on a De-*
23 *partment of Homeland Security multiple award con-*
24 *tract, or to issue a letter of intent totaling in excess*
25 *of \$4,000,000;*

712

1 (3) *awarding a task or delivery order requiring*
2 *an obligation of funds in an amount greater than*
3 *\$10,000,000 from multi-year Department of Home-*
4 *land Security funds;*

5 (4) *making a sole-source grant award; or*

6 (5) *announcing publicly the intention to make or*
7 *award items under paragraph (1), (2), (3), or (4), in-*
8 *cluding a contract covered by the Federal Acquisition*
9 *Regulation.*

10 (b) *If the Secretary of Homeland Security determines*
11 *that compliance with this section would pose a substantial*
12 *risk to human life, health, or safety, an award may be made*
13 *without notification, and the Secretary shall notify the*
14 *Committees on Appropriations of the Senate and the House*
15 *of Representatives not later than 5 full business days after*
16 *such an award is made or letter issued.*

17 (c) *A notification under this section—*

18 (1) *may not involve funds that are not available*
19 *for obligation; and*

20 (2) *shall include the amount of the award; the*
21 *fiscal year for which the funds for the award were ap-*
22 *propriated; the type of contract; and the account from*
23 *which the funds are being drawn.*

24 SEC. 508. *Notwithstanding any other provision of law,*
25 *no agency shall purchase, construct, or lease any additional*

713

1 *facilities, except within or contiguous to existing locations,*
2 *to be used for the purpose of conducting Federal law enforce-*
3 *ment training without advance notification to the Commit-*
4 *tees on Appropriations of the Senate and the House of Rep-*
5 *resentatives, except that the Federal Law Enforcement*
6 *Training Centers is authorized to obtain the temporary use*
7 *of additional facilities by lease, contract, or other agreement*
8 *for training that cannot be accommodated in existing Cen-*
9 *ters' facilities.*

10 *SEC. 509. None of the funds appropriated or otherwise*
11 *made available by this Act may be used for expenses for*
12 *any construction, repair, alteration, or acquisition project*
13 *for which a prospectus otherwise required under chapter 33*
14 *of title 40, United States Code, has not been approved, ex-*
15 *cept that necessary funds may be expended for each project*
16 *for required expenses for the development of a proposed pro-*
17 *spectus.*

18 *SEC. 510. No Federal funds may be available to pay*
19 *the salary of any employee serving as a contracting officer's*
20 *representative, or anyone acting in a similar capacity, who*
21 *has not received contracting officer's representative train-*
22 *ing.*

23 *SEC. 511. Sections 522 and 530 of the Department of*
24 *Homeland Security Appropriations Act, 2008 (division E*
25 *of Public Law 110–161; 121 Stat. 2073 and 2074) shall*

1 *apply with respect to funds made available in this Act in*
2 *the same manner as such sections applied to funds made*
3 *available in that Act.*

4 *SEC. 512. (a) None of the funds made available in this*
5 *Act may be used in contravention of the applicable provi-*
6 *sions of the Buy American Act.*

7 *(b) For purposes of subsection (a), the term “Buy*
8 *American Act” means chapter 83 of title 41, United States*
9 *Code.*

10 *SEC. 513. None of the funds made available in this*
11 *Act may be used to amend the oath of allegiance required*
12 *by section 337 of the Immigration and Nationality Act (8*
13 *U.S.C. 1448).*

14 *SEC. 514. None of the funds provided or otherwise*
15 *made available in this Act shall be available to carry out*
16 *section 872 of the Homeland Security Act of 2002 (6 U.S.C.*
17 *452) unless explicitly authorized by the Congress.*

18 *SEC. 515. None of the funds made available in this*
19 *Act may be used for planning, testing, piloting, or devel-*
20 *oping a national identification card.*

21 *SEC. 516. Any official that is required by this Act to*
22 *report or to certify to the Committees on Appropriations*
23 *of the Senate and the House of Representatives may not*
24 *delegate such authority to perform that act unless specifi-*
25 *cally authorized herein.*

715

1 *SEC. 517. None of the funds made available in this*
2 *Act may be used for first-class travel by the employees of*
3 *agencies funded by this Act in contravention of sections*
4 *301–10.122 through 301–10.124 of title 41, Code of Federal*
5 *Regulations.*

6 *SEC. 518. None of the funds made available in this*
7 *Act may be used to employ workers described in section*
8 *274A(h)(3) of the Immigration and Nationality Act (8*
9 *U.S.C. 1324a(h)(3)).*

10 *SEC. 519. Notwithstanding any other provision of this*
11 *Act, none of the funds appropriated or otherwise made*
12 *available by this Act may be used to pay award or incentive*
13 *fees for contractor performance that has been judged to be*
14 *below satisfactory performance or performance that does not*
15 *meet the basic requirements of a contract.*

16 *SEC. 520. (a) None of the funds made available in this*
17 *Act may be used to maintain or establish a computer net-*
18 *work unless such network blocks the viewing, downloading,*
19 *and exchanging of pornography.*

20 *(b) Nothing in subsection (a) shall limit the use of*
21 *funds necessary for any Federal, State, tribal, territorial,*
22 *or local law enforcement agency or any other entity car-*
23 *rying out criminal investigations, prosecution, or adjudica-*
24 *tion activities.*

716

1 *SEC. 521. None of the funds appropriated or otherwise*
2 *made available by this Act may be used by the Department*
3 *of Homeland Security to enter into any Federal contract*
4 *unless such contract is entered into in accordance with the*
5 *requirements of subtitle I of title 41, United States Code,*
6 *or chapter 137 of title 10, United States Code, and the Fed-*
7 *eral Acquisition Regulation, unless such contract is other-*
8 *wise authorized by statute to be entered into without regard*
9 *to the above referenced statutes.*

10 *SEC. 522. None of the funds made available in this*
11 *Act may be used by a Federal law enforcement officer to*
12 *facilitate the transfer of an operable firearm to an indi-*
13 *vidual if the Federal law enforcement officer knows or sus-*
14 *pects that the individual is an agent of a drug cartel unless*
15 *law enforcement personnel of the United States continu-*
16 *ously monitor or control the firearm at all times.*

17 *SEC. 523. (a) None of the funds made available in this*
18 *Act may be used to pay for the travel to or attendance of*
19 *more than 50 employees of a single component of the De-*
20 *partment of Homeland Security, who are stationed in the*
21 *United States, at a single international conference unless*
22 *the Secretary of Homeland Security, or a designee, deter-*
23 *mines that such attendance is in the national interest and*
24 *notifies the Committees on Appropriations of the Senate*

1 *and the House of Representatives within at least 10 days*
2 *of that determination and the basis for that determination.*

3 *(b) For purposes of this section the term “international*
4 *conference” shall mean a conference occurring outside of the*
5 *United States attended by representatives of the United*
6 *States Government and of foreign governments, inter-*
7 *national organizations, or nongovernmental organizations.*

8 *(c) The total cost to the Department of Homeland Se-*
9 *curity of any such conference shall not exceed \$500,000.*

10 *(d) Employees who attend a conference virtually with-*
11 *out travel away from their permanent duty station within*
12 *the United States shall not be counted for purposes of this*
13 *section, and the prohibition contained in this section shall*
14 *not apply to payments for the costs of attendance for such*
15 *employees.*

16 *SEC. 524. None of the funds made available in this*
17 *Act may be used to reimburse any Federal department or*
18 *agency for its participation in a National Special Security*
19 *Event.*

20 *SEC. 525. (a) None of the funds made available to the*
21 *Department of Homeland Security by this or any other Act*
22 *may be obligated for the implementation of any structural*
23 *pay reform or the introduction of any new position classi-*
24 *fication that will affect more than 100 full-time positions*
25 *or costs more than \$5,000,000 in a single year before the*

1 *end of the 30-day period beginning on the date on which*
2 *the Secretary of Homeland Security submits to Congress a*
3 *notification that includes—*

4 *(1) the number of full-time positions affected by*
5 *such change;*

6 *(2) funding required for such change for the cur-*
7 *rent fiscal year and through the Future Years Home-*
8 *land Security Program;*

9 *(3) justification for such change; and*

10 *(4) for a structural pay reform, an analysis of*
11 *compensation alternatives to such change that were*
12 *considered by the Department.*

13 *(b) Subsection (a) shall not apply to such change if—*

14 *(1) it was proposed in the President’s budget*
15 *proposal for the fiscal year funded by this Act; and*

16 *(2) funds for such change have not been explic-*
17 *itly denied or restricted in this Act.*

18 *SEC. 526. (a) Any agency receiving funds made avail-*
19 *able in this Act shall, subject to subsections (b) and (c),*
20 *post on the public website of that agency any report re-*
21 *quired to be submitted by the Committees on Appropria-*
22 *tions of the Senate and the House of Representatives in this*
23 *Act, upon the determination by the head of the agency that*
24 *it shall serve the national interest.*

25 *(b) Subsection (a) shall not apply to a report if—*

1 (1) *the public posting of the report compromises*
2 *homeland or national security; or*

3 (2) *the report contains proprietary information.*

4 (c) *The head of the agency posting such report shall*
5 *do so only after such report has been made available to the*
6 *Committees on Appropriations of the Senate and the House*
7 *of Representatives for not less than 45 days except as other-*
8 *wise specified in law.*

9 SEC. 527. (a) *Funding provided in this Act for “Oper-*
10 *ations and Support” may be used for minor procurement,*
11 *construction, and improvements.*

12 (b) *For purposes of subsection (a), “minor” refers to*
13 *end items with a unit cost of \$250,000 or less for personal*
14 *property, and \$2,000,000 or less for real property.*

15 SEC. 528. *The authority provided by section 532 of*
16 *the Department of Homeland Security Appropriations Act,*
17 *2018 (Public Law 115–141) regarding primary and sec-*
18 *ondary schooling of dependents shall continue in effect dur-*
19 *ing fiscal year 2023.*

20 SEC. 529. (a) *None of the funds appropriated or other-*
21 *wise made available to the Department of Homeland Secu-*
22 *rity by this Act may be used to prevent any of the following*
23 *persons from entering, for the purpose of conducting over-*
24 *sight, any facility operated by or for the Department of*
25 *Homeland Security used to detain or otherwise house*

720

1 *aliens, or to make any temporary modification at any such*
2 *facility that in any way alters what is observed by a vis-*
3 *iting Member of Congress or such designated employee, com-*
4 *pared to what would be observed in the absence of such*
5 *modification:*

6 (1) *A Member of Congress.*

7 (2) *An employee of the United States House of*
8 *Representatives or the United States Senate des-*
9 *ignated by such a Member for the purposes of this sec-*
10 *tion.*

11 (b) *Nothing in this section may be construed to require*
12 *a Member of Congress to provide prior notice of the intent*
13 *to enter a facility described in subsection (a) for the purpose*
14 *of conducting oversight.*

15 (c) *With respect to individuals described in subsection*
16 *(a)(2), the Department of Homeland Security may require*
17 *that a request be made at least 24 hours in advance of an*
18 *intent to enter a facility described in subsection (a).*

19 SEC. 530. (a) *For an additional amount for “Federal*
20 *Emergency Management Agency—Federal Assistance”,*
21 *\$3,000,000, to remain available until September 30, 2024,*
22 *exclusively for providing reimbursement of extraordinary*
23 *law enforcement or other emergency personnel costs for pro-*
24 *tection activities directly and demonstrably associated with*

721

1 *any residence of the President that is designated or identi-*
2 *fied to be secured by the United States Secret Service.*

3 *(b) Subsections (b) through (f) of section 534 of the*
4 *Department of Homeland Security Appropriations Act,*
5 *2018 (Public Law 115–141), shall be applied with respect*
6 *to amounts made available by subsection (a) of this section*
7 *by substituting “October 1, 2023” for “October 1, 2018”*
8 *and “October 1, 2022” for “October 1, 2017”.*

9 *SEC. 531. (a) Except as provided in subsection (b),*
10 *none of the funds made available in this Act may be used*
11 *to place restraints on a woman in the custody of the De-*
12 *partment of Homeland Security (including during trans-*
13 *port, in a detention facility, or at an outside medical facil-*
14 *ity) who is pregnant or in post-delivery recuperation.*

15 *(b) Subsection (a) shall not apply with respect to a*
16 *pregnant woman if—*

17 *(1) an appropriate official of the Department of*
18 *Homeland Security makes an individualized deter-*
19 *mination that the woman—*

20 *(A) is a serious flight risk, and such risk*
21 *cannot be prevented by other means; or*

22 *(B) poses an immediate and serious threat*
23 *to harm herself or others that cannot be pre-*
24 *vented by other means; or*

722

1 (2) a medical professional responsible for the
2 care of the pregnant woman determines that the use
3 of therapeutic restraints is appropriate for the med-
4 ical safety of the woman.

5 (c) If a pregnant woman is restrained pursuant to sub-
6 section (b), only the safest and least restrictive restraints,
7 as determined by the appropriate medical professional
8 treating the woman, may be used. In no case may restraints
9 be used on a woman who is in active labor or delivery,
10 and in no case may a pregnant woman be restrained in
11 a face-down position with four-point restraints, on her
12 back, or in a restraint belt that constricts the area of the
13 pregnancy. A pregnant woman who is immobilized by re-
14 straints shall be positioned, to the maximum extent feasible,
15 on her left side.

16 SEC. 532. (a) None of the funds made available by this
17 Act may be used to destroy any document, recording, or
18 other record pertaining to any—

19 (1) death of,

20 (2) potential sexual assault or abuse perpetrated
21 against, or

22 (3) allegation of abuse, criminal activity, or dis-
23 ruption committed by
24 an individual held in the custody of the Department of
25 Homeland Security.

723

1 (b) *The records referred to in subsection (a) shall be*
2 *made available, in accordance with applicable laws and*
3 *regulations, and Federal rules governing disclosure in liti-*
4 *gation, to an individual who has been charged with a crime,*
5 *been placed into segregation, or otherwise punished as a re-*
6 *sult of an allegation described in paragraph (3), upon the*
7 *request of such individual.*

8 *SEC. 533. Section 519 of division F of Public Law*
9 *114–113, regarding a prohibition on funding for any posi-*
10 *tion designated as a Principal Federal Official, shall apply*
11 *with respect to any Federal funds in the same manner as*
12 *such section applied to funds made available in that Act.*

13 *SEC. 534. (a) Not later than 10 days after the date*
14 *on which the budget of the President for a fiscal year is*
15 *submitted to Congress pursuant to section 1105(a) of title*
16 *31, United States Code, the Under Secretary for Manage-*
17 *ment of Homeland Security shall submit to the Committees*
18 *on Appropriations of the Senate and the House of Rep-*
19 *resentatives a report on the unfunded priorities, for the De-*
20 *partment of Homeland Security and separately for each de-*
21 *partmental component, for which discretionary funding*
22 *would be classified as budget function 050.*

23 (b) *Each report under this section shall specify, for*
24 *each such unfunded priority—*

724

1 (1) *a summary description, including the objec-*
2 *tives to be achieved if such priority is funded (wheth-*
3 *er in whole or in part);*

4 (2) *the description, including the objectives to be*
5 *achieved if such priority is funded (whether in whole*
6 *or in part);*

7 (3) *account information, including the following*
8 *(as applicable):*

9 (A) *appropriation account; and*

10 (B) *program, project, or activity name; and*

11 (4) *the additional number of full-time or part-*
12 *time positions to be funded as part of such priority.*

13 (c) *In this section, the term “unfunded priority”, in*
14 *the case of a fiscal year, means a requirement that—*

15 (1) *is not funded in the budget referred to in*
16 *subsection (a);*

17 (2) *is necessary to fulfill a requirement associ-*
18 *ated with an operational or contingency plan for the*
19 *Department; and*

20 (3) *would have been recommended for funding*
21 *through the budget referred to in subsection (a) if—*

22 (A) *additional resources had been available*
23 *for the budget to fund the requirement;*

24 (B) *the requirement has emerged since the*
25 *budget was formulated; or*

725

1 (C) the requirement is necessary to sustain
2 prior-year investments.

3 SEC. 535. (a) Not later than 10 days after a deter-
4 mination is made by the President to evaluate and initiate
5 protection under any authority for a former or retired Gov-
6 ernment official or employee, or for an individual who, dur-
7 ing the duration of the directed protection, will become a
8 former or retired Government official or employee (referred
9 to in this section as a “covered individual”), the Secretary
10 of Homeland Security shall submit a notification to con-
11 gressional leadership and the Committees on Appropria-
12 tions of the Senate and the House of Representatives, the
13 Committees on the Judiciary of the Senate and the House
14 of Representatives, the Committee on Homeland Security
15 and Governmental Affairs of the Senate, the Committee on
16 Homeland Security of the House of Representatives, and
17 the Committee on Oversight and Reform of the House of
18 Representatives (referred to in this section as the “appro-
19 priate congressional committees”).

20 (b) Such notification may be submitted in classified
21 form, if necessary, and in consultation with the Director
22 of National Intelligence or the Director of the Federal Bu-
23 reau of Investigation, as appropriate, and shall include the
24 threat assessment, scope of the protection, and the antici-
25 pated cost and duration of such protection.

726

1 (c) Not later than 15 days before extending, or 30 days
2 before terminating, protection for a covered individual, the
3 Secretary of Homeland Security shall submit a notification
4 regarding the extension or termination and any change to
5 the threat assessment to the congressional leadership and
6 the appropriate congressional committees.

7 (d) Not later than 45 days after the date of enactment
8 of this Act, and quarterly thereafter, the Secretary shall sub-
9 mit a report to the congressional leadership and the appro-
10 priate congressional committees, which may be submitted
11 in classified form, if necessary, detailing each covered indi-
12 vidual, and the scope and associated cost of protection.

13 SEC. 536. (a) None of the funds provided to the De-
14 partment of Homeland Security in this or any prior Act
15 may be used by an agency to submit an initial project pro-
16 posal to the Technology Modernization Fund (as authorized
17 by section 1078 of subtitle G of title X of the National De-
18 fense Authorization Act for Fiscal Year 2018 (Public Law
19 115–91)) unless, concurrent with the submission of an ini-
20 tial project proposal to the Technology Modernization
21 Board, the head of the agency—

22 (1) notifies the Committees on Appropriations of
23 the Senate and the House of Representatives of the
24 proposed submission of the project proposal;

727

1 (2) *submits to the Committees on Appropriations*
2 *a copy of the project proposal; and*

3 (3) *provides a detailed analysis of how the pro-*
4 *posed project funding would supplement or supplant*
5 *funding requested as part of the Department's most*
6 *recent budget submission.*

7 (b) *None of the funds provided to the Department of*
8 *Homeland Security by the Technology Modernization Fund*
9 *shall be available for obligation until 15 days after a report*
10 *on such funds has been transmitted to the Committees on*
11 *Appropriations of the Senate and the House of Representa-*
12 *tives.*

13 (c) *The report described in subsection (b) shall in-*
14 *clude—*

15 (1) *the full project proposal submitted to and ap-*
16 *proved by the Fund's Technology Modernization*
17 *Board;*

18 (2) *the finalized interagency agreement between*
19 *the Department and the Fund including the project's*
20 *deliverables and repayment terms, as applicable;*

21 (3) *a detailed analysis of how the project will*
22 *supplement or supplant existing funding available to*
23 *the Department for similar activities;*

728

1 (4) a plan for how the Department will repay
2 the Fund, including specific planned funding sources,
3 as applicable; and

4 (5) other information as determined by the Sec-
5 retary.

6 SEC. 537. Within 60 days of any budget submission
7 for the Department of Homeland Security for fiscal year
8 2024 that assumes revenues or proposes a reduction from
9 the previous year based on user fees proposals that have not
10 been enacted into law prior to the submission of the budget,
11 the Secretary of Homeland Security shall provide the Com-
12 mittees on Appropriations of the Senate and the House of
13 Representatives specific reductions in proposed discre-
14 tionary budget authority commensurate with the revenues
15 assumed in such proposals in the event that they are not
16 enacted prior to October 1, 2023.

17 SEC. 538. None of the funds made available by this
18 Act may be obligated or expended to implement the Arms
19 Trade Treaty until the Senate approves a resolution of rati-
20 fication for the Treaty.

21 SEC. 539. No Federal funds made available to the De-
22 partment of Homeland Security may be used to enter into
23 a procurement contract, memorandum of understanding, or
24 cooperative agreement with, or make a grant to, or provide
25 a loan or guarantee to, any entity identified under section

1 *1260H of the William M. (Mac) Thornberry National De-*
2 *fense Authorization Act for Fiscal Year 2021 (Public Law*
3 *116–283) or any subsidiary of such entity.*

4 *SEC. 540. Section 205 of the Robert T. Stafford Dis-*
5 *aster Relief and Emergency Assistance Act (42 U.S.C.*
6 *5135) is amended—*

7 *(1) in subsection (d)—*

8 *(A) in paragraph (2)—*

9 *(i) by striking subparagraph (C);*

10 *(ii) at the end of subparagraph (A), by*
11 *adding “and”; and*

12 *(iii) at the end of subparagraph (B),*
13 *by striking “; and” and inserting a period;*

14 *(B) in paragraph (3)(D), by striking “local*
15 *governments, insular areas, and Indian tribal*
16 *governments” and inserting “local governments*
17 *and Tribal governments”; and*

18 *(C) by striking paragraph (4); and*

19 *(2) in subsection (m)—*

20 *(A) by striking paragraph (3) and inserting*
21 *the following:*

22 *“(3) ELIGIBLE ENTITY.—The term ‘eligible enti-*
23 *ty’ means a State or an Indian tribal government*
24 *that has received a major disaster declaration pursu-*
25 *ant to section 401.”;*

730

1 (B) by striking paragraphs (5) and (10);

2 (C) by redesignating paragraphs (6)
3 through (9) as paragraphs (5) through (8), re-
4 spectively; and

5 (D) by redesignating paragraph (11) as
6 paragraph (9).

7 SEC. 541. For an additional amount for “Federal
8 Emergency Management Agency—Federal Assistance”,
9 \$3,000,000, to remain available until September 30, 2024,
10 for an Emergency Operations Center grant under section
11 614 of the Robert T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C. 5196c), in addition to
13 amounts otherwise available, for the project identified as
14 the “Vermilion Safe Room” in the table entitled “Homeland
15 Incorporation of Community Project Funding Items/Con-
16 gressionally Directed Spending Items” under the heading
17 “Federal Emergency Management Agency—Federal Assist-
18 ance” in the explanatory statement described in section 4
19 in the matter preceding division A of Public Law 117–103.

20 SEC. 542. The contents in the “Senate” sub column
21 of the “Requestor(s)” column for the project identified as
22 the “Emergency Operations Center” for the recipient
23 “Baker County Sheriff’s Office” in the table entitled “Com-
24 munity Project Funding/Congressionally Directed Spend-
25 ing” under the heading “Disclosure of Earmarks and Con-

731

1 *gressionally Directed Spending Items” in the explanatory*
2 *statement described in section 4 in the matter preceding di-*
3 *vision A of Public Law 117–103 are deemed to be amended*
4 *by striking “Wyden” and inserting “Merkley, Wyden”.*

5 *SEC. 543. Subsection (c) of section 16005 of title VI*
6 *of division B of the Coronavirus Aid, Relief, and Economic*
7 *Security Act (Public Law 116–136) shall be applied as if*
8 *the language read as follows: “Subsection (a) shall apply*
9 *until September 30, 2023.”.*

10 *SEC. 544. None of the funds appropriated or otherwise*
11 *made available in this or any other Act may be used to*
12 *transfer, release, or assist in the transfer or release to or*
13 *within the United States, its territories, or possessions*
14 *Khalid Sheikh Mohammed or any other detainee who—*

15 *(1) is not a United States citizen or a member*
16 *of the Armed Forces of the United States; and*

17 *(2) is or was held on or after June 24, 2009, at*
18 *the United States Naval Station, Guantanamo Bay,*
19 *Cuba, by the Department of Defense.*

20 *SEC. 545. (a) The Secretary of Homeland Security (in*
21 *this section referred to as the “Secretary”) shall, on a bi-*
22 *monthly basis beginning immediately after the date of en-*
23 *actment of this Act, develop estimates of the number of non-*
24 *citizens anticipated to arrive at the southwest border of the*
25 *United States.*

732

1 ***(b) The Secretary shall ensure that, at a minimum,***
2 *the estimates developed pursuant to subsection (a)—*

3 ***(1) cover the current fiscal year and the fol-***
4 *lowing fiscal year;*

5 ***(2) include a breakout by demographics, to in-***
6 *clude single adults, family units, and unaccompanied*
7 *children;*

8 ***(3) undergo an independent validation and***
9 *verification review;*

10 ***(4) are used to inform policy planning and***
11 *budgeting processes within the Department of Home-*
12 *land Security; and*

13 ***(5) are included in the budget materials sub-***
14 *mitted to Congress in support of the President's an-*
15 *nuual budget request pursuant to section 1105 of title*
16 *31, United States Code, for each fiscal year beginning*
17 *after the date of enactment of this Act and, for such*
18 *budget materials shall include—*

19 ***(A) the most recent bimonthly estimates de-***
20 *veloped pursuant to subsection (a);*

21 ***(B) a description and quantification of the***
22 *estimates used to justify funding requests for De-*
23 *partment programs related to border security,*
24 *immigration enforcement, and immigration serv-*
25 *ices;*

733

1 (C) a description and quantification of the
2 anticipated workload and requirements resulting
3 from such estimates; and

4 (D) a confirmation as to whether the budget
5 requests for impacted agencies were developed
6 using the same estimates.

7 (c) The Secretary shall share the bimonthly estimates
8 developed pursuant to subsection (a) with the Secretary of
9 Health and Human Services, the Attorney General, the Sec-
10 retary of State, and the Committees on Appropriations of
11 the Senate and the House of Representatives.

12 SEC. 546. (a) For an additional amount for the ac-
13 counts, in the amounts, and for the purposes specified, in
14 addition to amounts otherwise made available for such pur-
15 poses—

16 (1) “U.S. Customs and Border Protection—Op-
17 erations and Support”, \$1,563,143,000 for border
18 management requirements of the U.S. Customs and
19 Border Protection; and

20 (2) “U.S. Immigration and Customs Enforce-
21 ment—Operations and Support”, \$339,658,000 for
22 non-detention border management requirements.

23 (b) None of the funds provided in subsection (a)(1)
24 shall be used—

25 (1) to hire permanent Federal employees;

734

1 (2) *for any flight hours other than those flown by*
2 *U.S. Customs and Border Protection, Air and Marine*
3 *Operations, except for internal transportation of non-*
4 *citizens; or*

5 (3) *to acquire, maintain, or extend border secu-*
6 *rity technology and capabilities, except for technology*
7 *and capabilities to improve Border Patrol processing.*

8 (c) *Not later than 45 days after the date of enactment*
9 *of this Act, the Under Secretary for Management shall pro-*
10 *vide an expenditure plan for the use of the funds made*
11 *available in subsection (a).*

12 (d) *The plan required in subsection (c) shall be up-*
13 *dated to reflect changes and expenditures and submitted to*
14 *the Committees on Appropriations of the Senate and the*
15 *House of Representatives every 60 days until all funds are*
16 *expended or expired.*

17 SEC. 547. *Section 210G(i) of the Homeland Security*
18 *Act of 2002 (6 U.S.C. 124n(i)) shall be applied by sub-*
19 *stituting “September 30, 2023” for “the date that is 4 years*
20 *after the date of enactment of this section”.*

21 (RESCISSIONS OF FUNDS)

22 SEC. 548. *Of the funds appropriated to the Depart-*
23 *ment of Homeland Security, the following funds are hereby*
24 *rescinded from the following accounts and programs in the*
25 *specified amounts: Provided, That no amounts may be re-*

735

1 *scinded from amounts that were designated by the Congress*
2 *as an emergency requirement pursuant to a concurrent res-*
3 *olution on the budget or the Balanced Budget and Emer-*
4 *gency Deficit Control Act of 1985:*

5 (1) *\$139,928,000 from the unobligated balances*
6 *available under the heading “U.S. Customs and Bor-*
7 *der Protection—Procurement, Construction, and Im-*
8 *provements”.*

9 (2) *\$12,207 from the unobligated balances avail-*
10 *able in the “Transportation Security Administra-*
11 *tion—Transportation Security Support” account (70*
12 *X 0554).*

13 (3) *\$32,750,000 from the unobligated balances*
14 *available in the “U.S. Citizenship and Immigration*
15 *Services—Operations and Support” account (70 22/*
16 *23 0300).*

17 (4) *\$187,278 from the unobligated balances*
18 *available in the “U.S. Citizenship and Immigration*
19 *Services—Operations and Support” account (70 X*
20 *0300).*

21 (5) *\$65,165 from the unobligated balances avail-*
22 *able in the “Federal Emergency Management Agen-*
23 *cy—State and Local Programs” account (70 X 0560).*

24 (6) *\$50,880 from the unobligated balances avail-*
25 *able in the “Information Analysis and Infrastructure*

736

1 *Protection—Operating Expenses” account (70 X*
2 *0900).*

3 *(7) \$113,000,000 from the unobligated balances*
4 *available under the heading “Management Direc-*
5 *torate—Procurement, Construction, and Improve-*
6 *ments”.*

7 *(8) \$42,730,000 from Public Law 116–93 under*
8 *the heading “Coast Guard—Procurement, Construc-*
9 *tion, and Improvements”.*

10 *(9) \$19,000,000 from Public Law 116-6 under*
11 *the heading “Coast Guard—Procurement, Construc-*
12 *tion, and Improvements”.*

13 *SEC. 549. The following unobligated balances made*
14 *available to the Department of Homeland Security pursu-*
15 *ant to section 505 of the Department of Homeland Security*
16 *Appropriations Act, 2022 (Public Law 117–103) are re-*
17 *scinded:*

18 *(1) \$23,858,130 from “Office of the Secretary*
19 *and Executive Management—Operations and Sup-*
20 *port”.*

21 *(2) \$604,580 from “Management Directorate—*
22 *Operations and Support”.*

23 *(3) \$636,170 from “Intelligence, Analysis, and*
24 *Operations Coordination—Operations and Support”.*

737

1 (4) \$338,830 from “U.S. Customs and Border
2 Protection—Operations and Support”.

3 (5) \$8,972,900 from “U.S. Immigration and
4 Customs Enforcement—Operations and Support”.

5 (6) \$6,332,670 from “United States Secret Serv-
6 ice—Operations and Support”.

7 (7) \$1,250,420 from “Cybersecurity and Infra-
8 structure Security Agency—Operations and Sup-
9 port”.

10 (8) \$10,899 from “Federal Emergency Manage-
11 ment Agency—Operations and Support”.

12 (9) \$3,208,190 from “U.S. Citizenship and Im-
13 migration Services—Operations and Support”.

14 (10) \$459,790 from “Federal Law Enforcement
15 Training Centers—Operations and Support”.

16 (11) \$141,630 from “Science and Technology Di-
17 rectorate—Operations and Support”.

18 (12) \$350,450 from “Countering Weapons of
19 Mass Destruction Office—Operations and Support”.

20 This division may be cited as the “Department of
21 Homeland Security Appropriations Act, 2023”.

738

1 ***DIVISION G—DEPARTMENT OF THE INTE-***
2 ***RIOR, ENVIRONMENT, AND RELATED***
3 ***AGENCIES APPROPRIATIONS ACT, 2023***

4 ***TITLE I***

5 ***DEPARTMENT OF THE INTERIOR***

6 ***BUREAU OF LAND MANAGEMENT***

7 ***MANAGEMENT OF LANDS AND RESOURCES***

8 *For necessary expenses for protection, use, improve-*
9 *ment, development, disposal, cadastral surveying, classifica-*
10 *tion, acquisition of easements and other interests in lands,*
11 *and performance of other functions, including maintenance*
12 *of facilities, as authorized by law, in the management of*
13 *lands and their resources under the jurisdiction of the Bu-*
14 *reau of Land Management, including the general adminis-*
15 *tration of the Bureau, and assessment of mineral potential*
16 *of public lands pursuant to section 1010(a) of Public Law*
17 *96–487 (16 U.S.C. 3150(a)), \$1,368,969,000, to remain*
18 *available until September 30, 2024; of which \$76,187,000*
19 *for annual maintenance and deferred maintenance pro-*
20 *grams and \$147,888,000 for the wild horse and burro pro-*
21 *gram, as authorized by Public Law 92–195 (16 U.S.C. 1331*
22 *et seq.), shall remain available until expended: Provided,*
23 *That amounts in the fee account of the BLM Permit Proc-*
24 *essing Improvement Fund may be used for any bureau-re-*
25 *lated expenses associated with the processing of oil and gas*

739

1 *applications for permits to drill and related use of author-*
2 *izations: Provided further, That of the amounts made avail-*
3 *able under this heading, up to \$3,500,000 may be made*
4 *available for the purposes described in section 122(e)(1)(A)*
5 *of division G of Public Law 115–21 (43 U.S.C.*
6 *1748c(e)(1)(A)): Provided further, That of the amounts*
7 *made available under this heading, \$3,500,000 is for*
8 *projects specified for Land Management Priorities in the*
9 *table titled “Interior and Environment Incorporation of*
10 *Community Project Funding Items/Congressionally Di-*
11 *rected Spending Items” included for this division in the ex-*
12 *planatory statement described in section 4 (in the matter*
13 *preceding division A of this consolidated Act).*

14 *In addition, \$39,696,000 is for Mining Law Adminis-*
15 *tration program operations, including the cost of admin-*
16 *istering the mining claim fee program, to remain available*
17 *until expended, to be reduced by amounts collected by the*
18 *Bureau and credited to this appropriation from mining*
19 *claim maintenance fees and location fees that are hereby*
20 *authorized for fiscal year 2023, so as to result in a final*
21 *appropriation estimated at not more than \$1,368,969,000,*
22 *and \$2,000,000, to remain available until expended, from*
23 *communication site rental fees established by the Bureau*
24 *for the cost of administering communication site activities.*

740

1 OREGON AND CALIFORNIA GRANT LANDS

2 *For expenses necessary for management, protection,*
3 *and development of resources and for construction, oper-*
4 *ation, and maintenance of access roads, reforestation, and*
5 *other improvements on the revested Oregon and California*
6 *Railroad grant lands, on other Federal lands in the Oregon*
7 *and California land-grant counties of Oregon, and on adja-*
8 *cent rights-of-way; and acquisition of lands or interests*
9 *therein, including existing connecting roads on or adjacent*
10 *to such grant lands; \$120,334,000, to remain available until*
11 *expended: Provided, That 25 percent of the aggregate of all*
12 *receipts during the current fiscal year from the revested Or-*
13 *egon and California Railroad grant lands is hereby made*
14 *a charge against the Oregon and California land-grant*
15 *fund and shall be transferred to the General Fund in the*
16 *Treasury in accordance with the second paragraph of sub-*
17 *section (b) of title II of the Act of August 28, 1937 (43*
18 *U.S.C. 2605).*

19 RANGE IMPROVEMENTS

20 *For rehabilitation, protection, and acquisition of lands*
21 *and interests therein, and improvement of Federal range-*
22 *lands pursuant to section 401 of the Federal Land Policy*
23 *and Management Act of 1976 (43 U.S.C. 1751), notwith-*
24 *standing any other Act, sums equal to 50 percent of all*
25 *moneys received during the prior fiscal year under sections*

741

1 *3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m)*
2 *and the amount designated for range improvements from*
3 *grazing fees and mineral leasing receipts from Bankhead-*
4 *Jones lands transferred to the Department of the Interior*
5 *pursuant to law, but not less than \$10,000,000, to remain*
6 *available until expended: Provided, That not to exceed*
7 *\$600,000 shall be available for administrative expenses.*

8 *SERVICE CHARGES, DEPOSITS, AND FORFEITURES*

9 *For administrative expenses and other costs related to*
10 *processing application documents and other authorizations*
11 *for use and disposal of public lands and resources, for costs*
12 *of providing copies of official public land documents, for*
13 *monitoring construction, operation, and termination of fa-*
14 *cilities in conjunction with use authorizations, and for re-*
15 *habilitation of damaged property, such amounts as may be*
16 *collected under Public Law 94–579 (43 U.S.C. 1701 et seq.),*
17 *and under section 28 of the Mineral Leasing Act (30 U.S.C.*
18 *185), to remain available until expended: Provided, That*
19 *notwithstanding any provision to the contrary of section*
20 *305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any*
21 *moneys that have been or will be received pursuant to that*
22 *section, whether as a result of forfeiture, compromise, or set-*
23 *tlement, if not appropriate for refund pursuant to section*
24 *305(c) of that Act (43 U.S.C. 1735(c)), shall be available*
25 *and may be expended under the authority of this Act by*

742

1 *the Secretary of the Interior to improve, protect, or rehabili-*
2 *tate any public lands administered through the Bureau of*
3 *Land Management which have been damaged by the action*
4 *of a resource developer, purchaser, permittee, or any unau-*
5 *thorized person, without regard to whether all moneys col-*
6 *lected from each such action are used on the exact lands*
7 *damaged which led to the action: Provided further, That*
8 *any such moneys that are in excess of amounts needed to*
9 *repair damage to the exact land for which funds were col-*
10 *lected may be used to repair other damaged public lands.*

11 MISCELLANEOUS TRUST FUNDS

12 *In addition to amounts authorized to be expended*
13 *under existing laws, there is hereby appropriated such*
14 *amounts as may be contributed under section 307 of Public*
15 *Law 94–579 (43 U.S.C. 1737), and such amounts as may*
16 *be advanced for administrative costs, surveys, appraisals,*
17 *and costs of making conveyances of omitted lands under sec-*
18 *tion 211(b) of that Act (43 U.S.C. 1721(b)), to remain*
19 *available until expended.*

20 ADMINISTRATIVE PROVISIONS

21 *The Bureau of Land Management may carry out the*
22 *operations funded under this Act by direct expenditure, con-*
23 *tracts, grants, cooperative agreements, and reimbursable*
24 *agreements with public and private entities, including with*
25 *States. Appropriations for the Bureau shall be available for*

743

1 purchase, erection, and dismantlement of temporary struc-
2 tures, and alteration and maintenance of necessary build-
3 ings and appurtenant facilities to which the United States
4 has title; up to \$100,000 for payments, at the discretion
5 of the Secretary, for information or evidence concerning vio-
6 lations of laws administered by the Bureau; miscellaneous
7 and emergency expenses of enforcement activities authorized
8 or approved by the Secretary and to be accounted for solely
9 on the Secretary's certificate, not to exceed \$10,000: Pro-
10 vided, That notwithstanding Public Law 90-620 (44 U.S.C.
11 501), the Bureau may, under cooperative cost-sharing and
12 partnership arrangements authorized by law, procure
13 printing services from cooperators in connection with joint-
14 ly produced publications for which the cooperators share the
15 cost of printing either in cash or in services, and the Bureau
16 determines the cooperator is capable of meeting accepted
17 quality standards: Provided further, That projects to be
18 funded pursuant to a written commitment by a State gov-
19 ernment to provide an identified amount of money in sup-
20 port of the project may be carried out by the Bureau on
21 a reimbursable basis.

744

1 *UNITED STATES FISH AND WILDLIFE SERVICE*2 *RESOURCE MANAGEMENT*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary expenses of the United States Fish and*
5 *Wildlife Service, as authorized by law, and for scientific*
6 *and economic studies, general administration, and for the*
7 *performance of other authorized functions related to such*
8 *resources, \$1,555,684,000, to remain available until Sep-*
9 *tember 30, 2024: Provided, That not to exceed \$23,398,000*
10 *shall be used for implementing subsections (a), (b), (c), and*
11 *(e) of section 4 of the Endangered Species Act of 1973 (16*
12 *U.S.C. 1533) (except for processing petitions, developing*
13 *and issuing proposed and final regulations, and taking any*
14 *other steps to implement actions described in subsection*
15 *(c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii) of such section): Pro-*
16 *vided further, That of the amount appropriated under this*
17 *heading, \$25,641,000, to remain available until September*
18 *30, 2025, shall be for projects specified for Stewardship Pri-*
19 *orities in the table titled “Interior and Environment Incor-*
20 *poration of Community Project Funding Items/Congres-*
21 *sionally Directed Spending Items” included for this divi-*
22 *sion in the explanatory statement described in section 4 (in*
23 *the matter preceding division A of this consolidated Act):*
24 *Provided further, That amounts in the preceding proviso*
25 *may be transferred to the appropriate program, project, or*

745

1 *activity under this heading and shall continue to only be*
2 *available for the purposes and in such amounts as such*
3 *funds were originally appropriated.*

4 *CONSTRUCTION*

5 *For construction, improvement, acquisition, or re-*
6 *moval of buildings and other facilities required in the con-*
7 *servation, management, investigation, protection, and utili-*
8 *zation of fish and wildlife resources, and the acquisition*
9 *of lands and interests therein; \$29,904,000, to remain avail-*
10 *able until expended.*

11 *COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND*

12 *For expenses necessary to carry out section 6 of the*
13 *Endangered Species Act of 1973 (16 U.S.C. 1535),*
14 *\$24,564,000, to remain available until expended, to be de-*
15 *rived from the Cooperative Endangered Species Conserva-*
16 *tion Fund.*

17 *NATIONAL WILDLIFE REFUGE FUND*

18 *For expenses necessary to implement the Act of October*
19 *17, 1978 (16 U.S.C. 715s), \$13,228,000.*

20 *NORTH AMERICAN WETLANDS CONSERVATION FUND*

21 *For expenses necessary to carry out the provisions of*
22 *the North American Wetlands Conservation Act (16 U.S.C.*
23 *4401 et seq.), \$50,000,000, to remain available until ex-*
24 *pended.*

746

1 *NEOTROPICAL MIGRATORY BIRD CONSERVATION*

2 *For expenses necessary to carry out the Neotropical*
3 *Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.),*
4 *\$5,100,000, to remain available until expended.*

5 *MULTINATIONAL SPECIES CONSERVATION FUND*

6 *For expenses necessary to carry out the African Ele-*
7 *phant Conservation Act (16 U.S.C. 4201 et seq.), the Asian*
8 *Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.),*
9 *the Rhinoceros and Tiger Conservation Act of 1994 (16*
10 *U.S.C. 5301 et seq.), the Great Ape Conservation Act of*
11 *2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Con-*
12 *servation Act of 2004 (16 U.S.C. 6601 et seq.), \$21,000,000,*
13 *to remain available until expended.*

14 *STATE AND TRIBAL WILDLIFE GRANTS*

15 *For wildlife conservation grants to States and to the*
16 *District of Columbia, Puerto Rico, Guam, the United States*
17 *Virgin Islands, the Northern Mariana Islands, American*
18 *Samoa, and Indian tribes under the provisions of the Fish*
19 *and Wildlife Act of 1956 and the Fish and Wildlife Coordi-*
20 *nation Act, for the development and implementation of pro-*
21 *grams for the benefit of wildlife and their habitat, including*
22 *species that are not hunted or fished, \$73,812,000, to re-*
23 *main available until expended: Provided, That of the*
24 *amount provided herein, \$6,200,000 is for a competitive*
25 *grant program for Indian tribes not subject to the remain-*

1 *ing provisions of this appropriation: Provided further, That*
2 *\$7,612,000 is for a competitive grant program to implement*
3 *approved plans for States, territories, and other jurisdic-*
4 *tions and at the discretion of affected States, the regional*
5 *Associations of fish and wildlife agencies, not subject to the*
6 *remaining provisions of this appropriation: Provided fur-*
7 *ther, That the Secretary shall, after deducting \$13,812,000*
8 *and administrative expenses, apportion the amount pro-*
9 *vided herein in the following manner: (1) to the District*
10 *of Columbia and to the Commonwealth of Puerto Rico, each*
11 *a sum equal to not more than one-half of 1 percent thereof;*
12 *and (2) to Guam, American Samoa, the United States Vir-*
13 *gin Islands, and the Commonwealth of the Northern Mar-*
14 *iana Islands, each a sum equal to not more than one-fourth*
15 *of 1 percent thereof: Provided further, That the Secretary*
16 *of the Interior shall apportion the remaining amount in*
17 *the following manner: (1) one-third of which is based on*
18 *the ratio to which the land area of such State bears to the*
19 *total land area of all such States; and (2) two-thirds of*
20 *which is based on the ratio to which the population of such*
21 *State bears to the total population of all such States: Pro-*
22 *vided further, That the amounts apportioned under this*
23 *paragraph shall be adjusted equitably so that no State shall*
24 *be apportioned a sum which is less than 1 percent of the*
25 *amount available for apportionment under this paragraph*

1 *for any fiscal year or more than 5 percent of such amount:*
2 *Provided further, That the Federal share of planning grants*
3 *shall not exceed 75 percent of the total costs of such projects*
4 *and the Federal share of implementation grants shall not*
5 *exceed 65 percent of the total costs of such projects: Provided*
6 *further, That the non-Federal share of such projects may*
7 *not be derived from Federal grant programs: Provided fur-*
8 *ther, That any amount apportioned in 2023 to any State,*
9 *territory, or other jurisdiction that remains unobligated as*
10 *of September 30, 2024, shall be reapportioned, together with*
11 *funds appropriated in 2025, in the manner provided here-*
12 *in.*

13 *ADMINISTRATIVE PROVISIONS*

14 *The United States Fish and Wildlife Service may*
15 *carry out the operations of Service programs by direct ex-*
16 *penditure, contracts, grants, cooperative agreements and re-*
17 *imbursable agreements with public and private entities. Ap-*
18 *propriations and funds available to the United States Fish*
19 *and Wildlife Service shall be available for repair of damage*
20 *to public roads within and adjacent to reservation areas*
21 *caused by operations of the Service; options for the purchase*
22 *of land at not to exceed one dollar for each option; facilities*
23 *incident to such public recreational uses on conservation*
24 *areas as are consistent with their primary purpose; and*
25 *the maintenance and improvement of aquaria, buildings,*

1 *and other facilities under the jurisdiction of the Service and*
2 *to which the United States has title, and which are used*
3 *pursuant to law in connection with management, and in-*
4 *vestigation of fish and wildlife resources: Provided, That*
5 *notwithstanding 44 U.S.C. 501, the Service may, under co-*
6 *operative cost sharing and partnership arrangements au-*
7 *thorized by law, procure printing services from cooperators*
8 *in connection with jointly produced publications for which*
9 *the cooperators share at least one-half the cost of printing*
10 *either in cash or services and the Service determines the*
11 *cooperator is capable of meeting accepted quality standards:*
12 *Provided further, That the Service may accept donated air-*
13 *craft as replacements for existing aircraft: Provided further,*
14 *That notwithstanding 31 U.S.C. 3302, all fees collected for*
15 *non-toxic shot review and approval shall be deposited under*
16 *the heading “United States Fish and Wildlife Service—Re-*
17 *source Management” and shall be available to the Sec-*
18 *retary, without further appropriation, to be used for ex-*
19 *penses of processing of such non-toxic shot type or coating*
20 *applications and revising regulations as necessary, and*
21 *shall remain available until expended: Provided further,*
22 *That the second proviso under the heading “United States*
23 *Fish and Wildlife Service—Resource Management” in title*
24 *I of division E of Public Law 112–74 (16 U.S.C. 742l–*

750

1) is amended by striking “2012” and inserting “2023” and striking “\$400,000” and inserting “\$750,000”.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, \$2,923,424,000, of which \$11,661,000 for planning and interagency coordination in support of Everglades restoration and \$135,980,000 for maintenance, repair, or rehabilitation projects for constructed assets and \$188,184,000 for cyclic maintenance projects for constructed assets and cultural resources and \$10,000,000 for uses authorized by section 101122 of title 54, United States Code shall remain available until September 30, 2024: Provided, That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95–348: Provided further, That notwithstanding section 9 of the 400 Years of African-American History Commission Act (36 U.S.C. note prec. 101; Public Law 115–102), \$3,300,000 of the funds provided under this heading shall be made available for the purposes specified by that Act: Provided further, That sections (7)(b) and (8) of that Act shall be amended by striking “July 1, 2023” and inserting “July 1, 2024”.

751

1 *In addition, for purposes described in section 2404 of*
2 *Public Law 116–9, an amount equal to the amount depos-*
3 *ited in this fiscal year into the National Park Medical Serv-*
4 *ices Fund established pursuant to such section of such Act,*
5 *to remain available until expended, shall be derived from*
6 *such Fund.*

7 *NATIONAL RECREATION AND PRESERVATION*

8 *For expenses necessary to carry out recreation pro-*
9 *grams, natural programs, cultural programs, heritage part-*
10 *nership programs, environmental compliance and review,*
11 *international park affairs, and grant administration, not*
12 *otherwise provided for, \$92,512,000, to remain available*
13 *until September 30, 2024, of which \$2,919,000 shall be for*
14 *projects specified for Statutory and Contractual Aid in the*
15 *table titled “Interior and Environment Incorporation of*
16 *Community Project Funding Items/Congressionally Di-*
17 *rected Spending Items” included for this division in the ex-*
18 *planatory statement described in section 4 (in the matter*
19 *preceding division A of this consolidated Act).*

20 *HISTORIC PRESERVATION FUND*

21 *For expenses necessary in carrying out the National*
22 *Historic Preservation Act (division A of subtitle III of title*
23 *54, United States Code), \$204,515,000, to be derived from*
24 *the Historic Preservation Fund and to remain available*
25 *until September 30, 2024, of which \$26,500,000 shall be for*

752

1 *Save America's Treasures grants for preservation of nation-*
2 *ally significant sites, structures and artifacts as authorized*
3 *by section 7303 of the Omnibus Public Land Management*
4 *Act of 2009 (54 U.S.C. 3089): Provided, That an individual*
5 *Save America's Treasures grant shall be matched by non-*
6 *Federal funds: Provided further, That individual projects*
7 *shall only be eligible for one grant: Provided further, That*
8 *all projects to be funded shall be approved by the Secretary*
9 *of the Interior in consultation with the House and Senate*
10 *Committees on Appropriations: Provided further, That of*
11 *the funds provided for the Historic Preservation Fund,*
12 *\$1,250,000 is for competitive grants for the survey and*
13 *nomination of properties to the National Register of His-*
14 *toric Places and as National Historic Landmarks associ-*
15 *ated with communities currently under-represented, as de-*
16 *termined by the Secretary; \$29,000,000 is for competitive*
17 *grants to preserve the sites and stories of the Civil Rights*
18 *movement; \$11,000,000 is for grants to Historically Black*
19 *Colleges and Universities; \$12,500,000 is for competitive*
20 *grants for the restoration of historic properties of national,*
21 *State, and local significance listed on or eligible for inclu-*
22 *sion on the National Register of Historic Places, to be made*
23 *without imposing the usage or direct grant restrictions of*
24 *section 101(e)(3) (54 U.S.C. 302904) of the National His-*
25 *torical Preservation Act; \$10,000,000 is for a competitive*

753

1 *grant program to honor the semiquincentennial anniver-*
2 *sary of the United States by restoring and preserving sites*
3 *and structures listed on the National Register of Historic*
4 *Places that commemorate the founding of the nation; and*
5 *\$29,115,000 is for projects specified for the Historic Preser-*
6 *vation Fund in the table titled “Interior and Environment*
7 *Incorporation of Community Project Funding Items/Con-*
8 *gressionally Directed Spending Items” included for this di-*
9 *vision in the explanatory statement described in section 4*
10 *(in the matter preceding division A of this consolidated*
11 *Act): Provided further, That such competitive grants shall*
12 *be made without imposing the matching requirements in*
13 *section 302902(b)(3) of title 54, United States Code to*
14 *States and Indian tribes as defined in chapter 3003 of such*
15 *title, Native Hawaiian organizations, local governments,*
16 *including Certified Local Governments, and non-profit or-*
17 *ganizations.*

18 CONSTRUCTION

19 *For construction, improvements, repair, or replace-*
20 *ment of physical facilities, and related equipment, and com-*
21 *pliance and planning for programs and areas administered*
22 *by the National Park Service, \$239,803,000, to remain*
23 *available until expended: Provided, That notwithstanding*
24 *any other provision of law, for any project initially funded*
25 *in fiscal year 2023 with a future phase indicated in the*

754

1 *National Park Service 5-Year Line Item Construction*
2 *Plan, a single procurement may be issued which includes*
3 *the full scope of the project: Provided further, That the solic-*
4 *itation and contract shall contain the clause availability*
5 *of funds found at 48 CFR 52.232-18: Provided further,*
6 *That National Park Service Donations, Park Concessions*
7 *Franchise Fees, and Recreation Fees may be made available*
8 *for the cost of adjustments and changes within the original*
9 *scope of effort for projects funded by the National Park*
10 *Service Construction appropriation: Provided further, That*
11 *the Secretary of the Interior shall consult with the Commit-*
12 *tees on Appropriations, in accordance with current re-*
13 *programming thresholds, prior to making any charges au-*
14 *thorized by this section.*

15 *CENTENNIAL CHALLENGE*

16 *For expenses necessary to carry out the provisions of*
17 *section 101701 of title 54, United States Code, relating to*
18 *challenge cost share agreements, \$15,000,000, to remain*
19 *available until expended, for Centennial Challenge projects*
20 *and programs: Provided, That not less than 50 percent of*
21 *the total cost of each project or program shall be derived*
22 *from non-Federal sources in the form of donated cash, as-*
23 *sets, or a pledge of donation guaranteed by an irrevocable*
24 *letter of credit.*

755

1 *ADMINISTRATIVE PROVISIONS*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *In addition to other uses set forth in section*
4 *101917(c)(2) of title 54, United States Code, franchise fees*
5 *credited to a sub-account shall be available for expenditure*
6 *by the Secretary, without further appropriation, for use at*
7 *any unit within the National Park System to extinguish*
8 *or reduce liability for Possessory Interest or leasehold sur-*
9 *render interest. Such funds may only be used for this pur-*
10 *pose to the extent that the benefitting unit anticipated fran-*
11 *chise fee receipts over the term of the contract at that unit*
12 *exceed the amount of funds used to extinguish or reduce li-*
13 *ability. Franchise fees at the benefitting unit shall be cred-*
14 *ited to the sub-account of the originating unit over a period*
15 *not to exceed the term of a single contract at the benefitting*
16 *unit, in the amount of funds so expended to extinguish or*
17 *reduce liability.*

18 *For the costs of administration of the Land and Water*
19 *Conservation Fund grants authorized by section*
20 *105(a)(2)(B) of the Gulf of Mexico Energy Security Act of*
21 *2006 (Public Law 109–432), the National Park Service*
22 *may retain up to 3 percent of the amounts which are au-*
23 *thorized to be disbursed under such section, such retained*
24 *amounts to remain available until expended.*

756

1 *National Park Service funds may be transferred to the*
2 *Federal Highway Administration (FHWA), Department of*
3 *Transportation, for purposes authorized under 23 U.S.C.*
4 *203. Transfers may include a reasonable amount for*
5 *FHWA administrative support costs.*

6 *UNITED STATES GEOLOGICAL SURVEY*
7 *SURVEYS, INVESTIGATIONS, AND RESEARCH*
8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For expenses necessary for the United States Geological*
10 *Survey to perform surveys, investigations, and research cov-*
11 *ering topography, geology, hydrology, biology, and the min-*
12 *eral and water resources of the United States, its territories*
13 *and possessions, and other areas as authorized by 43 U.S.C.*
14 *31, 1332, and 1340; classify lands as to their mineral and*
15 *water resources; give engineering supervision to power per-*
16 *mittees and Federal Energy Regulatory Commission licens-*
17 *ees; administer the minerals exploration program (30*
18 *U.S.C. 641); conduct inquiries into the economic conditions*
19 *affecting mining and materials processing industries (30*
20 *U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(a)(1)) and related*
21 *purposes as authorized by law; and to publish and dissemi-*
22 *nate data relative to the foregoing activities;*
23 *\$1,497,178,000, to remain available until September 30,*
24 *2024; of which \$92,184,000 shall remain available until ex-*
25 *pended for satellite operations; and of which \$74,840,000*

757

1 *shall be available until expended for deferred maintenance*
2 *and capital improvement projects that exceed \$100,000 in*
3 *cost: Provided, That none of the funds provided for the eco-*
4 *system research activity shall be used to conduct new sur-*
5 *veys on private property, unless specifically authorized in*
6 *writing by the property owner: Provided further, That no*
7 *part of this appropriation shall be used to pay more than*
8 *one-half the cost of topographic mapping or water resources*
9 *data collection and investigations carried on in cooperation*
10 *with States and municipalities: Provided further, That of*
11 *the amount appropriated under this heading, \$2,130,000*
12 *shall be for projects specified for Special Initiatives in the*
13 *table titled "Interior and Environment Incorporation of*
14 *Community Project Funding Items/Congressionally Di-*
15 *rected Spending Items" included for this division in the ex-*
16 *planatory statement described in section 4 (in the matter*
17 *preceding division A of this consolidated Act): Provided fur-*
18 *ther, That amounts in the preceding proviso may be trans-*
19 *ferred to the appropriate program, project, or activity*
20 *under this heading and shall continue to only be available*
21 *for the purposes and in such amounts as such funds were*
22 *originally appropriated.*

23 *ADMINISTRATIVE PROVISIONS*

24 *From within the amount appropriated for activities*
25 *of the United States Geological Survey such sums as are*

1 *necessary shall be available for contracting for the fur-*
2 *nishing of topographic maps and for the making of geo-*
3 *physical or other specialized surveys when it is administra-*
4 *tively determined that such procedures are in the public in-*
5 *terest; construction and maintenance of necessary buildings*
6 *and appurtenant facilities; acquisition of lands for gauging*
7 *stations, observation wells, and seismic equipment; expenses*
8 *of the United States National Committee for Geological*
9 *Sciences; and payment of compensation and expenses of*
10 *persons employed by the Survey duly appointed to represent*
11 *the United States in the negotiation and administration*
12 *of interstate compacts: Provided, That activities funded by*
13 *appropriations herein made may be accomplished through*
14 *the use of contracts, grants, or cooperative agreements as*
15 *defined in section 6302 of title 31, United States Code: Pro-*
16 *vided further, That the United States Geological Survey*
17 *may enter into contracts or cooperative agreements directly*
18 *with individuals or indirectly with institutions or non-*
19 *profit organizations, without regard to 41 U.S.C. 6101, for*
20 *the temporary or intermittent services of students or recent*
21 *graduates, who shall be considered employees for the pur-*
22 *pose of chapters 57 and 81 of title 5, United States Code,*
23 *relating to compensation for travel and work injuries, and*
24 *chapter 171 of title 28, United States Code, relating to tort*

1 *claims, but shall not be considered to be Federal employees*
2 *for any other purposes.*

3 *BUREAU OF OCEAN ENERGY MANAGEMENT*

4 *OCEAN ENERGY MANAGEMENT*

5 *For expenses necessary for granting and administering*
6 *leases, easements, rights-of-way, and agreements for use for*
7 *oil and gas, other minerals, energy, and marine-related*
8 *purposes on the Outer Continental Shelf and approving op-*
9 *erations related thereto, as authorized by law; for environ-*
10 *mental studies, as authorized by law; for implementing*
11 *other laws and to the extent provided by Presidential or*
12 *Secretarial delegation; and for matching grants or coopera-*
13 *tive agreements, \$219,960,000, of which \$182,960,000 is to*
14 *remain available until September 30, 2024, and of which*
15 *\$37,000,000 is to remain available until expended: Pro-*
16 *vided, That this total appropriation shall be reduced by*
17 *amounts collected by the Secretary of the Interior and cred-*
18 *ited to this appropriation from additions to receipts result-*
19 *ing from increases to lease rental rates in effect on August*
20 *5, 1993, and from cost recovery fees from activities con-*
21 *ducted by the Bureau of Ocean Energy Management pursu-*
22 *ant to the Outer Continental Shelf Lands Act, including*
23 *studies, assessments, analysis, and miscellaneous adminis-*
24 *trative activities: Provided further, That the sum herein ap-*
25 *propriated shall be reduced as such collections are received*

760

1 *during the fiscal year, so as to result in a final fiscal year*
2 *2023 appropriation estimated at not more than*
3 *\$182,960,000: Provided further, That not to exceed \$3,000*
4 *shall be available for reasonable expenses related to pro-*
5 *moting volunteer beach and marine cleanup activities.*

6 *BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT*
7 *OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT*

8 *For expenses necessary for the regulation of operations*
9 *related to leases, easements, rights-of-way, and agreements*
10 *for use for oil and gas, other minerals, energy, and marine-*
11 *related purposes on the Outer Continental Shelf, as author-*
12 *ized by law; for enforcing and implementing laws and regu-*
13 *lations as authorized by law and to the extent provided by*
14 *Presidential or Secretarial delegation; and for matching*
15 *grants or cooperative agreements, \$175,886,000, of which*
16 *\$153,886,000 is to remain available until September 30,*
17 *2024, and of which \$22,000,000 is to remain available until*
18 *expended, including \$3,000,000 for offshore decommis-*
19 *sioning activities: Provided, That this total appropriation*
20 *shall be reduced by amounts collected by the Secretary of*
21 *the Interior and credited to this appropriation from addi-*
22 *tions to receipts resulting from increases to lease rental*
23 *rates in effect on August 5, 1993, and from cost recovery*
24 *fees from activities conducted by the Bureau of Safety and*
25 *Environmental Enforcement pursuant to the Outer Conti-*

761

1 *mental Shelf Lands Act, including studies, assessments,*
2 *analysis, and miscellaneous administrative activities: Pro-*
3 *vided further, That the sum herein appropriated shall be*
4 *reduced as such collections are received during the fiscal*
5 *year, so as to result in a final fiscal year 2023 appropria-*
6 *tion estimated at not more than \$156,886,000.*

7 *For an additional amount, \$38,000,000, to remain*
8 *available until expended, to be reduced by amounts collected*
9 *by the Secretary and credited to this appropriation, which*
10 *shall be derived from non-refundable inspection fees col-*
11 *lected in fiscal year 2023, as provided in this Act: Provided,*
12 *That to the extent that amounts realized from such inspec-*
13 *tion fees exceed \$38,000,000, the amounts realized in excess*
14 *of \$38,000,000 shall be credited to this appropriation and*
15 *remain available until expended: Provided further, That for*
16 *fiscal year 2023, not less than 50 percent of the inspection*
17 *fees expended by the Bureau of Safety and Environmental*
18 *Enforcement will be used to fund personnel and mission-*
19 *related costs to expand capacity and expedite the orderly*
20 *development, subject to environmental safeguards, of the*
21 *Outer Continental Shelf pursuant to the Outer Continental*
22 *Shelf Lands Act (43 U.S.C. 1331 et seq.), including the re-*
23 *view of applications for permits to drill.*

762

1 *OIL SPILL RESEARCH*

2 *For necessary expenses to carry out title I, section*
3 *1016; title IV, sections 4202 and 4303; title VII; and title*
4 *VIII, section 8201 of the Oil Pollution Act of 1990,*
5 *\$15,099,000, which shall be derived from the Oil Spill Li-*
6 *ability Trust Fund, to remain available until expended.*

7 *OFFICE OF SURFACE MINING RECLAMATION AND*8 *ENFORCEMENT*9 *REGULATION AND TECHNOLOGY*

10 *For necessary expenses to carry out the provisions of*
11 *the Surface Mining Control and Reclamation Act of 1977,*
12 *Public Law 95–87, \$121,026,000, to remain available until*
13 *September 30, 2024, of which \$65,000,000 shall be available*
14 *for State and tribal regulatory grants: Provided, That ap-*
15 *propriations for the Office of Surface Mining Reclamation*
16 *and Enforcement may provide for the travel and per diem*
17 *expenses of State and tribal personnel attending Office of*
18 *Surface Mining Reclamation and Enforcement sponsored*
19 *training.*

20 *In addition, for costs to review, administer, and en-*
21 *force permits issued by the Office pursuant to section 507*
22 *of Public Law 95–87 (30 U.S.C. 1257), \$40,000, to remain*
23 *available until expended: Provided, That fees assessed and*
24 *collected by the Office pursuant to such section 507 shall*
25 *be credited to this account as discretionary offsetting collec-*

763

1 *tions, to remain available until expended: Provided further,*
2 *That the sum herein appropriated from the general fund*
3 *shall be reduced as collections are received during the fiscal*
4 *year, so as to result in a fiscal year 2023 appropriation*
5 *estimated at not more than \$121,026,000.*

6 *ABANDONED MINE RECLAMATION FUND*

7 *For necessary expenses to carry out title IV of the Sur-*
8 *face Mining Control and Reclamation Act of 1977, Public*
9 *Law 95–87, \$33,904,000, to be derived from receipts of the*
10 *Abandoned Mine Reclamation Fund and to remain avail-*
11 *able until expended: Provided, That pursuant to Public*
12 *Law 97–365, the Department of the Interior is authorized*
13 *to use up to 20 percent from the recovery of the delinquent*
14 *debt owed to the United States Government to pay for con-*
15 *tracts to collect these debts: Provided further, That funds*
16 *made available under title IV of Public Law 95–87 may*
17 *be used for any required non-Federal share of the cost of*
18 *projects funded by the Federal Government for the purpose*
19 *of environmental restoration related to treatment or abate-*
20 *ment of acid mine drainage from abandoned mines: Pro-*
21 *vided further, That such projects must be consistent with*
22 *the purposes and priorities of the Surface Mining Control*
23 *and Reclamation Act: Provided further, That amounts pro-*
24 *vided under this heading may be used for the travel and*
25 *per diem expenses of State and tribal personnel attending*

764

1 *Office of Surface Mining Reclamation and Enforcement*
2 *sponsored training.*

3 *In addition, \$135,000,000, to remain available until*
4 *expended, for grants to States and federally recognized In-*
5 *dian Tribes for reclamation of abandoned mine lands and*
6 *other related activities in accordance with the terms and*
7 *conditions described in the explanatory statement described*
8 *in section 4 (in the matter preceding division A of this con-*
9 *solidated Act): Provided, That such additional amount shall*
10 *be used for economic and community development in con-*
11 *junction with the priorities in section 403(a) of the Surface*
12 *Mining Control and Reclamation Act of 1977 (30 U.S.C.*
13 *1233(a)): Provided further, That of such additional*
14 *amount, \$88,042,000 shall be distributed in equal amounts*
15 *to the three Appalachian States with the greatest amount*
16 *of unfunded needs to meet the priorities described in para-*
17 *graphs (1) and (2) of such section, \$35,218,000 shall be dis-*
18 *tributed in equal amounts to the three Appalachian States*
19 *with the subsequent greatest amount of unfunded needs to*
20 *meet such priorities, and \$11,740,000 shall be for grants*
21 *to federally recognized Indian Tribes without regard to*
22 *their status as certified or uncertified under the Surface*
23 *Mining Control and Reclamation Act of 1977 (30 U.S.C.*
24 *1233(a)), for reclamation of abandoned mine lands and*
25 *other related activities in accordance with the terms and*

765

1 *conditions described in the explanatory statement described*
2 *in section 4 (in the matter preceding division A of this con-*
3 *solidated Act) and shall be used for economic and commu-*
4 *nity development in conjunction with the priorities in sec-*
5 *tion 403(a) of the Surface Mining Control and Reclamation*
6 *Act of 1977: Provided further, That such additional amount*
7 *shall be allocated to States and Indian Tribes within 60*
8 *days after the date of enactment of this Act.*

9 *INDIAN AFFAIRS*
10 *BUREAU OF INDIAN AFFAIRS*
11 *OPERATION OF INDIAN PROGRAMS*
12 *(INCLUDING TRANSFERS OF FUNDS)*

13 *For expenses necessary for the operation of Indian pro-*
14 *grams, as authorized by law, including the Snyder Act of*
15 *November 2, 1921 (25 U.S.C. 13) and the Indian Self-De-*
16 *termination and Education Assistance Act of 1975 (25*
17 *U.S.C. 5301 et seq.), \$1,906,998,000, to remain available*
18 *until September 30, 2024, except as otherwise provided*
19 *herein; of which not to exceed \$8,500 may be for official*
20 *reception and representation expenses; of which not to ex-*
21 *ceed \$78,494,000 shall be for welfare assistance payments:*
22 *Provided, That in cases of designated Federal disasters, the*
23 *Secretary of the Interior may exceed such cap for welfare*
24 *payments from the amounts provided herein, to provide for*
25 *disaster relief to Indian communities affected by the dis-*

766

1 aster: *Provided further, That federally recognized Indian*
2 *tribes and tribal organizations of federally recognized In-*
3 *dian tribes may use their tribal priority allocations for*
4 *unmet welfare assistance costs: Provided further, That not*
5 *to exceed \$63,586,000 shall remain available until expended*
6 *for housing improvement, road maintenance, land acquisi-*
7 *tion, attorney fees, litigation support, land records improve-*
8 *ment, and the Navajo-Hopi Settlement Program: Provided*
9 *further, That of the amount appropriated under this head-*
10 *ing, \$4,240,000 shall be for projects specified for Special*
11 *Initiatives (CDS) in the table titled “Interior and Environ-*
12 *ment Incorporation of Community Project Funding Items/*
13 *Congressionally Directed Spending Items” included for this*
14 *division in the explanatory statement described in section*
15 *4 (in the matter preceding division A of this consolidated*
16 *Act): Provided further, That any forestry funds allocated*
17 *to a federally recognized tribe which remain unobligated as*
18 *of September 30, 2024, may be transferred during fiscal*
19 *year 2025 to an Indian forest land assistance account estab-*
20 *lished for the benefit of the holder of the funds within the*
21 *holder’s trust fund account: Provided further, That any*
22 *such unobligated balances not so transferred shall expire on*
23 *September 30, 2025: Provided further, That in order to en-*
24 *hance the safety of Bureau field employees, the Bureau may*
25 *use funds to purchase uniforms or other identifying articles*

767

1 *of clothing for personnel: Provided further, That the Bureau*
2 *of Indian Affairs may accept transfers of funds from United*
3 *States Customs and Border Protection to supplement any*
4 *other funding available for reconstruction or repair of roads*
5 *owned by the Bureau of Indian Affairs as identified on the*
6 *National Tribal Transportation Facility Inventory, 23*
7 *U.S.C. 202(b)(1).*

8 *INDIAN LAND CONSOLIDATION*

9 *For the acquisition of fractional interests to further*
10 *land consolidation as authorized under the Indian Land*
11 *Consolidation Act Amendments of 2000 (Public Law 106–*
12 *462), and the American Indian Probate Reform Act of 2004*
13 *(Public Law 108–374), \$8,000,000, to remain available*
14 *until expended: Provided, That any provision of the Indian*
15 *Land Consolidation Act Amendments of 2000 (Public Law*
16 *106–462) that requires or otherwise relates to application*
17 *of a lien shall not apply to the acquisitions funded herein.*

18 *CONTRACT SUPPORT COSTS*

19 *For payments to tribes and tribal organizations for*
20 *contract support costs associated with Indian Self-Deter-*
21 *mination and Education Assistance Act agreements with*
22 *the Bureau of Indian Affairs and the Bureau of Indian*
23 *Education for fiscal year 2023, such sums as may be nec-*
24 *essary, which shall be available for obligation through Sep-*
25 *tember 30, 2024: Provided, That notwithstanding any other*

768

1 *provision of law, no amounts made available under this*
2 *heading shall be available for transfer to another budget ac-*
3 *count.*

4 *PAYMENTS FOR TRIBAL LEASES*

5 *For payments to tribes and tribal organizations for*
6 *leases pursuant to section 105(l) of the Indian Self-Deter-*
7 *mination and Education Assistance Act (25 U.S.C. 5324(l))*
8 *for fiscal year 2023, such sums as may be necessary, which*
9 *shall be available for obligation through September 30,*
10 *2024: Provided, That notwithstanding any other provision*
11 *of law, no amounts made available under this heading shall*
12 *be available for transfer to another budget account.*

13 *CONSTRUCTION*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For construction, repair, improvement, and mainte-*
16 *nance of irrigation and power systems, buildings, utilities,*
17 *and other facilities, including architectural and engineering*
18 *services by contract; acquisition of lands, and interests in*
19 *lands; and preparation of lands for farming, and for con-*
20 *struction of the Navajo Indian Irrigation Project pursuant*
21 *to Public Law 87-483; \$153,309,000, to remain available*
22 *until expended: Provided, That such amounts as may be*
23 *available for the construction of the Navajo Indian Irriga-*
24 *tion Project may be transferred to the Bureau of Reclama-*
25 *tion: Provided further, That any funds provided for the*

1 *Safety of Dams program pursuant to the Act of November*
2 *2, 1921 (25 U.S.C. 13), shall be made available on a nonre-*
3 *imbursable basis: Provided further, That this appropriation*
4 *may be reimbursed from the Office of the Special Trustee*
5 *for American Indians appropriation for the appropriate*
6 *share of construction costs for space expansion needed in*
7 *agency offices to meet trust reform implementation: Pro-*
8 *vided further, That of the funds made available under this*
9 *heading, \$10,000,000 shall be derived from the Indian Irri-*
10 *gation Fund established by section 3211 of the WIIN Act*
11 *(Public Law 114–322; 130 Stat. 1749): Provided further,*
12 *That amounts provided under this heading are made avail-*
13 *able for the modernization of Federal field communication*
14 *capabilities, in addition to amounts otherwise made avail-*
15 *able for such purpose.*

16 *INDIAN LAND AND WATER CLAIM SETTLEMENTS AND*
17 *MISCELLANEOUS PAYMENTS TO INDIANS*

18 *For payments and necessary administrative expenses*
19 *for implementation of Indian land and water claim settle-*
20 *ments pursuant to Public Laws 99–264, 114–322, and 116–*
21 *260, and for implementation of other land and water rights*
22 *settlements, \$825,000, to remain available until expended.*

23 *INDIAN GUARANTEED LOAN PROGRAM ACCOUNT*

24 *For the cost of guaranteed loans and insured loans,*
25 *\$13,884,000, to remain available until September 30, 2024,*

770

1 *of which \$2,680,000 is for administrative expenses, as au-*
2 *thorized by the Indian Financing Act of 1974: Provided,*
3 *That such costs, including the cost of modifying such loans,*
4 *shall be as defined in section 502 of the Congressional Budg-*
5 *et Act of 1974: Provided further, That these funds are avail-*
6 *able to subsidize total loan principal, any part of which*
7 *is to be guaranteed or insured, not to exceed \$150,213,551.*

8 *BUREAU OF INDIAN EDUCATION*9 *OPERATION OF INDIAN EDUCATION PROGRAMS*

10 *For expenses necessary for the operation of Indian edu-*
11 *cation programs, as authorized by law, including the Sny-*
12 *der Act of November 2, 1921 (25 U.S.C. 13), the Indian*
13 *Self-Determination and Education Assistance Act of 1975*
14 *(25 U.S.C. 5301 et seq.), the Education Amendments of*
15 *1978 (25 U.S.C. 2001–2019), and the Tribally Controlled*
16 *Schools Act of 1988 (25 U.S.C. 2501 et seq.), \$1,133,552,000*
17 *to remain available until September 30, 2024, except as oth-*
18 *erwise provided herein: Provided, That federally recognized*
19 *Indian tribes and tribal organizations of federally recog-*
20 *nized Indian tribes may use their tribal priority allocations*
21 *for unmet welfare assistance costs: Provided further, That*
22 *not to exceed \$833,592,000 for school operations costs of Bu-*
23 *reau-funded schools and other education programs shall be-*
24 *come available on July 1, 2023, and shall remain available*
25 *until September 30, 2024: Provided further, That notwith-*

771

1 *standing any other provision of law, including but not lim-*
2 *ited to the Indian Self-Determination Act of 1975 (25*
3 *U.S.C. 5301 et seq.) and section 1128 of the Education*
4 *Amendments of 1978 (25 U.S.C. 2008), not to exceed*
5 *\$95,822,000 within and only from such amounts made*
6 *available for school operations shall be available for admin-*
7 *istrative cost grants associated with grants approved prior*
8 *to July 1, 2023: Provided further, That in order to enhance*
9 *the safety of Bureau field employees, the Bureau may use*
10 *funds to purchase uniforms or other identifying articles of*
11 *clothing for personnel.*

12 *EDUCATION CONSTRUCTION*

13 *For construction, repair, improvement, and mainte-*
14 *nance of buildings, utilities, and other facilities necessary*
15 *for the operation of Indian education programs, including*
16 *architectural and engineering services by contract; acquisi-*
17 *tion of lands, and interests in lands; \$267,887,000 to re-*
18 *main available until expended: Provided, That in order to*
19 *ensure timely completion of construction projects, the Sec-*
20 *retary of the Interior may assume control of a project and*
21 *all funds related to the project, if, not later than 18 months*
22 *after the date of the enactment of this Act, any Public Law*
23 *100–297 (25 U.S.C. 2501, et seq.) grantee receiving funds*
24 *appropriated in this Act or in any prior Act, has not com-*

1 pleted the planning and design phase of the project and
2 commenced construction.

3 ADMINISTRATIVE PROVISIONS

4 The Bureau of Indian Affairs and the Bureau of In-
5 dian Education may carry out the operation of Indian pro-
6 grams by direct expenditure, contracts, cooperative agree-
7 ments, compacts, and grants, either directly or in coopera-
8 tion with States and other organizations.

9 Notwithstanding Public Law 87–279 (25 U.S.C. 15),
10 the Bureau of Indian Affairs may contract for services in
11 support of the management, operation, and maintenance of
12 the Power Division of the San Carlos Irrigation Project.

13 Notwithstanding any other provision of law, no funds
14 available to the Bureau of Indian Affairs or the Bureau
15 of Indian Education for central office oversight and Execu-
16 tive Direction and Administrative Services (except Execu-
17 tive Direction and Administrative Services funding for
18 Tribal Priority Allocations, regional offices, and facilities
19 operations and maintenance) shall be available for con-
20 tracts, grants, compacts, or cooperative agreements with the
21 Bureau of Indian Affairs or the Bureau of Indian Edu-
22 cation under the provisions of the Indian Self-Determina-
23 tion Act or the Tribal Self-Governance Act of 1994 (Public
24 Law 103–413).

1 *In the event any tribe returns appropriations made*
2 *available by this Act to the Bureau of Indian Affairs or*
3 *the Bureau of Indian Education, this action shall not di-*
4 *minish the Federal Government's trust responsibility to*
5 *that tribe, or the government-to-government relationship be-*
6 *tween the United States and that tribe, or that tribe's abil-*
7 *ity to access future appropriations.*

8 *Notwithstanding any other provision of law, no funds*
9 *available to the Bureau of Indian Education, other than*
10 *the amounts provided herein for assistance to public schools*
11 *under 25 U.S.C. 452 et seq., shall be available to support*
12 *the operation of any elementary or secondary school in the*
13 *State of Alaska.*

14 *No funds available to the Bureau of Indian Education*
15 *shall be used to support expanded grades for any school or*
16 *dormitory beyond the grade structure in place or approved*
17 *by the Secretary of the Interior at each school in the Bureau*
18 *of Indian Education school system as of October 1, 1995,*
19 *except that the Secretary of the Interior may waive this*
20 *prohibition to support expansion of up to one additional*
21 *grade when the Secretary determines such waiver is needed*
22 *to support accomplishment of the mission of the Bureau of*
23 *Indian Education, or more than one grade to expand the*
24 *elementary grade structure for Bureau-funded schools with*
25 *a K–2 grade structure on October 1, 1996. Appropriations*

1 *made available in this or any prior Act for schools funded*
2 *by the Bureau shall be available, in accordance with the*
3 *Bureau's funding formula, only to the schools in the Bureau*
4 *school system as of September 1, 1996, and to any school*
5 *or school program that was reinstated in fiscal year 2012.*
6 *Funds made available under this Act may not be used to*
7 *establish a charter school at a Bureau-funded school (as that*
8 *term is defined in section 1141 of the Education Amend-*
9 *ments of 1978 (25 U.S.C. 2021)), except that a charter*
10 *school that is in existence on the date of the enactment of*
11 *this Act and that has operated at a Bureau-funded school*
12 *before September 1, 1999, may continue to operate during*
13 *that period, but only if the charter school pays to the Bu-*
14 *reau a pro rata share of funds to reimburse the Bureau*
15 *for the use of the real and personal property (including*
16 *buses and vans), the funds of the charter school are kept*
17 *separate and apart from Bureau funds, and the Bureau*
18 *does not assume any obligation for charter school programs*
19 *of the State in which the school is located if the charter*
20 *school loses such funding. Employees of Bureau-funded*
21 *schools sharing a campus with a charter school and per-*
22 *forming functions related to the charter school's operation*
23 *and employees of a charter school shall not be treated as*
24 *Federal employees for purposes of chapter 171 of title 28,*
25 *United States Code.*

1 *Notwithstanding any other provision of law, including*
2 *section 113 of title I of appendix C of Public Law 106–*
3 *113, if in fiscal year 2003 or 2004 a grantee received indi-*
4 *rect and administrative costs pursuant to a distribution*
5 *formula based on section 5(f) of Public Law 101–301, the*
6 *Secretary shall continue to distribute indirect and adminis-*
7 *trative cost funds to such grantee using the section 5(f) dis-*
8 *tribution formula.*

9 *Funds available under this Act may not be used to*
10 *establish satellite locations of schools in the Bureau school*
11 *system as of September 1, 1996, except that the Secretary*
12 *may waive this prohibition in order for an Indian tribe*
13 *to provide language and cultural immersion educational*
14 *programs for non-public schools located within the jurisdic-*
15 *tional area of the tribal government which exclusively serve*
16 *tribal members, do not include grades beyond those cur-*
17 *rently served at the existing Bureau-funded school, provide*
18 *an educational environment with educator presence and*
19 *academic facilities comparable to the Bureau-funded school,*
20 *comply with all applicable Tribal, Federal, or State health*
21 *and safety standards, and the Americans with Disabilities*
22 *Act, and demonstrate the benefits of establishing operations*
23 *at a satellite location in lieu of incurring extraordinary*
24 *costs, such as for transportation or other impacts to stu-*
25 *dents such as those caused by busing students extended dis-*

776

1 *tances: Provided, That no funds available under this Act*
2 *may be used to fund operations, maintenance, rehabilita-*
3 *tion, construction, or other facilities-related costs for such*
4 *assets that are not owned by the Bureau: Provided further,*
5 *That the term “satellite school” means a school location*
6 *physically separated from the existing Bureau school by*
7 *more than 50 miles but that forms part of the existing*
8 *school in all other respects.*

9 *Funds made available for Tribal Priority Allocations*
10 *within Operation of Indian Programs and Operation of In-*
11 *dian Education Programs may be used to execute requested*
12 *adjustments in tribal priority allocations initiated by an*
13 *Indian Tribe.*

14 *OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN*
15 *INDIANS*

16 *FEDERAL TRUST PROGRAMS*
17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For the operation of trust programs for Indians by di-*
19 *rect expenditure, contracts, cooperative agreements, com-*
20 *pacts, and grants, \$111,272,000, to remain available until*
21 *expended, of which not to exceed \$17,867,000 from this or*
22 *any other Act, may be available for historical accounting:*
23 *Provided, That funds for trust management improvements*
24 *and litigation support may, as needed, be transferred to or*
25 *merged with the Bureau of Indian Affairs, “Operation of*

777

1 *Indian Programs” and Bureau of Indian Education, “Op-*
2 *eration of Indian Education Programs” accounts; the Office*
3 *of the Solicitor, “Salaries and Expenses” account; and the*
4 *Office of the Secretary, “Departmental Operations” ac-*
5 *count: Provided further, That funds made available through*
6 *contracts or grants obligated during fiscal year 2023, as*
7 *authorized by the Indian Self-Determination Act of 1975*
8 *(25 U.S.C. 5301 et seq.), shall remain available until ex-*
9 *pendent by the contractor or grantee: Provided further, That*
10 *notwithstanding any other provision of law, the Secretary*
11 *shall not be required to provide a quarterly statement of*
12 *performance for any Indian trust account that has not had*
13 *activity for at least 15 months and has a balance of \$15*
14 *or less: Provided further, That the Secretary shall issue an*
15 *annual account statement and maintain a record of any*
16 *such accounts and shall permit the balance in each such*
17 *account to be withdrawn upon the express written request*
18 *of the account holder: Provided further, That not to exceed*
19 *\$100,000 is available for the Secretary to make payments*
20 *to correct administrative errors of either disbursements*
21 *from or deposits to Individual Indian Money or Tribal ac-*
22 *counts after September 30, 2002: Provided further, That er-*
23 *roneous payments that are recovered shall be credited to and*
24 *remain available in this account for this purpose: Provided*
25 *further, That the Secretary shall not be required to reconcile*

778

1 *Special Deposit Accounts with a balance of less than \$500*
2 *unless the Office of the Special Trustee receives proof of*
3 *ownership from a Special Deposit Accounts claimant: Pro-*
4 *vided further, That notwithstanding section 102 of the*
5 *American Indian Trust Fund Management Reform Act of*
6 *1994 (Public Law 103–412) or any other provision of law,*
7 *the Secretary may aggregate the trust accounts of individ-*
8 *uals whose whereabouts are unknown for a continuous pe-*
9 *riod of at least 5 years and shall not be required to generate*
10 *periodic statements of performance for the individual ac-*
11 *counts: Provided further, That with respect to the preceding*
12 *proviso, the Secretary shall continue to maintain sufficient*
13 *records to determine the balance of the individual accounts,*
14 *including any accrued interest and income, and such funds*
15 *shall remain available to the individual account holders.*

16 *DEPARTMENTAL OFFICES*

17 *OFFICE OF THE SECRETARY*

18 *DEPARTMENTAL OPERATIONS*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For necessary expenses for management of the Depart-*
21 *ment of the Interior and for grants and cooperative agree-*
22 *ments, as authorized by law, \$135,884,000, to remain avail-*
23 *able until September 30, 2024; of which not to exceed*
24 *\$15,000 may be for official reception and representation ex-*
25 *penses; of which up to \$1,000,000 shall be available for*

1 *workers compensation payments and unemployment com-*
2 *pensation payments associated with the orderly closure of*
3 *the United States Bureau of Mines; and of which*
4 *\$14,295,000 for Indian land, mineral, and resource valu-*
5 *ation activities shall remain available until expended: Pro-*
6 *vided, That funds for Indian land, mineral, and resource*
7 *valuation activities may, as needed, be transferred to and*
8 *merged with the Bureau of Indian Affairs “Operation of*
9 *Indian Programs” and Bureau of Indian Education “Oper-*
10 *ation of Indian Education Programs” accounts and the Of-*
11 *fice of the Special Trustee “Federal Trust Programs” ac-*
12 *count: Provided further, That funds made available through*
13 *contracts or grants obligated during fiscal year 2023, as*
14 *authorized by the Indian Self-Determination Act of 1975*
15 *(25 U.S.C. 5301 et seq.), shall remain available until ex-*
16 *pended by the contractor or grantee.*

17 ADMINISTRATIVE PROVISIONS

18 *For fiscal year 2023, up to \$400,000 of the payments*
19 *authorized by chapter 69 of title 31, United States Code,*
20 *may be retained for administrative expenses of the Pay-*
21 *ments in Lieu of Taxes Program: Provided, That the*
22 *amounts provided under this Act specifically for the Pay-*
23 *ments in Lieu of Taxes program are the only amounts*
24 *available for payments authorized under chapter 69 of title*
25 *31, United States Code: Provided further, That in the event*

780

1 *the sums appropriated for any fiscal year for payments*
2 *pursuant to this chapter are insufficient to make the full*
3 *payments authorized by that chapter to all units of local*
4 *government, then the payment to each local government*
5 *shall be made proportionally: Provided further, That the*
6 *Secretary may make adjustments to payment to individual*
7 *units of local government to correct for prior overpayments*
8 *or underpayments: Provided further, That no payment shall*
9 *be made pursuant to that chapter to otherwise eligible units*
10 *of local government if the computed amount of the payment*
11 *is less than \$100.*

12 *INSULAR AFFAIRS*13 *ASSISTANCE TO TERRITORIES*

14 *For expenses necessary for assistance to territories*
15 *under the jurisdiction of the Department of the Interior and*
16 *other jurisdictions identified in section 104(e) of Public*
17 *Law 108–188, \$120,357,000, of which: (1) \$110,140,000*
18 *shall remain available until expended for territorial assist-*
19 *ance, including general technical assistance, maintenance*
20 *assistance, disaster assistance, coral reef initiative and nat-*
21 *ural resources activities, and brown tree snake control and*
22 *research; grants to the judiciary in American Samoa for*
23 *compensation and expenses, as authorized by law (48*
24 *U.S.C. 1661(c)); grants to the Government of American*
25 *Samoa, in addition to current local revenues, for construc-*

1 *tion and support of governmental functions; grants to the*
2 *Government of the Virgin Islands, as authorized by law;*
3 *grants to the Government of Guam, as authorized by law;*
4 *and grants to the Government of the Northern Mariana Is-*
5 *lands, as authorized by law (Public Law 94-241; 90 Stat.*
6 *272); and (2) \$10,217,000 shall be available until Sep-*
7 *tember 30, 2024, for salaries and expenses of the Office of*
8 *Insular Affairs: Provided, That all financial transactions*
9 *of the territorial and local governments herein provided for,*
10 *including such transactions of all agencies or instrumental-*
11 *ities established or used by such governments, may be au-*
12 *dited by the Government Accountability Office, at its discre-*
13 *tion, in accordance with chapter 35 of title 31, United*
14 *States Code: Provided further, That Northern Mariana Is-*
15 *lands Covenant grant funding shall be provided according*
16 *to those terms of the Agreement of the Special Representa-*
17 *tives on Future United States Financial Assistance for the*
18 *Northern Mariana Islands approved by Public Law 104-*
19 *134: Provided further, That the funds for the program of*
20 *operations and maintenance improvement are appropriated*
21 *to institutionalize routine operations and maintenance im-*
22 *provement of capital infrastructure with territorial partici-*
23 *pation and cost sharing to be determined by the Secretary*
24 *based on the grantee's commitment to timely maintenance*
25 *of its capital assets: Provided further, That any appropria-*

tion for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$8,463,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188: Provided, That of the funds appropriated under this heading, \$5,000,000 is for deposit into the Compact Trust Fund of the Republic of the Marshall Islands as compensation authorized by Public Law 108-188 for adverse financial and economic impacts.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Sec-

783

1 *retary of Agriculture for the subsidy cost of direct or guar-*
2 *anteed loans, plus not to exceed three percent of the amount*
3 *of the subsidy transferred for the cost of loan administra-*
4 *tion, for the purposes authorized by the Rural Electrifica-*
5 *tion Act of 1936 and section 306(a)(1) of the Consolidated*
6 *Farm and Rural Development Act for construction and re-*
7 *pair projects in Guam, and such funds shall remain avail-*
8 *able until expended: Provided, That such costs, including*
9 *the cost of modifying such loans, shall be as defined in sec-*
10 *tion 502 of the Congressional Budget Act of 1974: Provided*
11 *further, That such loans or loan guarantees may be made*
12 *without regard to the population of the area, credit else-*
13 *where requirements, and restrictions on the types of eligible*
14 *entities under the Rural Electrification Act of 1936 and*
15 *section 306(a)(1) of the Consolidated Farm and Rural De-*
16 *velopment Act: Provided further, That any funds trans-*
17 *ferred to the Secretary of Agriculture shall be in addition*
18 *to funds otherwise made available to make or guarantee*
19 *loans under such authorities.*

20 *OFFICE OF THE SOLICITOR*21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Office of the Solicitor,*
23 *\$101,050,000, to remain available until September 30,*
24 *2024.*

784

1 *OFFICE OF INSPECTOR GENERAL*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Office of Inspector Gen-*
4 *eral, \$67,000,000, to remain available until September 30,*
5 *2024.*

6 *DEPARTMENT-WIDE PROGRAMS*7 *WILDLAND FIRE MANAGEMENT*8 *(INCLUDING TRANSFERS OF FUNDS)*

9 *For necessary expenses for fire preparedness, fire sup-*
10 *pression operations, fire science and research, emergency re-*
11 *habilitation, fuels management activities, and rural fire as-*
12 *sistance by the Department of the Interior, \$663,786,000,*
13 *to remain available until expended, of which not to exceed*
14 *\$10,000,000 shall be for the renovation or construction of*
15 *fire facilities: Provided, That such funds are also available*
16 *for repayment of advances to other appropriation accounts*
17 *from which funds were previously transferred for such pur-*
18 *poses: Provided further, That of the funds provided*
19 *\$247,000,000 is for fuels management activities: Provided*
20 *further, That of the funds provided \$20,470,000 is for*
21 *burned area rehabilitation: Provided further, That persons*
22 *hired pursuant to 43 U.S.C. 1469 may be furnished subsist-*
23 *ence and lodging without cost from funds available from*
24 *this appropriation: Provided further, That notwithstanding*
25 *42 U.S.C. 1856d, sums received by a bureau or office of*

785

1 *the Department of the Interior for fire protection rendered*
2 *pursuant to 42 U.S.C. 1856 et seq., protection of United*
3 *States property, may be credited to the appropriation from*
4 *which funds were expended to provide that protection, and*
5 *are available without fiscal year limitation: Provided fur-*
6 *ther, That using the amounts designated under this title*
7 *of this Act, the Secretary of the Interior may enter into*
8 *procurement contracts, grants, or cooperative agreements,*
9 *for fuels management activities, and for training and moni-*
10 *toring associated with such fuels management activities on*
11 *Federal land, or on adjacent non-Federal land for activities*
12 *that benefit resources on Federal land: Provided further,*
13 *That the costs of implementing any cooperative agreement*
14 *between the Federal Government and any non-Federal enti-*
15 *ty may be shared, as mutually agreed on by the affected*
16 *parties: Provided further, That notwithstanding require-*
17 *ments of the Competition in Contracting Act, the Secretary,*
18 *for purposes of fuels management activities, may obtain*
19 *maximum practicable competition among: (1) local private,*
20 *nonprofit, or cooperative entities; (2) Youth Conservation*
21 *Corps crews, Public Lands Corps (Public Law 109–154),*
22 *or related partnerships with State, local, or nonprofit youth*
23 *groups; (3) small or micro-businesses; or (4) other entities*
24 *that will hire or train locally a significant percentage, de-*
25 *finied as 50 percent or more, of the project workforce to com-*

1 *plete such contracts: Provided further, That in imple-*
2 *menting this section, the Secretary shall develop written*
3 *guidance to field units to ensure accountability and con-*
4 *sistent application of the authorities provided herein: Pro-*
5 *vided further, That funds appropriated under this heading*
6 *may be used to reimburse the United States Fish and Wild-*
7 *life Service and the National Marine Fisheries Service for*
8 *the costs of carrying out their responsibilities under the En-*
9 *dangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to*
10 *consult and conference, as required by section 7 of such Act,*
11 *in connection with wildland fire management activities:*
12 *Provided further, That the Secretary of the Interior may*
13 *use wildland fire appropriations to enter into leases of real*
14 *property with local governments, at or below fair market*
15 *value, to construct capitalized improvements for fire facili-*
16 *ties on such leased properties, including but not limited to*
17 *fire guard stations, retardant stations, and other initial at-*
18 *tack and fire support facilities, and to make advance pay-*
19 *ments for any such lease or for construction activity associ-*
20 *ated with the lease: Provided further, That the Secretary*
21 *of the Interior and the Secretary of Agriculture may author-*
22 *ize the transfer of funds appropriated for wildland fire*
23 *management, in an aggregate amount not to exceed*
24 *\$50,000,000 between the Departments when such transfers*
25 *would facilitate and expedite wildland fire management*

1 *programs and projects: Provided further, That funds pro-*
2 *vided for wildfire suppression shall be available for support*
3 *of Federal emergency response actions: Provided further,*
4 *That funds appropriated under this heading shall be avail-*
5 *able for assistance to or through the Department of State*
6 *in connection with forest and rangeland research, technical*
7 *information, and assistance in foreign countries, and, with*
8 *the concurrence of the Secretary of State, shall be available*
9 *to support forestry, wildland fire management, and related*
10 *natural resource activities outside the United States and*
11 *its territories and possessions, including technical assist-*
12 *ance, education and training, and cooperation with United*
13 *States and international organizations.*

14 *WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND*

15 *(INCLUDING TRANSFERS OF FUNDS)*

16 *In addition to the amounts provided under the heading*
17 *“Department of the Interior—Department-Wide Pro-*
18 *grams—Wildland Fire Management” for wildfire suppres-*
19 *sion operations, \$340,000,000, to remain available until*
20 *transferred, is additional new budget authority as specified*
21 *for purposes of section 4004(b)(5) of S. Con. Res. 14 (117th*
22 *Congress), the concurrent resolution on the budget for fiscal*
23 *year 2022, and section 1(g) of H. Res. 1151 (117th Con-*
24 *gress), as engrossed in the House of Representatives on June*
25 *8, 2022: Provided, That such amounts may be transferred*

1 *to and merged with amounts made available under the*
2 *headings “Department of Agriculture—Forest Service—*
3 *Wildland Fire Management” and “Department of the Inte-*
4 *rior—Department-Wide Programs—Wildland Fire Man-*
5 *agement” for wildfire suppression operations in the fiscal*
6 *year in which such amounts are transferred: Provided fur-*
7 *ther, That amounts may be transferred to the “Wildland*
8 *Fire Management” accounts in the Department of Agri-*
9 *culture or the Department of the Interior only upon the no-*
10 *tification of the House and Senate Committees on Appro-*
11 *priations that all wildfire suppression operations funds ap-*
12 *propriated under that heading in this and prior appropria-*
13 *tions Acts to the agency to which the funds will be trans-*
14 *ferred will be obligated within 30 days: Provided further,*
15 *That the transfer authority provided under this heading is*
16 *in addition to any other transfer authority provided by*
17 *law: Provided further, That, in determining whether all*
18 *wildfire suppression operations funds appropriated under*
19 *the heading “Wildland Fire Management” in this and prior*
20 *appropriations Acts to either the Department of Agriculture*
21 *or the Department of the Interior will be obligated within*
22 *30 days pursuant to the preceding proviso, any funds trans-*
23 *ferred or permitted to be transferred pursuant to any other*
24 *transfer authority provided by law shall be excluded.*

789

1 *CENTRAL HAZARDOUS MATERIALS FUND*

2 *For necessary expenses of the Department of the Inte-*
3 *rior and any of its component offices and bureaus for the*
4 *response action, including associated activities, performed*
5 *pursuant to the Comprehensive Environmental Response,*
6 *Compensation, and Liability Act (42 U.S.C. 9601 et seq.),*
7 *\$10,064,000, to remain available until expended.*

8 *ENERGY COMMUNITY REVITALIZATION PROGRAM*9 *(INCLUDING TRANSFERS OF FUNDS)*

10 *For necessary expenses of the Department of the Inte-*
11 *rior to inventory, assess, decommission, reclaim, respond to*
12 *hazardous substance releases, remediate lands pursuant to*
13 *section 40704 of Public Law 117–58 (30 U.S.C. 1245), and*
14 *carry out the purposes of section 349 of the Energy Policy*
15 *Act of 2005 (42 U.S.C. 15907), as amended, \$5,000,000,*
16 *to remain available until expended: Provided, That such*
17 *amount shall be in addition to amounts otherwise available*
18 *for such purposes: Provided further, That amounts appro-*
19 *priated under this heading are available for program man-*
20 *agement and oversight of these activities: Provided further,*
21 *That the Secretary may transfer the funds provided under*
22 *this heading in this Act to any other account in the Depart-*
23 *ment to carry out such purposes, and may expend such*
24 *funds directly, or through grants: Provided further, That*
25 *these amounts are not available to fulfill Comprehensive*

790

1 *Environmental Response, Compensation, and Liability Act*
2 *(42 U.S.C. 9601 et seq.) obligations agreed to in settlement*
3 *or imposed by a court, whether for payment of funds or*
4 *for work to be performed.*

5 *NATURAL RESOURCE DAMAGE ASSESSMENT AND*
6 *RESTORATION*

7 *NATURAL RESOURCE DAMAGE ASSESSMENT FUND*

8 *To conduct natural resource damage assessment, res-*
9 *toration activities, and onshore oil spill preparedness by the*
10 *Department of the Interior necessary to carry out the provi-*
11 *sions of the Comprehensive Environmental Response, Com-*
12 *pensation, and Liability Act (42 U.S.C. 9601 et seq.), the*
13 *Federal Water Pollution Control Act (33 U.S.C. 1251 et*
14 *seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.),*
15 *and 54 U.S.C. 100721 et seq., \$8,037,000, to remain avail-*
16 *able until expended.*

17 *WORKING CAPITAL FUND*

18 *For the operation and maintenance of a departmental*
19 *financial and business management system, data manage-*
20 *ment, information technology improvements of general ben-*
21 *efit to the Department, cybersecurity, and the consolidation*
22 *of facilities and operations throughout the Department,*
23 *\$112,198,000, to remain available until expended: Pro-*
24 *vided, That none of the funds appropriated in this Act or*
25 *any other Act may be used to establish reserves in the Work-*

1 *ing Capital Fund account other than for accrued annual*
2 *leave and depreciation of equipment without prior approval*
3 *of the Committees on Appropriations of the House of Rep-*
4 *resentatives and the Senate: Provided further, That the Sec-*
5 *retary of the Interior may assess reasonable charges to*
6 *State, local, and tribal government employees for training*
7 *services provided by the National Indian Program Train-*
8 *ing Center, other than training related to Public Law 93–*
9 *638: Provided further, That the Secretary may lease or oth-*
10 *erwise provide space and related facilities, equipment, or*
11 *professional services of the National Indian Program*
12 *Training Center to State, local and tribal government em-*
13 *ployees or persons or organizations engaged in cultural,*
14 *educational, or recreational activities (as defined in section*
15 *3306(a) of title 40, United States Code) at the prevailing*
16 *rate for similar space, facilities, equipment, or services in*
17 *the vicinity of the National Indian Program Training Cen-*
18 *ter: Provided further, That all funds received pursuant to*
19 *the two preceding provisos shall be credited to this account,*
20 *shall be available until expended, and shall be used by the*
21 *Secretary for necessary expenses of the National Indian*
22 *Program Training Center: Provided further, That the Sec-*
23 *retary may enter into grants and cooperative agreements*
24 *to support the Office of Natural Resource Revenue’s collec-*

792

1 *tion and disbursement of royalties, fees, and other mineral*
2 *revenue proceeds, as authorized by law.*

3 *ADMINISTRATIVE PROVISION*

4 *There is hereby authorized for acquisition from avail-*
5 *able resources within the Working Capital Fund, aircraft*
6 *which may be obtained by donation, purchase, or through*
7 *available excess surplus property: Provided, That existing*
8 *aircraft being replaced may be sold, with proceeds derived*
9 *or trade-in value used to offset the purchase price for the*
10 *replacement aircraft.*

11 *OFFICE OF NATURAL RESOURCES REVENUE*

12 *For necessary expenses for management of the collec-*
13 *tion and disbursement of royalties, fees, and other mineral*
14 *revenue proceeds, and for grants and cooperative agree-*
15 *ments, as authorized by law, \$174,934,000, to remain avail-*
16 *able until September 30, 2024; of which \$69,751,000 shall*
17 *remain available until expended for the purpose of mineral*
18 *revenue management activities: Provided, That notwith-*
19 *standing any other provision of law, \$15,000 shall be avail-*
20 *able for refunds of overpayments in connection with certain*
21 *Indian leases in which the Secretary of the Interior con-*
22 *curred with the claimed refund due, to pay amounts owed*
23 *to Indian allottees or tribes, or to correct prior unrecover-*
24 *able erroneous payments.*

793

1 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*
2 *(INCLUDING TRANSFERS OF FUNDS)*

3 *EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU*

4 *SEC. 101. Appropriations made in this title shall be*
5 *available for expenditure or transfer (within each bureau*
6 *or office), with the approval of the Secretary of the Interior,*
7 *for the emergency reconstruction, replacement, or repair of*
8 *aircraft, buildings, utilities, or other facilities or equipment*
9 *damaged or destroyed by fire, flood, storm, or other un-*
10 *avoidable causes: Provided, That no funds shall be made*
11 *available under this authority until funds specifically made*
12 *available to the Department of the Interior for emergencies*
13 *shall have been exhausted: Provided further, That all funds*
14 *used pursuant to this section must be replenished by a sup-*
15 *plemental appropriation, which must be requested as*
16 *promptly as possible.*

17 *EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE*

18 *SEC. 102. The Secretary of the Interior may authorize*
19 *the expenditure or transfer of any no year appropriation*
20 *in this title, in addition to the amounts included in the*
21 *budget programs of the several agencies, for the suppression*
22 *or emergency prevention of wildland fires on or threatening*
23 *lands under the jurisdiction of the Department of the Inte-*
24 *rior; for the emergency rehabilitation of burned-over lands*
25 *under its jurisdiction; for emergency actions related to po-*

1 *tential or actual earthquakes, floods, volcanoes, storms, or*
2 *other unavoidable causes; for contingency planning subse-*
3 *quent to actual oil spills; for response and natural resource*
4 *damage assessment activities related to actual oil spills or*
5 *releases of hazardous substances into the environment; for*
6 *the prevention, suppression, and control of actual or poten-*
7 *tial grasshopper and Mormon cricket outbreaks on lands*
8 *under the jurisdiction of the Secretary, pursuant to the au-*
9 *thority in section 417(b) of Public Law 106–224 (7 U.S.C.*
10 *7717(b)); for emergency reclamation projects under section*
11 *410 of Public Law 95–87; and shall transfer, from any no*
12 *year funds available to the Office of Surface Mining Rec-*
13 *lamation and Enforcement, such funds as may be necessary*
14 *to permit assumption of regulatory authority in the event*
15 *a primacy State is not carrying out the regulatory provi-*
16 *sions of the Surface Mining Act: Provided, That appropria-*
17 *tions made in this title for wildland fire operations shall*
18 *be available for the payment of obligations incurred during*
19 *the preceding fiscal year, and for reimbursement to other*
20 *Federal agencies for destruction of vehicles, aircraft, or*
21 *other equipment in connection with their use for wildland*
22 *fire operations, with such reimbursement to be credited to*
23 *appropriations currently available at the time of receipt*
24 *thereof: Provided further, That for wildland fire operations,*
25 *no funds shall be made available under this authority until*

795

1 *the Secretary determines that funds appropriated for*
2 *“wildland fire suppression” shall be exhausted within 30*
3 *days: Provided further, That all funds used pursuant to this*
4 *section must be replenished by a supplemental appropria-*
5 *tion, which must be requested as promptly as possible: Pro-*
6 *vided further, That such replenishment funds shall be used*
7 *to reimburse, on a pro rata basis, accounts from which*
8 *emergency funds were transferred.*

9 *AUTHORIZED USE OF FUNDS*

10 *SEC. 103. Appropriations made to the Department of*
11 *the Interior in this title shall be available for services as*
12 *authorized by section 3109 of title 5, United States Code,*
13 *when authorized by the Secretary of the Interior, in total*
14 *amount not to exceed \$500,000; purchase and replacement*
15 *of motor vehicles, including specially equipped law enforce-*
16 *ment vehicles; hire, maintenance, and operation of aircraft;*
17 *hire of passenger motor vehicles; purchase of reprints; pay-*
18 *ment for telephone service in private residences in the field,*
19 *when authorized under regulations approved by the Sec-*
20 *retary; and the payment of dues, when authorized by the*
21 *Secretary, for library membership in societies or associa-*
22 *tions which issue publications to members only or at a price*
23 *to members lower than to subscribers who are not members.*

796

1 *AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT*

2 *SEC. 104. Appropriations made in this Act under the*
3 *headings Bureau of Indian Affairs and Bureau of Indian*
4 *Education, and Office of the Special Trustee for American*
5 *Indians and any unobligated balances from prior appro-*
6 *priations Acts made under the same headings shall be avail-*
7 *able for expenditure or transfer for Indian trust manage-*
8 *ment and reform activities. Total funding for historical ac-*
9 *counting activities shall not exceed amounts specifically*
10 *designated in this Act for such purpose. The Secretary shall*
11 *notify the House and Senate Committees on Appropriations*
12 *within 60 days of the expenditure or transfer of any funds*
13 *under this section, including the amount expended or trans-*
14 *ferred and how the funds will be used.*

15 *REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS*

16 *SEC. 105. Notwithstanding any other provision of law,*
17 *the Secretary of the Interior is authorized to redistribute*
18 *any Tribal Priority Allocation funds, including tribal base*
19 *funds, to alleviate tribal funding inequities by transferring*
20 *funds to address identified, unmet needs, dual enrollment,*
21 *overlapping service areas or inaccurate distribution meth-*
22 *odologies. No tribe shall receive a reduction in Tribal Pri-*
23 *ority Allocation funds of more than 10 percent in fiscal*
24 *year 2023. Under circumstances of dual enrollment, over-*

1 *lapping service areas or inaccurate distribution methodolo-*
2 *gies, the 10 percent limitation does not apply.*

3 *ELLIS, GOVERNORS, AND LIBERTY ISLANDS*

4 *SEC. 106. Notwithstanding any other provision of law,*
5 *the Secretary of the Interior is authorized to acquire lands,*
6 *waters, or interests therein, including the use of all or part*
7 *of any pier, dock, or landing within the State of New York*
8 *and the State of New Jersey, for the purpose of operating*
9 *and maintaining facilities in the support of transportation*
10 *and accommodation of visitors to Ellis, Governors, and Lib-*
11 *erty Islands, and of other program and administrative ac-*
12 *tivities, by donation or with appropriated funds, including*
13 *franchise fees (and other monetary consideration), or by ex-*
14 *change; and the Secretary is authorized to negotiate and*
15 *enter into leases, subleases, concession contracts, or other*
16 *agreements for the use of such facilities on such terms and*
17 *conditions as the Secretary may determine reasonable.*

18 *OUTER CONTINENTAL SHELF INSPECTION FEES*

19 *SEC. 107. (a) In fiscal year 2023, the Secretary of the*
20 *Interior shall collect a nonrefundable inspection fee, which*
21 *shall be deposited in the “Offshore Safety and Environ-*
22 *mental Enforcement” account, from the designated operator*
23 *for facilities subject to inspection under 43 U.S.C. 1348(c).*

24 *(b) Annual fees shall be collected for facilities that are*
25 *above the waterline, excluding drilling rigs, and are in*

1 *place at the start of the fiscal year. Fees for fiscal year 2023*
2 *shall be—*

3 *(1) \$10,500 for facilities with no wells, but with*
4 *processing equipment or gathering lines;*

5 *(2) \$17,000 for facilities with 1 to 10 wells, with*
6 *any combination of active or inactive wells; and*

7 *(3) \$31,500 for facilities with more than 10*
8 *wells, with any combination of active or inactive*
9 *wells.*

10 *(c) Fees for drilling rigs shall be assessed for all inspec-*
11 *tions completed in fiscal year 2023. Fees for fiscal year*
12 *2023 shall be—*

13 *(1) \$30,500 per inspection for rigs operating in*
14 *water depths of 500 feet or more; and*

15 *(2) \$16,700 per inspection for rigs operating in*
16 *water depths of less than 500 feet.*

17 *(d) Fees for inspection of well operations conducted via*
18 *non-rig units as outlined in title 30 CFR 250 subparts D,*
19 *E, F, and Q shall be assessed for all inspections completed*
20 *in fiscal year 2023. Fees for fiscal year 2023 shall be—*

21 *(1) \$13,260 per inspection for non-rig units op-*
22 *erating in water depths of 2,500 feet or more;*

23 *(2) \$11,530 per inspection for non-rig units op-*
24 *erating in water depths between 500 and 2,499 feet;*
25 *and*

1 (3) \$4,470 per inspection for non-rig units oper-
2 ating in water depths of less than 500 feet.

3 (e) The Secretary shall bill designated operators under
4 subsection (b) quarterly, with payment required within 30
5 days of billing. The Secretary shall bill designated operators
6 under subsection (c) within 30 days of the end of the month
7 in which the inspection occurred, with payment required
8 within 30 days of billing. The Secretary shall bill des-
9 ignated operators under subsection (d) with payment re-
10 quired by the end of the following quarter.

11 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND

12 BURRO HOLDING FACILITIES

13 SEC. 108. Notwithstanding any other provision of this
14 Act, the Secretary of the Interior may enter into multiyear
15 cooperative agreements with nonprofit organizations and
16 other appropriate entities, and may enter into multiyear
17 contracts in accordance with the provisions of section 3903
18 of title 41, United States Code (except that the 5-year term
19 restriction in subsection (a) shall not apply), for the long-
20 term care and maintenance of excess wild free roaming
21 horses and burros by such organizations or entities on pri-
22 vate land. Such cooperative agreements and contracts may
23 not exceed 10 years, subject to renewal at the discretion of
24 the Secretary.

800

1 *MASS MARKING OF SALMONIDS*

2 *SEC. 109. The United States Fish and Wildlife Service*
3 *shall, in carrying out its responsibilities to protect threat-*
4 *ened and endangered species of salmon, implement a system*
5 *of mass marking of salmonid stocks, intended for harvest,*
6 *that are released from federally operated or federally fi-*
7 *nanced hatcheries including but not limited to fish releases*
8 *of coho, chinook, and steelhead species. Marked fish must*
9 *have a visible mark that can be readily identified by com-*
10 *mercial and recreational fishers.*

11 *CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS*

12 *SEC. 110. Notwithstanding any other provision of law,*
13 *during fiscal year 2023, in carrying out work involving co-*
14 *operation with State, local, and tribal governments or any*
15 *political subdivision thereof, Indian Affairs may record ob-*
16 *ligations against accounts receivable from any such entities,*
17 *except that total obligations at the end of the fiscal year*
18 *shall not exceed total budgetary resources available at the*
19 *end of the fiscal year.*

20 *DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES*21 *PROGRAM*

22 *SEC. 111. (a) Notwithstanding any other provision of*
23 *law relating to Federal grants and cooperative agreements,*
24 *the Secretary of the Interior is authorized to make grants*
25 *to, or enter into cooperative agreements with, private non-*

801

1 *profit organizations designated by the Secretary of Labor*
2 *under title V of the Older Americans Act of 1965 to utilize*
3 *the talents of older Americans in programs authorized by*
4 *other provisions of law administered by the Secretary and*
5 *consistent with such provisions of law.*

6 *(b) Prior to awarding any grant or agreement under*
7 *subsection (a), the Secretary shall ensure that the agreement*
8 *would not—*

9 *(1) result in the displacement of individuals cur-*
10 *rently employed by the Department, including partial*
11 *displacement through reduction of non-overtime*
12 *hours, wages, or employment benefits;*

13 *(2) result in the use of an individual under the*
14 *Department of the Interior Experienced Services Pro-*
15 *gram for a job or function in a case in which a Fed-*
16 *eral employee is in a layoff status from the same or*
17 *substantially equivalent job within the Department;*
18 *or*

19 *(3) affect existing contracts for services.*

20 *OBLIGATION OF FUNDS*

21 *SEC. 112. Amounts appropriated by this Act to the De-*
22 *partment of the Interior shall be available for obligation*
23 *and expenditure not later than 60 days after the date of*
24 *enactment of this Act.*

802

1 *SEPARATION OF ACCOUNTS*

2 *SEC. 113. The Secretary of the Interior, in order to*
3 *implement an orderly transition to separate accounts of the*
4 *Bureau of Indian Affairs and the Bureau of Indian Edu-*
5 *cation, may transfer funds among and between the successor*
6 *offices and bureaus affected by the reorganization only in*
7 *conformance with the reprogramming guidelines described*
8 *in this Act.*

9 *PAYMENTS IN LIEU OF TAXES (PILT)*

10 *SEC. 114. Section 6906 of title 31, United States Code,*
11 *shall be applied by substituting “fiscal year 2023” for “fis-*
12 *cal year 2019”.*

13 *DISCLOSURE OF DEPARTURE OR ALTERNATE PROCEDURE*14 *APPROVAL*

15 *SEC. 115. (a) Subject to subsection (b), in any case*
16 *in which the Bureau of Safety and Environmental Enforce-*
17 *ment or the Bureau of Ocean Energy Management pre-*
18 *scribes or approves any departure or use of alternate proce-*
19 *dure or equipment, in regards to a plan or permit, under*
20 *30 CFR 585.103; 30 CFR 550.141; 30 CFR 550.142; 30*
21 *CFR 250.141; or 30 CFR 250.142, the head of such bureau*
22 *shall post a description of such departure or alternate pro-*
23 *cedure or equipment use approval on such bureau’s publicly*
24 *available website not more than 15 business days after such*
25 *issuance.*

1 (b) *The head of each bureau may exclude confidential*
2 *business information.*

3 *LONG BRIDGE PROJECT*

4 *SEC. 116. (a) AUTHORIZATION OF CONVEYANCE.—On*
5 *request by the State of Virginia or the District of Columbia*
6 *for the purpose of the construction of rail and other infra-*
7 *structure relating to the Long Bridge Project, the Secretary*
8 *of the Interior may convey to the State or the District of*
9 *Columbia, as applicable, all right, title, and interest of the*
10 *United States in and to any portion of the approximately*
11 *4.4 acres of National Park Service land depicted as “Per-*
12 *manent Impact to NPS Land” on the Map dated May 15,*
13 *2020, that is identified by the State or the District of Co-*
14 *lumbia.*

15 (b) *TERMS AND CONDITIONS.—Such conveyance of the*
16 *National Park Service land under subsection (a) shall be*
17 *subject to any terms and conditions that the Secretary may*
18 *require. If such conveyed land is no longer being used for*
19 *the purposes specified in this section, the lands or interests*
20 *therein shall revert to the National Park Service after they*
21 *have been restored or remediated to the satisfaction of the*
22 *Secretary.*

23 (c) *CORRECTIONS.—The Secretary and the State or the*
24 *District of Columbia, as applicable, by mutual agreement,*
25 *may—*

1 (1) *make minor boundary adjustments to the Na-*
2 *tional Park Service land to be conveyed to the State*
3 *or the District of Columbia under subsection (a); and*

4 (2) *correct any minor errors in the Map referred*
5 *to in subsection (a).*

6 (d) *DEFINITIONS.—For purposes of this section:*

7 (1) *LONG BRIDGE PROJECT.—The term “Long*
8 *Bridge Project” means the rail project, as identified*
9 *by the Federal Railroad Administration, from*
10 *Rosslyn (RO) Interlocking in Arlington, Virginia, to*
11 *L’Enfant (LE) Interlocking in Washington, DC,*
12 *which includes a bicycle and pedestrian bridge.*

13 (2) *SECRETARY.—The term “Secretary” means*
14 *the Secretary of the Interior, acting through the Di-*
15 *rector of the National Park Service.*

16 (3) *STATE.—The term “State” means the State*
17 *of Virginia.*

18 *INTERAGENCY MOTOR POOL*

19 *SEC. 117. Notwithstanding any other provision of law*
20 *or Federal regulation, federally recognized Indian tribes or*
21 *authorized tribal organizations that receive Tribally-Con-*
22 *trolled School Grants pursuant to Public Law 100–297 may*
23 *obtain interagency motor vehicles and related services for*
24 *performance of any activities carried out under such grants*

1 *to the same extent as if they were contracting under the*
2 *Indian Self-Determination and Education Assistance Act.*

3 *NATIONAL HERITAGE AREAS AND CORRIDORS*

4 *SEC. 118. (a) Section 109(a) of the Quinebaug and*
5 *Shetucket Rivers Valley National Heritage Corridor Act of*
6 *1994 (title I of Public Law 103–449), is amended by strik-*
7 *ing “\$17,000,000” and inserting “\$19,000,000”.*

8 *(b) Section 409(a) of the Steel Industry American Her-*
9 *itage Area Act of 1996 (title IV of division II of Public*
10 *Law 104–333) is amended by striking “\$20,000,000” and*
11 *inserting “\$22,000,000”.*

12 *(c) Section 608(a) of the South Carolina National Her-*
13 *itage Corridor Act of 1996 (title VI of division II of Public*
14 *Law 104–333) is amended by striking “\$17,000,000” and*
15 *inserting “\$19,000,000”.*

16 *(d) Subsection 157(h)(1) of the Wheeling National*
17 *Heritage Area Act of 2000 (section 157 of Public Law 106–*
18 *291) is amended by striking “\$15,000,000” and inserting*
19 *“\$17,000,000”.*

20 *(e) Sections 411, 432, and 451 of title IV of the Con-*
21 *solidated Natural Resources Act of 2008 (Public Law 110–*
22 *229), are each amended by striking “the date that is 15*
23 *years after the date of” and all that follows through the*
24 *end of each section and inserting “September 30, 2024.”.*

806

1 (f) *Section 512 of the National Aviation Heritage Area*
2 *Act (title V of division J of Public Law 108–447), is amend-*
3 *ed by striking “2022” and inserting “2024”.*

4 (g) *Section 608 of the Oil Region National Heritage*
5 *Area Act (title VI of Public Law 108–447) is amended by*
6 *striking “2022” and inserting “2024”.*

7 (h) *Section 125(a) of Public Law 98–398, as amended*
8 *by section 402 of Public Law 109–338 (120 Stat. 1853),*
9 *is amended by striking “\$10,000,000” and inserting*
10 *“\$12,000,000”.*

11 (i) *Section 125(a) of Public Law 98–398 is amended*
12 *by striking “\$10,000,000” and inserting “\$12,000,000”.*

13 *APPRAISER PAY AUTHORITY*

14 *SEC. 119. For fiscal year 2023, funds made available*
15 *in this or any other Act or otherwise made available to the*
16 *Department of the Interior for the Appraisal and Valuation*
17 *Services Office may be used by the Secretary of the Interior*
18 *to establish higher minimum rates of basic pay for employ-*
19 *ees of the Department of the Interior in the Appraiser (GS–*
20 *1171) job series at grades 11 through 15 carrying out ap-*
21 *praisals of real property and appraisal reviews conducted*
22 *in support of the Department’s realty programs at rates*
23 *no greater than 15 percent above the minimum rates of*
24 *basic pay normally scheduled, and such higher rates shall*

807

1 *be consistent with subsections (e) through (h) of section 5305*
2 *of title 5, United States Code.*

3 *SAGE-GROUSE*

4 *SEC. 120. None of the funds made available by this*
5 *or any other Act may be used by the Secretary of the Inte-*
6 *rior to write or issue pursuant to section 4 of the Endan-*
7 *gered Species Act of 1973 (16 U.S.C. 1533)—*

8 *(1) a proposed rule for greater sage-grouse*
9 *(Centrocercus urophasianus);*

10 *(2) a proposed rule for the Columbia basin dis-*
11 *tinct population segment of greater sage-grouse.*

12 *STATE CONSERVATION GRANTS*

13 *SEC. 121. For expenses necessary to carry out section*
14 *200305 of title 54, United States Code, the National Park*
15 *Service may retain up to 7 percent of the State Conserva-*
16 *tion Grants program to provide to States, the District of*
17 *Columbia, and insular areas, as matching grants to support*
18 *state program administrative costs.*

19 *LOWELL NATIONAL HISTORIC PARK*

20 *SEC. 122. Section 103(a) of Public Law 95–290 (16*
21 *U.S.C. 410cc–13(a); 92 Stat. 292) is amended by striking*
22 *paragraph (1) and redesignating paragraph (2) as para-*
23 *graph (1).*

1 *VISITOR EXPERIENCE IMPROVEMENT AUTHORITY*

2 *SEC. 123. Section 101938 of title 54, United States*

3 *Code, is amended by striking “7” and inserting “9”.*

4 *DELAWARE WATER GAP AUTHORITY*

5 *SEC. 124. Section 4(b) of The Delaware Water Gap*

6 *National Recreation Area Improvement Act, as amended by*

7 *section 1 of Public Law 115–101, shall be applied by sub-*

8 *stituting “2023” for “2021”.*

809

1

TITLE II

2

ENVIRONMENTAL PROTECTION AGENCY

3

SCIENCE AND TECHNOLOGY

4

For science and technology, including research and de-

5

velopment activities, which shall include research and devel-

6

opment activities under the Comprehensive Environmental

7

Response, Compensation, and Liability Act of 1980; nec-

8

essary expenses for personnel and related costs and travel

9

expenses; procurement of laboratory equipment and sup-

10

plies; hire, maintenance, and operation of aircraft; and

11

other operating expenses in support of research and develop-

12

ment, \$802,276,000, to remain available until September

13

30, 2024: Provided, That of the funds included under this

14

heading, \$30,751,000 shall be for Research: National Prior-

15

ities as specified in the explanatory statement described in

16

section 4 (in the matter preceding division A of this consoli-

17

dated Act), of which \$13,251,000 shall be for projects speci-

18

fied for Science and Technology in the table titled “Interior

19

and Environment Incorporation of Community Project

20

Funding Items/Congressionally Directed Spending Items”

21

included for this division in the explanatory statement de-

22

scribed in section 4 (in the matter preceding division A of

23

this consolidated Act).

1 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

2 *For environmental programs and management, in-*
3 *cluding necessary expenses not otherwise provided for, for*
4 *personnel and related costs and travel expenses; hire of pas-*
5 *senger motor vehicles; hire, maintenance, and operation of*
6 *aircraft; purchase of reprints; library memberships in soci-*
7 *eties or associations which issue publications to members*
8 *only or at a price to members lower than to subscribers*
9 *who are not members; administrative costs of the*
10 *brownfields program under the Small Business Liability*
11 *Relief and Brownfields Revitalization Act of 2002; imple-*
12 *mentation of a coal combustion residual permit program*
13 *under section 2301 of the Water and Waste Act of 2016;*
14 *and not to exceed \$9,000 for official reception and represen-*
15 *tation expenses, \$3,286,330,000, to remain available until*
16 *September 30, 2024: Provided, That funds included under*
17 *this heading may be used for environmental justice imple-*
18 *mentation and training grants, and associated program*
19 *support costs: Provided further, That of the funds included*
20 *under this heading—*

21 *(1) \$30,700,000 shall be for Environmental Pro-*
22 *tection: National Priorities as specified in the explan-*
23 *atory statement described in section 4 (in the matter*
24 *preceding division A of this consolidated Act);*

1 (2) \$681,726,000 shall be for Geographic Pro-
2 grams as specified in the explanatory statement de-
3 scribed in section 4 (in the matter preceding division
4 A of this consolidated Act); and

5 (3) \$20,000,000, to remain available until ex-
6 pended, shall be for grants, including grants that may
7 be awarded on a non-competitive basis, interagency
8 agreements, and associated program support costs to
9 establish and implement a program to assist Alaska
10 Native Regional Corporations, Alaskan Native Village
11 Corporations, federally-recognized tribes in Alaska,
12 Alaska Native Non-Profit Organizations and Alaska
13 Native Nonprofit Associations, and intertribal con-
14 sortia comprised of Alaskan tribal entities to address
15 contamination on lands conveyed under or pursuant
16 to the Alaska Native Claims Settlement Act (43
17 U.S.C. 1601 et seq.) that were or are contaminated at
18 the time of conveyance and are on an inventory of
19 such lands developed and maintained by the Environ-
20 mental Protection Agency: Provided, That grants
21 awarded using funds made available in this para-
22 graph may be used by a recipient to supplement other
23 funds provided by the Environmental Protection
24 Agency through individual media or multi-media
25 grants or cooperative agreements: Provided further,

812

1 *That of the amounts made available in this para-*
2 *graph, in addition to amounts otherwise available for*
3 *such purposes, the Environmental Protection Agency*
4 *may reserve up to \$2,000,000 for salaries, expenses,*
5 *and administration.*

6 *In addition, \$9,000,000, to remain available until ex-*
7 *pended, for necessary expenses of activities described in sec-*
8 *tion 26(b)(1) of the Toxic Substances Control Act (15*
9 *U.S.C. 2625(b)(1)): Provided, That fees collected pursuant*
10 *to that section of that Act and deposited in the “TSCA Serv-*
11 *ice Fee Fund” as discretionary offsetting receipts in fiscal*
12 *year 2023 shall be retained and used for necessary salaries*
13 *and expenses in this appropriation and shall remain avail-*
14 *able until expended: Provided further, That the sum herein*
15 *appropriated in this paragraph from the general fund for*
16 *fiscal year 2023 shall be reduced by the amount of discre-*
17 *tionary offsetting receipts received during fiscal year 2023,*
18 *so as to result in a final fiscal year 2023 appropriation*
19 *from the general fund estimated at not more than \$0: Pro-*
20 *vided further, That to the extent that amounts realized from*
21 *such receipts exceed \$9,000,000, those amount in excess of*
22 *\$9,000,000 shall be deposited in the “TSCA Service Fee*
23 *Fund” as discretionary offsetting receipts in fiscal year*
24 *2023, shall be retained and used for necessary salaries and*
25 *expenses in this account, and shall remain available until*

1 *expended: Provided further, That of the funds included in*
2 *the first paragraph under this heading, the Chemical Risk*
3 *Review and Reduction program project shall be allocated*
4 *for this fiscal year, excluding the amount of any fees appro-*
5 *priated, not less than the amount of appropriations for that*
6 *program project for fiscal year 2014.*

7 *OFFICE OF INSPECTOR GENERAL*

8 *For necessary expenses of the Office of Inspector Gen-*
9 *eral in carrying out the provisions of the Inspector General*
10 *Act of 1978, \$44,030,000, to remain available until Sep-*
11 *tember 30, 2024.*

12 *BUILDINGS AND FACILITIES*

13 *For construction, repair, improvement, extension, al-*
14 *teration, and purchase of fixed equipment or facilities of,*
15 *or for use by, the Environmental Protection Agency,*
16 *\$48,752,000, to remain available until expended.*

17 *HAZARDOUS SUBSTANCE SUPERFUND*

18 *(INCLUDING TRANSFERS OF FUNDS)*

19 *For necessary expenses to carry out the Comprehensive*
20 *Environmental Response, Compensation, and Liability Act*
21 *of 1980 (CERCLA), including sections 111(c)(3), (c)(5),*
22 *(c)(6), and (e)(4) (42 U.S.C. 9611), and hire, maintenance,*
23 *and operation of aircraft, \$1,282,700,000, to remain avail-*
24 *able until expended, consisting of such sums as are available*
25 *in the Trust Fund on September 30, 2022, and not other-*

814

1 *wise appropriated from the Trust Fund, as authorized by*
2 *section 517(a) of the Superfund Amendments and Reau-*
3 *thorization Act of 1986 (SARA) and up to \$1,282,700,000*
4 *as a payment from general revenues to the Hazardous Sub-*
5 *stance Superfund for purposes as authorized by section*
6 *517(b) of SARA: Provided, That funds appropriated under*
7 *this heading may be allocated to other Federal agencies in*
8 *accordance with section 111(a) of CERCLA: Provided fur-*
9 *ther, That of the funds appropriated under this heading,*
10 *\$11,800,000 shall be paid to the “Office of Inspector Gen-*
11 *eral” appropriation to remain available until September*
12 *30, 2024, and \$31,607,000 shall be paid to the “Science*
13 *and Technology” appropriation to remain available until*
14 *September 30, 2024.*

15 *LEAKING UNDERGROUND STORAGE TANK TRUST FUND*
16 *PROGRAM*

17 *For necessary expenses to carry out leaking under-*
18 *ground storage tank cleanup activities authorized by sub-*
19 *title I of the Solid Waste Disposal Act, \$93,205,000, to re-*
20 *main available until expended, of which \$67,425,000 shall*
21 *be for carrying out leaking underground storage tank clean-*
22 *up activities authorized by section 9003(h) of the Solid*
23 *Waste Disposal Act; \$25,780,000 shall be for carrying out*
24 *the other provisions of the Solid Waste Disposal Act speci-*
25 *fied in section 9508(c) of the Internal Revenue Code: Pro-*

1 *vided, That the Administrator is authorized to use appro-*
2 *priations made available under this heading to implement*
3 *section 9013 of the Solid Waste Disposal Act to provide fi-*
4 *nancial assistance to federally recognized Indian tribes for*
5 *the development and implementation of programs to man-*
6 *age underground storage tanks.*

7 *INLAND OIL SPILL PROGRAMS*

8 *For expenses necessary to carry out the Environmental*
9 *Protection Agency's responsibilities under the Oil Pollution*
10 *Act of 1990, including hire, maintenance, and operation*
11 *of aircraft, \$22,072,000, to be derived from the Oil Spill*
12 *Liability trust fund, to remain available until expended.*

13 *STATE AND TRIBAL ASSISTANCE GRANTS*

14 *(INCLUDING RESCISSION OF FUNDS)*

15 *For environmental programs and infrastructure as-*
16 *sistance, including capitalization grants for State revolving*
17 *funds and performance partnership grants, \$4,480,428,000,*
18 *to remain available until expended, of which—*

19 *(1) \$1,638,861,000 shall be for making capital-*
20 *ization grants for the Clean Water State Revolving*
21 *Funds under title VI of the Federal Water Pollution*
22 *Control Act; and of which \$1,126,101,000 shall be for*
23 *making capitalization grants for the Drinking Water*
24 *State Revolving Funds under section 1452 of the Safe*
25 *Drinking Water Act: Provided, That \$863,108,642 of*

1 *the funds made available for capitalization grants for*
2 *the Clean Water State Revolving Funds and*
3 *\$609,255,899 of the funds made available for capital-*
4 *ization grants for the Drinking Water State Revolv-*
5 *ing Funds shall be for the construction of drinking*
6 *water, wastewater, and storm water infrastructure*
7 *and for water quality protection in accordance with*
8 *the terms and conditions specified for such grants in*
9 *the explanatory statement described in section 4 (in*
10 *the matter preceding division A of this consolidated*
11 *Act) for projects specified for “STAG—Drinking*
12 *Water SRF” and “STAG—Clean Water SRF” in the*
13 *table titled “Interior and Environment Incorporation*
14 *of Community Project Funding Items/Congressionally*
15 *Directed Spending Items” included for this division*
16 *in the explanatory statement described in section 4*
17 *(in the matter preceding division A of this consoli-*
18 *dated Act), and, for purposes of these grants, each*
19 *grantee shall contribute not less than 20 percent of the*
20 *cost of the project unless the grantee is approved for*
21 *a waiver by the Agency: Provided further, That for*
22 *fiscal year 2023, to the extent there are sufficient eli-*
23 *gible project applications and projects are consistent*
24 *with State Intended Use Plans, not less than 10 per-*
25 *cent of the funds made available under this title to*

1 *each State for Clean Water State Revolving Fund*
2 *capitalization grants shall be used by the State for*
3 *projects to address green infrastructure, water or en-*
4 *ergy efficiency improvements, or other environ-*
5 *mentally innovative activities: Provided further, That*
6 *for fiscal year 2023, funds made available under this*
7 *title to each State for Drinking Water State Revolv-*
8 *ing Fund capitalization grants may, at the discretion*
9 *of each State, be used for projects to address green in-*
10 *frastructure, water or energy efficiency improvements,*
11 *or other environmentally innovative activities: Pro-*
12 *vided further, That the Administrator is authorized to*
13 *use up to \$1,500,000 of funds made available for the*
14 *Clean Water State Revolving Funds under this head-*
15 *ing under title VI of the Federal Water Pollution*
16 *Control Act (33 U.S.C. 1381) to conduct the Clean*
17 *Watersheds Needs Survey: Provided further, That not-*
18 *withstanding section 603(d)(7) of the Federal Water*
19 *Pollution Control Act, the limitation on the amounts*
20 *in a State water pollution control revolving fund that*
21 *may be used by a State to administer the fund shall*
22 *not apply to amounts included as principal in loans*
23 *made by such fund in fiscal year 2023 and prior*
24 *years where such amounts represent costs of admin-*
25 *istering the fund to the extent that such amounts are*

1 *or were deemed reasonable by the Administrator, ac-*
2 *counted for separately from other assets in the fund,*
3 *and used for eligible purposes of the fund, including*
4 *administration: Provided further, That for fiscal year*
5 *2023, notwithstanding the provisions of subsections*
6 *(g)(1), (h), and (l) of section 201 of the Federal Water*
7 *Pollution Control Act, grants made under title II of*
8 *such Act for American Samoa, Guam, the Common-*
9 *wealth of the Northern Marianas, the United States*
10 *Virgin Islands, and the District of Columbia may*
11 *also be made for the purpose of providing assistance:*
12 *(1) solely for facility plans, design activities, or*
13 *plans, specifications, and estimates for any proposed*
14 *project for the construction of treatment works; and*
15 *(2) for the construction, repair, or replacement of pri-*
16 *vately owned treatment works serving one or more*
17 *principal residences or small commercial establish-*
18 *ments: Provided further, That for fiscal year 2023,*
19 *notwithstanding the provisions of such subsections*
20 *(g)(1), (h), and (l) of section 201 and section 518(c)*
21 *of the Federal Water Pollution Control Act, funds re-*
22 *served by the Administrator for grants under section*
23 *518(c) of the Federal Water Pollution Control Act*
24 *may also be used to provide assistance: (1) solely for*
25 *facility plans, design activities, or plans, specifica-*

1 *tions, and estimates for any proposed project for the*
2 *construction of treatment works; and (2) for the con-*
3 *struction, repair, or replacement of privately owned*
4 *treatment works serving one or more principal resi-*
5 *dences or small commercial establishments: Provided*
6 *further, That for fiscal year 2023, notwithstanding*
7 *any provision of the Federal Water Pollution Control*
8 *Act and regulations issued pursuant thereof, up to a*
9 *total of \$2,000,000 of the funds reserved by the Ad-*
10 *ministrator for grants under section 518(c) of such*
11 *Act may also be used for grants for training, tech-*
12 *nical assistance, and educational programs relating*
13 *to the operation and management of the treatment*
14 *works specified in section 518(c) of such Act: Provided*
15 *further, That for fiscal year 2023, funds reserved*
16 *under section 518(c) of such Act shall be available for*
17 *grants only to Indian tribes, as defined in section*
18 *518(h) of such Act and former Indian reservations in*
19 *Oklahoma (as determined by the Secretary of the In-*
20 *terior) and Native Villages as defined in Public Law*
21 *92–203: Provided further, That for fiscal year 2023,*
22 *notwithstanding the limitation on amounts in section*
23 *518(c) of the Federal Water Pollution Control Act, up*
24 *to a total of 2 percent of the funds appropriated, or*
25 *\$30,000,000, whichever is greater, and notwith-*

820

1 *standing the limitation on amounts in section 1452(i)*
2 *of the Safe Drinking Water Act, up to a total of 2*
3 *percent of the funds appropriated, or \$20,000,000,*
4 *whichever is greater, for State Revolving Funds under*
5 *such Acts may be reserved by the Administrator for*
6 *grants under section 518(c) and section 1452(i) of*
7 *such Acts: Provided further, That for fiscal year 2023,*
8 *notwithstanding the amounts specified in section*
9 *205(c) of the Federal Water Pollution Control Act, up*
10 *to 1.5 percent of the aggregate funds appropriated for*
11 *the Clean Water State Revolving Fund program*
12 *under the Act less any sums reserved under section*
13 *518(c) of the Act, may be reserved by the Adminis-*
14 *trator for grants made under title II of the Federal*
15 *Water Pollution Control Act for American Samoa,*
16 *Guam, the Commonwealth of the Northern Marianas,*
17 *and United States Virgin Islands: Provided further,*
18 *That for fiscal year 2023, notwithstanding the limita-*
19 *tions on amounts specified in section 1452(j) of the*
20 *Safe Drinking Water Act, up to 1.5 percent of the*
21 *funds appropriated for the Drinking Water State Re-*
22 *volving Fund programs under the Safe Drinking*
23 *Water Act may be reserved by the Administrator for*
24 *grants made under section 1452(j) of the Safe Drink-*
25 *ing Water Act: Provided further, That 10 percent of*

821

1 *the funds made available under this title to each State*
2 *for Clean Water State Revolving Fund capitalization*
3 *grants and 14 percent of the funds made available*
4 *under this title to each State for Drinking Water*
5 *State Revolving Fund capitalization grants shall be*
6 *used by the State to provide additional subsidy to eli-*
7 *gible recipients in the form of forgiveness of principal,*
8 *negative interest loans, or grants (or any combination*
9 *of these), and shall be so used by the State only where*
10 *such funds are provided as initial financing for an*
11 *eligible recipient or to buy, refinance, or restructure*
12 *the debt obligations of eligible recipients only where*
13 *such debt was incurred on or after the date of enact-*
14 *ment of this Act, or where such debt was incurred*
15 *prior to the date of enactment of this Act if the State,*
16 *with concurrence from the Administrator, determines*
17 *that such funds could be used to help address a threat*
18 *to public health from heightened exposure to lead in*
19 *drinking water or if a Federal or State emergency*
20 *declaration has been issued due to a threat to public*
21 *health from heightened exposure to lead in a munic-*
22 *ipal drinking water supply before the date of enact-*
23 *ment of this Act: Provided further, That in a State*
24 *in which such an emergency declaration has been*
25 *issued, the State may use more than 14 percent of the*

822

1 *funds made available under this title to the State for*
2 *Drinking Water State Revolving Fund capitalization*
3 *grants to provide additional subsidy to eligible recipi-*
4 *ents: Provided further, That notwithstanding section*
5 *1452(o) of the Safe Drinking Water Act (42 U.S.C.*
6 *300j-12(o)), the Administrator shall reserve*
7 *\$12,000,000 of the amounts made available for fiscal*
8 *year 2023 for making capitalization grants for the*
9 *Drinking Water State Revolving Funds to pay the*
10 *costs of monitoring for unregulated contaminants*
11 *under section 1445(a)(2)(C) of such Act: Provided*
12 *further, That of the unobligated balances available in*
13 *the “State and Tribal Assistance Grants” account ap-*
14 *propriated prior to fiscal year 2012 for “special*
15 *project grants” or “special needs infrastructure*
16 *grants,” or for the administration, management, and*
17 *oversight of such grants, \$13,300,000 are permanently*
18 *rescinded: Provided further, That no amounts may be*
19 *rescinded from amounts that were designated by the*
20 *Congress as an emergency requirement pursuant to a*
21 *Concurrent Resolution on the Budget or the Balanced*
22 *Budget and Emergency Deficit Control Act of 1985;*
23 *(2) \$36,386,000 shall be for architectural, engi-*
24 *neering, planning, design, construction and related*
25 *activities in connection with the construction of high*

823

1 *priority water and wastewater facilities in the area*
2 *of the United States-Mexico Border, after consultation*
3 *with the appropriate border commission: Provided,*
4 *That no funds provided by this appropriations Act to*
5 *address the water, wastewater and other critical in-*
6 *frastructure needs of the colonias in the United States*
7 *along the United States-Mexico border shall be made*
8 *available to a county or municipal government unless*
9 *that government has established an enforceable local*
10 *ordinance, or other zoning rule, which prevents in*
11 *that jurisdiction the development or construction of*
12 *any additional colonia areas, or the development*
13 *within an existing colonia the construction of any*
14 *new home, business, or other structure which lacks*
15 *water, wastewater, or other necessary infrastructure;*
16 *(3) \$39,686,000 shall be for grants to the State*
17 *of Alaska to address drinking water and wastewater*
18 *infrastructure needs of rural and Alaska Native Vil-*
19 *lages: Provided, That of these funds: (A) the State of*
20 *Alaska shall provide a match of 25 percent; (B) no*
21 *more than 5 percent of the funds may be used for ad-*
22 *ministrative and overhead expenses; and (C) the State*
23 *of Alaska shall make awards consistent with the*
24 *Statewide priority list established in conjunction with*
25 *the Agency and the U.S. Department of Agriculture*

1 *for all water, sewer, waste disposal, and similar*
2 *projects carried out by the State of Alaska that are*
3 *funded under section 221 of the Federal Water Pollu-*
4 *tion Control Act (33 U.S.C. 1301) or the Consolidated*
5 *Farm and Rural Development Act (7 U.S.C. 1921 et*
6 *seq.) which shall allocate not less than 25 percent of*
7 *the funds provided for projects in regional hub com-*
8 *munities;*

9 *(4) \$100,000,000 shall be to carry out section*
10 *104(k) of the Comprehensive Environmental Re-*
11 *sponse, Compensation, and Liability Act of 1980*
12 *(CERCLA), including grants, interagency agree-*
13 *ments, and associated program support costs: Pro-*
14 *vided, That at least 10 percent shall be allocated for*
15 *assistance in persistent poverty counties: Provided*
16 *further, That for purposes of this section, the term*
17 *“persistent poverty counties” means any county that*
18 *has had 20 percent or more of its population living*
19 *in poverty over the past 30 years, as measured by the*
20 *1993 Small Area Income and Poverty Estimates, the*
21 *2000 decennial census, and the most recent Small*
22 *Area Income and Poverty Estimates, or any territory*
23 *or possession of the United States;*

24 *(5) \$100,000,000 shall be for grants under title*
25 *VII, subtitle G of the Energy Policy Act of 2005;*

825

1 (6) \$69,927,000 shall be for targeted airshed
2 grants in accordance with the terms and conditions
3 in the explanatory statement described in section 4
4 (in the matter preceding division A of this consoli-
5 dated Act);

6 (7) \$30,158,000 shall be for grants under sub-
7 sections (a) through (j) of section 1459A of the Safe
8 Drinking Water Act (42 U.S.C. 300j–19a);

9 (8) \$30,500,000 shall be for grants under section
10 1464(d) of the Safe Drinking Water Act (42 U.S.C.
11 300j–24(d));

12 (9) \$25,011,000 shall be for grants under section
13 1459B of the Safe Drinking Water Act (42 U.S.C.
14 300j–19b);

15 (10) \$7,000,000 shall be for grants under section
16 1459A(l) of the Safe Drinking Water Act (42 U.S.C.
17 300j–19a(l));

18 (11) \$27,000,000 shall be for grants under sec-
19 tion 104(b)(8) of the Federal Water Pollution Control
20 Act (33 U.S.C. 1254(b)(8));

21 (12) \$50,000,000 shall be for grants under sec-
22 tion 221 of the Federal Water Pollution Control Act
23 (33 U.S.C. 1301);

826

1 (13) \$6,000,000 shall be for grants under section
2 4304(b) of the America's Water Infrastructure Act of
3 2018 (Public Law 115–270);

4 (14) \$6,500,000 shall be for carrying out section
5 302(a) of the Save Our Seas 2.0 Act (33 U.S.C.
6 4283(a)), of which not more than 2 percent shall be
7 for administrative costs to carry out such section:
8 *Provided, That notwithstanding section 302(a) of*
9 *such Act, the Administrator may also provide grants*
10 *pursuant to such authority to intertribal consortia*
11 *consistent with the requirements in 40 CFR*
12 *35.504(a), to former Indian reservations in Oklahoma*
13 *(as determined by the Secretary of the Interior), and*
14 *Alaska Native Villages as defined in Public Law 92–*
15 *203;*

16 (15) \$7,000,000 shall be for grants under section
17 103(b)(3) of the Clean Air Act for wildfire smoke pre-
18 paredness grants in accordance with the terms and
19 conditions in the explanatory statement described in
20 section 4 (in the matter preceding division A of this
21 consolidated Act): *Provided, That not more than 3*
22 *percent shall be for administrative costs to carry out*
23 *such section;*

24 (16) \$16,973,000 shall be for State and Tribal
25 Assistance Grants to be allocated in the amounts spec-

1 *ified for those projects and for the purposes delineated*
2 *in the table titled “Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items” included for*
3 *this division in the explanatory statement described*
4 *in section 4 (in the matter preceding division A of*
5 *this consolidated Act) for remediation, construction,*
6 *and related environmental management activities in*
7 *accordance with the terms and conditions specified for*
8 *such grants in the explanatory statement described in*
9 *section 4 (in the matter preceding division A of this*
10 *consolidated Act);*

13 *(17) \$5,000,000 shall be for grants under section*
14 *1459F of the Safe Drinking Water Act (42 U.S.C.*
15 *300j–19g);*

16 *(18) \$4,000,000 shall be for carrying out section*
17 *2001 of the America’s Water Infrastructure Act of*
18 *2018 (Public Law 115–270, 42 U.S.C. 300j–3c note):*
19 *Provided, That the Administrator may award grants*
20 *to and enter into contracts with tribes, intertribal*
21 *consortia, public or private agencies, institutions, or*
22 *organizations, and individuals, without regard to sec-*
23 *tion 3324(a) and (b) of title 31 and section 6101 of*
24 *title 41, United States Code, and enter into inter-*
25 *agency agreements as appropriate;*

1 (19) \$3,000,000 shall be for grants under section
2 50217(b) of the Infrastructure Investment and Jobs
3 Act (33 U.S.C. 1302f(b); Public Law 117–58);

4 (20) \$4,000,000 shall be for grants under section
5 124 of the Federal Water Pollution Control Act (33
6 U.S.C. 1276); and

7 (21) \$1,160,625,000 shall be for grants, includ-
8 ing associated program support costs, to States, feder-
9 ally recognized Tribes, interstate agencies, tribal con-
10 sortia, and air pollution control agencies for multi-
11 media or single media pollution prevention, control
12 and abatement, and related activities, including ac-
13 tivities pursuant to the provisions set forth under this
14 heading in Public Law 104–134, and for making
15 grants under section 103 of the Clean Air Act for par-
16 ticulate matter monitoring and data collection activi-
17 ties subject to terms and conditions specified by the
18 Administrator, and under section 2301 of the Water
19 and Waste Act of 2016 to assist States in developing
20 and implementing programs for control of coal com-
21 bustion residuals, of which: \$47,195,000 shall be for
22 carrying out section 128 of CERCLA; \$10,836,000
23 shall be for Environmental Information Exchange
24 Network grants, including associated program sup-
25 port costs; \$1,505,000 shall be for grants to States

1 *under section 2007(f)(2) of the Solid Waste Disposal*
2 *Act, which shall be in addition to funds appropriated*
3 *under the heading “Leaking Underground Storage*
4 *Tank Trust Fund Program” to carry out the provi-*
5 *sions of the Solid Waste Disposal Act specified in sec-*
6 *tion 9508(c) of the Internal Revenue Code other than*
7 *section 9003(h) of the Solid Waste Disposal Act;*
8 *\$18,512,000 of the funds available for grants under*
9 *section 106 of the Federal Water Pollution Control*
10 *Act shall be for State participation in national- and*
11 *State-level statistical surveys of water resources and*
12 *enhancements to State monitoring programs.*

13 *WATER INFRASTRUCTURE FINANCE AND INNOVATION*

14 *PROGRAM ACCOUNT*

15 *For the cost of direct loans and for the cost of guaran-*
16 *teed loans, as authorized by the Water Infrastructure Fi-*
17 *nance and Innovation Act of 2014, \$68,000,000, to remain*
18 *available until expended: Provided, That such costs, includ-*
19 *ing the cost of modifying such loans, shall be as defined*
20 *in section 502 of the Congressional Budget Act of 1974: Pro-*
21 *vided further, That these funds are available to subsidize*
22 *gross obligations for the principal amount of direct loans,*
23 *including capitalized interest, and total loan principal, in-*
24 *cluding capitalized interest, any part of which is to be*
25 *guaranteed, not to exceed \$12,500,000,000: Provided fur-*

830

1 *ther, That of the funds made available under this heading,*
2 *\$5,000,000 shall be used solely for the cost of direct loans*
3 *and for the cost of guaranteed loans for projects described*
4 *in section 5026(9) of the Water Infrastructure Finance and*
5 *Innovation Act of 2014 to State infrastructure financing*
6 *authorities, as authorized by section 5033(e) of such Act:*
7 *Provided further, That the use of direct loans or loan guar-*
8 *antee authority under this heading for direct loans or com-*
9 *mitments to guarantee loans for any project shall be in ac-*
10 *cordance with the criteria published in the Federal Register*
11 *on June 30, 2020 (85 FR 39189) pursuant to the fourth*
12 *proviso under the heading “Water Infrastructure Finance*
13 *and Innovation Program Account” in division D of the*
14 *Further Consolidated Appropriations Act, 2020 (Public*
15 *Law 116–94): Provided further, That none of the direct*
16 *loans or loan guarantee authority made available under*
17 *this heading shall be available for any project unless the*
18 *Administrator and the Director of the Office of Management*
19 *and Budget have certified in advance in writing that the*
20 *direct loan or loan guarantee, as applicable, and the project*
21 *comply with the criteria referenced in the previous proviso:*
22 *Provided further, That, for the purposes of carrying out the*
23 *Congressional Budget Act of 1974, the Director of the Con-*
24 *gressional Budget Office may request, and the Adminis-*
25 *trator shall promptly provide, documentation and informa-*

tion relating to a project identified in a Letter of Interest submitted to the Administrator pursuant to a Notice of Funding Availability for applications for credit assistance under the Water Infrastructure Finance and Innovation Act Program, including with respect to a project that was initiated or completed before the date of enactment of this Act.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, \$7,640,000, to remain available until September 30, 2024.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL

PROTECTION AGENCY

(INCLUDING TRANSFERS OF FUNDS)

For fiscal year 2023, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agree-

1 *ments to federally recognized Indian tribes or Intertribal*
2 *consortia, if authorized by their member tribes, to assist the*
3 *Administrator in implementing Federal environmental*
4 *programs for Indian tribes required or authorized by law,*
5 *except that no such cooperative agreements may be awarded*
6 *from funds designated for State financial assistance agree-*
7 *ments.*

8 *The Administrator of the Environmental Protection*
9 *Agency is authorized to collect and obligate pesticide reg-*
10 *istration service fees in accordance with section 33 of the*
11 *Federal Insecticide, Fungicide, and Rodenticide Act (7*
12 *U.S.C. 136w–8), to remain available until expended.*

13 *Notwithstanding section 33(d)(2) of the Federal Insec-*
14 *ticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C.*
15 *136w–8(d)(2)), the Administrator of the Environmental*
16 *Protection Agency may assess fees under section 33 of*
17 *FIFRA (7 U.S.C. 136w–8) for fiscal year 2023.*

18 *The Administrator of the Environmental Protection*
19 *Agency is authorized to collect and obligate fees in accord-*
20 *ance with section 3024 of the Solid Waste Disposal Act (42*
21 *U.S.C. 6939g) for fiscal year 2023, to remain available*
22 *until expended.*

23 *The Administrator is authorized to transfer up to*
24 *\$368,000,000 of the funds appropriated for the Great Lakes*
25 *Restoration Initiative under the heading “Environmental*

1 *Programs and Management” to the head of any Federal de-*
2 *partment or agency, with the concurrence of such head, to*
3 *carry out activities that would support the Great Lakes*
4 *Restoration Initiative and Great Lakes Water Quality*
5 *Agreement programs, projects, or activities; to enter into*
6 *an interagency agreement with the head of such Federal de-*
7 *partment or agency to carry out these activities; and to*
8 *make grants to governmental entities, nonprofit organiza-*
9 *tions, institutions, and individuals for planning, research,*
10 *monitoring, outreach, and implementation in furtherance*
11 *of the Great Lakes Restoration Initiative and the Great*
12 *Lakes Water Quality Agreement.*

13 *The Science and Technology, Environmental Programs*
14 *and Management, Office of Inspector General, Hazardous*
15 *Substance Superfund, and Leaking Underground Storage*
16 *Tank Trust Fund Program Accounts, are available for the*
17 *construction, alteration, repair, rehabilitation, and renova-*
18 *tion of facilities, provided that the cost does not exceed*
19 *\$300,000 per project.*

20 *For fiscal year 2023, and notwithstanding section*
21 *518(f) of the Federal Water Pollution Control Act (33*
22 *U.S.C. 1377(f)), the Administrator is authorized to use the*
23 *amounts appropriated for any fiscal year under section 319*
24 *of the Act to make grants to Indian tribes pursuant to sec-*
25 *tions 319(h) and 518(e) of that Act.*

1 *The Administrator is authorized to use the amounts*
2 *appropriated under the heading “Environmental Programs*
3 *and Management” for fiscal year 2023 to provide grants*
4 *to implement the Southeastern New England Watershed*
5 *Restoration Program.*

6 *Notwithstanding the limitations on amounts in section*
7 *320(i)(2)(B) of the Federal Water Pollution Control Act,*
8 *not less than \$2,500,000 of the funds made available under*
9 *this title for the National Estuary Program shall be for*
10 *making competitive awards described in section 320(g)(4).*

11 *For fiscal year 2023, the Office of Chemical Safety and*
12 *Pollution Prevention and the Office of Water may, using*
13 *funds appropriated under the headings “Environmental*
14 *Programs and Management” and “Science and Tech-*
15 *nology”, contract directly with individuals or indirectly*
16 *with institutions or nonprofit organizations, without re-*
17 *gard to 41 U.S.C. 5, for the temporary or intermittent per-*
18 *sonal services of students or recent graduates, who shall be*
19 *considered employees for the purposes of chapters 57 and*
20 *81 of title 5, United States Code, relating to compensation*
21 *for travel and work injuries, and chapter 171 of title 28,*
22 *United States Code, relating to tort claims, but shall not*
23 *be considered to be Federal employees for any other purpose:*
24 *Provided, That amounts used for this purpose by the Office*

835

1 *of Chemical Safety and Pollution Prevention and the Office*
2 *of Water collectively may not exceed \$2,000,000.*

3 *TITLE III*

4 *RELATED AGENCIES*

5 *DEPARTMENT OF AGRICULTURE*

6 *OFFICE OF THE UNDER SECRETARY FOR NATURAL*

7 *RESOURCES AND ENVIRONMENT*

8 *For necessary expenses of the Office of the Under Sec-*
9 *retary for Natural Resources and Environment, \$1,000,000:*
10 *Provided, That funds made available by this Act to any*
11 *agency in the Natural Resources and Environment mission*
12 *area for salaries and expenses are available to fund up to*
13 *one administrative support staff for the office.*

14 *FOREST SERVICE*

15 *FOREST SERVICE OPERATIONS*

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *For necessary expenses of the Forest Service, not other-*
18 *wise provided for, \$1,152,744,000, to remain available*
19 *through September 30, 2026: Provided, That a portion of*
20 *the funds made available under this heading shall be for*
21 *the base salary and expenses of employees in the Chief's Of-*
22 *fice, the Work Environment and Performance Office, the*
23 *Business Operations Deputy Area, and the Chief Financial*
24 *Officer's Office to carry out administrative and general*
25 *management support functions: Provided further, That*

836

1 *funds provided under this heading shall be available for the*
2 *costs of facility maintenance, repairs, and leases for build-*
3 *ings and sites where these administrative, general manage-*
4 *ment and other Forest Service support functions take place;*
5 *the costs of all utility and telecommunication expenses of*
6 *the Forest Service, as well as business services; and, for in-*
7 *formation technology, including cyber security require-*
8 *ments: Provided further, That funds provided under this*
9 *heading may be used for necessary expenses to carry out*
10 *administrative and general management support functions*
11 *of the Forest Service not otherwise provided for and nec-*
12 *essary for its operation.*

13 *FOREST AND RANGELAND RESEARCH*

14 *For necessary expenses of forest and rangeland re-*
15 *search as authorized by law, \$307,273,000, to remain avail-*
16 *able through September 30, 2026: Provided, That of the*
17 *funds provided, \$32,197,000 is for the forest inventory and*
18 *analysis program: Provided further, That all authorities for*
19 *the use of funds, including the use of contracts, grants, and*
20 *cooperative agreements, available to execute the Forest and*
21 *Rangeland Research appropriation, are also available in*
22 *the utilization of these funds for Fire Science Research.*

23 *STATE AND PRIVATE FORESTRY*

24 *For necessary expenses of cooperating with and pro-*
25 *viding technical and financial assistance to States, terri-*

1 *tories, possessions, and others, and for forest health manage-*
2 *ment, including for invasive plants, and conducting an*
3 *international program and trade compliance activities as*
4 *authorized, \$337,758,000, to remain available through Sep-*
5 *tember 30, 2026, as authorized by law, of which \$30,167,000*
6 *shall be for projects specified for Forest Resource Informa-*
7 *tion and Analysis in the table titled “Interior and Environ-*
8 *ment Incorporation of Community Project Funding Items/*
9 *Congressionally Directed Spending Items” included for this*
10 *division in the explanatory statement described in section*
11 *4 (in the matter preceding division A of this consolidated*
12 *Act).*

13 *NATIONAL FOREST SYSTEM*

14 *For necessary expenses of the Forest Service, not other-*
15 *wise provided for, for management, protection, improve-*
16 *ment, and utilization of the National Forest System, and*
17 *for hazardous fuels management on or adjacent to such*
18 *lands, \$1,974,388,000, to remain available through Sep-*
19 *tember 30, 2026: Provided, That of the funds provided,*
20 *\$32,000,000 shall be deposited in the Collaborative Forest*
21 *Landscape Restoration Fund for ecological restoration*
22 *treatments as authorized by 16 U.S.C. 7303(f): Provided*
23 *further, That for the funds provided in the preceding pro-*
24 *viso, section 4003(d)(3)(A) of the Omnibus Public Land*
25 *Management Act of 2009 (16 U.S.C. 7303(d)(3)(A)) shall*

1 *be applied by substituting “20” for “10” and section*
2 *4003(d)(3)(B) of the Omnibus Public Land Management*
3 *Act of 2009 (16 U.S.C. 7303(d)(3)(B)) shall be applied by*
4 *substituting “4” for “2”: Provided further, That of the funds*
5 *provided, \$40,000,000 shall be for forest products: Provided*
6 *further, That of the funds provided, \$207,000,000 shall be*
7 *for hazardous fuels management activities, of which not to*
8 *exceed \$20,000,000 may be used to make grants, using any*
9 *authorities available to the Forest Service under the “State*
10 *and Private Forestry” appropriation, for the purpose of*
11 *creating incentives for increased use of biomass from Na-*
12 *tional Forest System lands: Provided further, That*
13 *\$20,000,000 may be used by the Secretary of Agriculture*
14 *to enter into procurement contracts or cooperative agree-*
15 *ments or to issue grants for hazardous fuels management*
16 *activities, and for training or monitoring associated with*
17 *such hazardous fuels management activities on Federal*
18 *land, or on non-Federal land if the Secretary determines*
19 *such activities benefit resources on Federal land: Provided*
20 *further, That funds made available to implement the Com-*
21 *munity Forest Restoration Act, Public Law 106–393, title*
22 *VI, shall be available for use on non-Federal lands in ac-*
23 *cordance with authorities made available to the Forest*
24 *Service under the “State and Private Forestry” appropria-*
25 *tion: Provided further, That notwithstanding section 33 of*

1 *the Bankhead Jones Farm Tenant Act (7 U.S.C. 1012), the*
2 *Secretary of Agriculture, in calculating a fee for grazing*
3 *on a National Grassland, may provide a credit of up to*
4 *50 percent of the calculated fee to a Grazing Association*
5 *or direct permittee for a conservation practice approved by*
6 *the Secretary in advance of the fiscal year in which the*
7 *cost of the conservation practice is incurred, and that the*
8 *amount credited shall remain available to the Grazing Asso-*
9 *ciation or the direct permittee, as appropriate, in the fiscal*
10 *year in which the credit is made and each fiscal year there-*
11 *after for use on the project for conservation practices ap-*
12 *proved by the Secretary: Provided further, That funds ap-*
13 *propriated to this account shall be available for the base*
14 *salary and expenses of employees that carry out the func-*
15 *tions funded by the “Capital Improvement and Mainte-*
16 *nance” account, the “Range Betterment Fund” account,*
17 *and the “Management of National Forest Lands for Subsist-*
18 *ence Uses” account.*

19 *CAPITAL IMPROVEMENT AND MAINTENANCE*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For necessary expenses of the Forest Service, not other-*
22 *wise provided for, \$158,048,000, to remain available*
23 *through September 30, 2026, for construction, capital im-*
24 *provement, maintenance, and acquisition of buildings and*
25 *other facilities and infrastructure; and for construction, re-*

1 *construction, and decommissioning of roads that are no*
2 *longer needed, including unauthorized roads that are not*
3 *part of the transportation system, and for maintenance of*
4 *forest roads and trails by the Forest Service as authorized*
5 *by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Pro-*
6 *vided, That \$6,000,000 shall be for activities authorized by*
7 *16 U.S.C. 538(a): Provided further, That \$5,048,000 shall*
8 *be for projects specified for Construction Projects in the*
9 *table titled “Interior and Environment Incorporation of*
10 *Community Project Funding Items/Congressionally Di-*
11 *rected Spending Items” included for this division in the ex-*
12 *planatory statement described in section 4 (in the matter*
13 *preceding division A of this consolidated Act): Provided fur-*
14 *ther, That funds becoming available in fiscal year 2023*
15 *under the Act of March 4, 1913 (16 U.S.C. 501) shall be*
16 *transferred to the General Fund of the Treasury and shall*
17 *not be available for transfer or obligation for any other pur-*
18 *pose unless the funds are appropriated.*

19 *ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL*
20 *ACTS*

21 *For acquisition of lands within the exterior boundaries*
22 *of the Cache, Uinta, and Wasatch National Forests, Utah;*
23 *the Toiyabe National Forest, Nevada; and the Angeles, San*
24 *Bernardino, Sequoia, and Cleveland National Forests, Cali-*
25 *fornia; and the Ozark-St. Francis and Ouachita National*

841

1 *Forests, Arkansas; as authorized by law, \$664,000, to be*
2 *derived from forest receipts.*

3 *ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES*

4 *For acquisition of lands, such sums, to be derived from*
5 *funds deposited by State, county, or municipal govern-*
6 *ments, public school districts, or other public school authori-*
7 *ties, and for authorized expenditures from funds deposited*
8 *by non-Federal parties pursuant to Land Sale and Ex-*
9 *change Acts, pursuant to the Act of December 4, 1967 (16*
10 *U.S.C. 484a), to remain available through September 30,*
11 *2026, (16 U.S.C. 516–617a, 555a; Public Law 96–586; Pub-*
12 *lic Law 76–589, Public Law 76–591; and Public Law 78–*
13 *310).*

14 *RANGE BETTERMENT FUND*

15 *For necessary expenses of range rehabilitation, protec-*
16 *tion, and improvement, 50 percent of all moneys received*
17 *during the prior fiscal year, as fees for grazing domestic*
18 *livestock on lands in National Forests in the 16 Western*
19 *States, pursuant to section 401(b)(1) of Public Law 94–*
20 *579, to remain available through September 30, 2026, of*
21 *which not to exceed 6 percent shall be available for adminis-*
22 *trative expenses associated with on-the-ground range reha-*
23 *bilitation, protection, and improvements.*

842

1 *GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND*
2 *RANGELAND RESEARCH*

3 *For expenses authorized by 16 U.S.C. 1643(b),*
4 *\$45,000, to remain available through September 30, 2026,*
5 *to be derived from the fund established pursuant to the*
6 *above Act.*

7 *MANAGEMENT OF NATIONAL FOREST LANDS FOR*
8 *SUBSISTENCE USES*

9 *For necessary expenses of the Forest Service to manage*
10 *Federal lands in Alaska for subsistence uses under title VIII*
11 *of the Alaska National Interest Lands Conservation Act (16*
12 *U.S.C. 3111 et seq.), \$1,099,000, to remain available*
13 *through September 30, 2026.*

14 *WILDLAND FIRE MANAGEMENT*
15 *(INCLUDING TRANSFERS OF FUNDS)*

16 *For necessary expenses for forest fire presuppression*
17 *activities on National Forest System lands, for emergency*
18 *wildland fire suppression on or adjacent to such lands or*
19 *other lands under fire protection agreement, and for emer-*
20 *gency rehabilitation of burned-over National Forest System*
21 *lands and water, \$945,956,000, to remain available until*
22 *expended: Provided, That such funds, including unobligated*
23 *balances under this heading, are available for repayment*
24 *of advances from other appropriations accounts previously*
25 *transferred for such purposes: Provided further, That any*

1 *unobligated funds appropriated in a previous fiscal year*
2 *for hazardous fuels management may be transferred to the*
3 *“National Forest System” account: Provided further, That*
4 *such funds shall be available to reimburse State and other*
5 *cooperating entities for services provided in response to*
6 *wildfire and other emergencies or disasters to the extent*
7 *such reimbursements by the Forest Service for non-fire*
8 *emergencies are fully repaid by the responsible emergency*
9 *management agency: Provided further, That funds provided*
10 *shall be available for support to Federal emergency re-*
11 *sponse: Provided further, That the costs of implementing*
12 *any cooperative agreement between the Federal Government*
13 *and any non-Federal entity may be shared, as mutually*
14 *agreed on by the affected parties.*

15 *WILDFIRE SUPPRESSION OPERATIONS RESERVE FUND*

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *In addition to the amounts provided under the heading*
18 *“Department of Agriculture—Forest Service—Wildland*
19 *Fire Management” for wildfire suppression operations,*
20 *\$2,210,000,000, to remain available until transferred, is ad-*
21 *ditional new budget authority as specified for purposes of*
22 *section 4004(b)(5) of S. Con. Res. 14 (117th Congress), the*
23 *concurrent resolution on the budget for fiscal year 2022,*
24 *and section 1(g) of H. Res. 1151 (117th Congress), as en-*
25 *grossed in the House of Representatives on June 8, 2022:*

1 *Provided, That such amounts may be transferred to and*
2 *merged with amounts made available under the headings*
3 *“Department of the Interior—Department-Wide Pro-*
4 *grams—Wildland Fire Management” and “Department of*
5 *Agriculture—Forest Service—Wildland Fire Management”*
6 *for wildfire suppression operations in the fiscal year in*
7 *which such amounts are transferred: Provided further, That*
8 *amounts may be transferred to the “Wildland Fire Manage-*
9 *ment” accounts in the Department of the Interior or the*
10 *Department of Agriculture only upon the notification of the*
11 *House and Senate Committees on Appropriations that all*
12 *wildfire suppression operations funds appropriated under*
13 *that heading in this and prior appropriations Acts to the*
14 *agency to which the funds will be transferred will be obli-*
15 *gated within 30 days: Provided further, That the transfer*
16 *authority provided under this heading is in addition to any*
17 *other transfer authority provided by law: Provided further,*
18 *That, in determining whether all wildfire suppression oper-*
19 *ations funds appropriated under the heading “Wildland*
20 *Fire Management” in this and prior appropriations Acts*
21 *to either the Department of Agriculture or the Department*
22 *of the Interior will be obligated within 30 days pursuant*
23 *to the preceding proviso, any funds transferred or permitted*
24 *to be transferred pursuant to any other transfer authority*
25 *provided by law shall be excluded.*

845

1 COMMUNICATIONS SITE ADMINISTRATION

2 (INCLUDING TRANSFER OF FUNDS)

3 *Amounts collected in this fiscal year pursuant to sec-*
4 *tion 8705(f)(2) of the Agriculture Improvement Act of 2018*
5 *(Public Law 115–334), shall be deposited in the special ac-*
6 *count established by section 8705(f)(1) of such Act, shall be*
7 *available to cover the costs described in subsection (c)(3)*
8 *of such section of such Act, and shall remain available until*
9 *expended: Provided, That such amounts shall be transferred*
10 *to the “National Forest System” account.*

11 ADMINISTRATIVE PROVISIONS—FOREST SERVICE

12 (INCLUDING TRANSFERS OF FUNDS)

13 *Appropriations to the Forest Service for the current*
14 *fiscal year shall be available for: (1) purchase of passenger*
15 *motor vehicles; acquisition of passenger motor vehicles from*
16 *excess sources, and hire of such vehicles; purchase, lease, op-*
17 *eration, maintenance, and acquisition of aircraft to main-*
18 *tain the operable fleet for use in Forest Service wildland*
19 *fire programs and other Forest Service programs; notwith-*
20 *standing other provisions of law, existing aircraft being re-*
21 *placed may be sold, with proceeds derived or trade-in value*
22 *used to offset the purchase price for the replacement air-*
23 *craft; (2) services pursuant to 7 U.S.C. 2225, and not to*
24 *exceed \$100,000 for employment under 5 U.S.C. 3109; (3)*
25 *purchase, erection, and alteration of buildings and other*

1 *public improvements (7 U.S.C. 2250); (4) acquisition of*
2 *land, waters, and interests therein pursuant to 7 U.S.C.*
3 *428a; (5) for expenses pursuant to the Volunteers in the Na-*
4 *tional Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a*
5 *note); (6) the cost of uniforms as authorized by 5 U.S.C.*
6 *5901–5902; and (7) for debt collection contracts in accord-*
7 *ance with 31 U.S.C. 3718(c).*

8 *Funds made available to the Forest Service in this Act*
9 *may be transferred between accounts affected by the Forest*
10 *Service budget restructure outlined in section 435 of divi-*
11 *sion D of the Further Consolidated Appropriations Act,*
12 *2020 (Public Law 116–94): Provided, That any transfer of*
13 *funds pursuant to this paragraph shall not increase or de-*
14 *crease the funds appropriated to any account in this fiscal*
15 *year by more than ten percent: Provided further, That such*
16 *transfer authority is in addition to any other transfer au-*
17 *thority provided by law.*

18 *Any appropriations or funds available to the Forest*
19 *Service may be transferred to the Wildland Fire Manage-*
20 *ment appropriation for forest firefighting, emergency reha-*
21 *bilitation of burned-over or damaged lands or waters under*
22 *its jurisdiction, and fire preparedness due to severe burning*
23 *conditions upon the Secretary of Agriculture’s notification*
24 *of the House and Senate Committees on Appropriations*
25 *that all fire suppression funds appropriated under the head-*

1 *ing “Wildland Fire Management” will be obligated within*
2 *30 days: Provided, That all funds used pursuant to this*
3 *paragraph must be replenished by a supplemental appro-*
4 *priation which must be requested as promptly as possible.*

5 *Not more than \$50,000,000 of funds appropriated to*
6 *the Forest Service shall be available for expenditure or*
7 *transfer to the Department of the Interior for wildland fire*
8 *management, hazardous fuels management, and State fire*
9 *assistance when such transfers would facilitate and expedite*
10 *wildland fire management programs and projects.*

11 *Notwithstanding any other provision of this Act, the*
12 *Forest Service may transfer unobligated balances of discre-*
13 *tionary funds appropriated to the Forest Service by this*
14 *Act to or within the National Forest System Account, or*
15 *reprogram funds to be used for the purposes of hazardous*
16 *fuels management and urgent rehabilitation of burned-over*
17 *National Forest System lands and water: Provided, That*
18 *such transferred funds shall remain available through Sep-*
19 *tember 30, 2026: Provided further, That none of the funds*
20 *transferred pursuant to this paragraph shall be available*
21 *for obligation without written notification to and the prior*
22 *approval of the Committees on Appropriations of both*
23 *Houses of Congress.*

24 *Funds appropriated to the Forest Service shall be*
25 *available for assistance to or through the Agency for Inter-*

1 *national Development in connection with forest and range-*
2 *land research, technical information, and assistance in for-*
3 *ign countries, and shall be available to support forestry*
4 *and related natural resource activities outside the United*
5 *States and its territories and possessions, including tech-*
6 *nical assistance, education and training, and cooperation*
7 *with United States government, private sector, and inter-*
8 *national organizations: Provided, That the Forest Service,*
9 *acting for the International Program, may sign direct fund-*
10 *ing agreements with foreign governments and institutions*
11 *as well as other domestic agencies (including the U.S. Agen-*
12 *cy for International Development, the Department of State,*
13 *and the Millennium Challenge Corporation), United States*
14 *private sector firms, institutions and organizations to pro-*
15 *vide technical assistance and training programs on forestry*
16 *and rangeland management: Provided further, That to*
17 *maximize effectiveness of domestic and international re-*
18 *search and cooperation, the International Program may*
19 *utilize all authorities related to forestry, research, and coop-*
20 *erative assistance regardless of program designations.*

21 *Funds appropriated to the Forest Service shall be*
22 *available to enter into a cooperative agreement with the*
23 *Section 509(a)(3) Supporting Organization, “Forest Serv-*
24 *ice International Foundation” to assist the Foundation in*
25 *meeting administrative, project, and other expenses, and*

1 *may provide for the Foundation's use of Forest Service per-*
2 *sonnel and facilities.*

3 *Funds appropriated to the Forest Service shall be*
4 *available for expenditure or transfer to the Department of*
5 *the Interior, Bureau of Land Management, for removal,*
6 *preparation, and adoption of excess wild horses and burros*
7 *from National Forest System lands, and for the perform-*
8 *ance of cadastral surveys to designate the boundaries of such*
9 *lands.*

10 *None of the funds made available to the Forest Service*
11 *in this Act or any other Act with respect to any fiscal year*
12 *shall be subject to transfer under the provisions of section*
13 *702(b) of the Department of Agriculture Organic Act of*
14 *1944 (7 U.S.C. 2257), section 442 of Public Law 106-224*
15 *(7 U.S.C. 7772), or section 10417(b) of Public Law 107-*
16 *171 (7 U.S.C. 8316(b)).*

17 *Not more than \$82,000,000 of funds available to the*
18 *Forest Service shall be transferred to the Working Capital*
19 *Fund of the Department of Agriculture and not more than*
20 *\$14,500,000 of funds available to the Forest Service shall*
21 *be transferred to the Department of Agriculture for Depart-*
22 *ment Reimbursable Programs, commonly referred to as*
23 *Greenbook charges: Provided, That nothing in this para-*
24 *graph shall prohibit or limit the use of reimbursable agree-*
25 *ments requested by the Forest Service in order to obtain*

850

1 *information technology services, including telecommuni-*
2 *cations and system modifications or enhancements, from the*
3 *Working Capital Fund of the Department of Agriculture.*

4 *Of the funds available to the Forest Service, up to*
5 *\$5,000,000 shall be available for priority projects within*
6 *the scope of the approved budget, which shall be carried out*
7 *by the Youth Conservation Corps and shall be carried out*
8 *under the authority of the Public Lands Corps Act of 1993*
9 *(16 U.S.C. 1721 et seq.).*

10 *Of the funds available to the Forest Service, \$4,000 is*
11 *available to the Chief of the Forest Service for official recep-*
12 *tion and representation expenses.*

13 *Pursuant to sections 405(b) and 410(b) of Public Law*
14 *101–593, of the funds available to the Forest Service, up*
15 *to \$3,000,000 may be advanced in a lump sum to the Na-*
16 *tional Forest Foundation to aid conservation partnership*
17 *projects in support of the Forest Service mission, without*
18 *regard to when the Foundation incurs expenses, for projects*
19 *on or benefitting National Forest System lands or related*
20 *to Forest Service programs: Provided, That of the Federal*
21 *funds made available to the Foundation, no more than*
22 *\$300,000 shall be available for administrative expenses:*
23 *Provided further, That the Foundation shall obtain, by the*
24 *end of the period of Federal financial assistance, private*
25 *contributions to match funds made available by the Forest*

851

1 *Service on at least a one-for-one basis: Provided further,*
2 *That the Foundation may transfer Federal funds to a Fed-*
3 *eral or a non-Federal recipient for a project at the same*
4 *rate that the recipient has obtained the non-Federal match-*
5 *ing funds.*

6 *Pursuant to section 2(b)(2) of Public Law 98–244, up*
7 *to \$3,000,000 of the funds available to the Forest Service*
8 *may be advanced to the National Fish and Wildlife Foun-*
9 *dation in a lump sum to aid cost-share conservation*
10 *projects, without regard to when expenses are incurred, on*
11 *or benefitting National Forest System lands or related to*
12 *Forest Service programs: Provided, That such funds shall*
13 *be matched on at least a one-for-one basis by the Founda-*
14 *tion or its sub-recipients: Provided further, That the Foun-*
15 *dation may transfer Federal funds to a Federal or non-*
16 *Federal recipient for a project at the same rate that the*
17 *recipient has obtained the non-Federal matching funds.*

18 *Funds appropriated to the Forest Service under the*
19 *National Forest System heading shall be available for the*
20 *Secretary of Agriculture to enter into cooperative agree-*
21 *ments with other Federal agencies, tribes, States, local gov-*
22 *ernments, private and nonprofit entities, and educational*
23 *institutions to support the work of forest or grassland*
24 *collaboratives on activities benefitting Federal lands and*
25 *adjacent non-Federal lands, including for technical assist-*

852

1 *ance, administrative functions or costs, and other capacity*
2 *support needs identified by the Forest Service.*

3 *Funds appropriated to the Forest Service shall be*
4 *available for interactions with and providing technical as-*
5 *sistance to rural communities and natural resource-based*
6 *businesses for sustainable rural development purposes.*

7 *Funds appropriated to the Forest Service shall be*
8 *available for payments to counties within the Columbia*
9 *River Gorge National Scenic Area, pursuant to section*
10 *14(c)(1) and (2), and section 16(a)(2) of Public Law 99–*
11 *663.*

12 *Any funds appropriated to the Forest Service may be*
13 *used to meet the non-Federal share requirement in section*
14 *502(c) of the Older Americans Act of 1965 (42 U.S.C.*
15 *3056(c)(2)).*

16 *The Forest Service shall not assess funds for the pur-*
17 *pose of performing fire, administrative, and other facilities*
18 *maintenance and decommissioning.*

19 *Notwithstanding any other provision of law, of any*
20 *appropriations or funds available to the Forest Service, not*
21 *to exceed \$500,000 may be used to reimburse the Office of*
22 *the General Counsel (OGC), Department of Agriculture, for*
23 *travel and related expenses incurred as a result of OGC as-*
24 *sistance or participation requested by the Forest Service at*
25 *meetings, training sessions, management reviews, land pur-*

1 *chase negotiations, and similar matters unrelated to civil*
2 *litigation: Provided, That future budget justifications for*
3 *both the Forest Service and the Department of Agriculture*
4 *should clearly display the sums previously transferred and*
5 *the sums requested for transfer.*

6 *An eligible individual who is employed in any project*
7 *funded under title V of the Older Americans Act of 1965*
8 *(42 U.S.C. 3056 et seq.) and administered by the Forest*
9 *Service shall be considered to be a Federal employee for pur-*
10 *poses of chapter 171 of title 28, United States Code.*

11 *Funds appropriated to the Forest Service shall be*
12 *available to pay, from a single account, the base salary and*
13 *expenses of employees who carry out functions funded by*
14 *other accounts for Enterprise Program, Geospatial Tech-*
15 *nology and Applications Center, remnant Natural Resource*
16 *Manager, Job Corps, and National Technology and Devel-*
17 *opment Program.*

18 *DEPARTMENT OF HEALTH AND HUMAN*

19 *SERVICES*

20 *INDIAN HEALTH SERVICE*

21 *INDIAN HEALTH SERVICES*

22 *(INCLUDING RESCISSION OF FUNDS)*

23 *For expenses necessary to carry out the Act of August*
24 *5, 1954 (68 Stat. 674), the Indian Self-Determination and*
25 *Education Assistance Act, the Indian Health Care Improve-*

1 *ment Act, and titles II and III of the Public Health Service*
2 *Act with respect to the Indian Health Service,*
3 *\$4,919,670,000, to remain available until September 30,*
4 *2024, except as otherwise provided herein; and, in addition,*
5 *\$4,627,968,000, which shall become available on October 1,*
6 *2023, and remain available through September 30, 2025,*
7 *except as otherwise provided herein; together with payments*
8 *received during each fiscal year pursuant to sections 231(b)*
9 *and 233 of the Public Health Service Act (42 U.S.C. 238(b)*
10 *and 238b), for services furnished by the Indian Health*
11 *Service: Provided, That funds made available to tribes and*
12 *tribal organizations through contracts, grant agreements, or*
13 *any other agreements or compacts authorized by the Indian*
14 *Self-Determination and Education Assistance Act of 1975*
15 *(25 U.S.C. 450), shall be deemed to be obligated at the time*
16 *of the grant or contract award and thereafter shall remain*
17 *available to the tribe or tribal organization without fiscal*
18 *year limitation: Provided further, That \$2,500,000 shall be*
19 *available for each of fiscal years 2023 and 2024 for grants*
20 *or contracts with public or private institutions to provide*
21 *alcohol or drug treatment services to Indians, including al-*
22 *cohol detoxification services: Provided further, That of the*
23 *total amount of funds provided, \$1,993,510,000 shall re-*
24 *main available until expended for Purchased/Referred Care,*
25 *of which \$996,755,000 shall be from funds that become*

855

1 *available on October 1, 2023: Provided further, That of the*
2 *total amount specified in the preceding proviso for Pur-*
3 *chased/Referred Care, \$108,000,000 shall be for the Indian*
4 *Catastrophic Health Emergency Fund of which \$54,000,000*
5 *shall be from funds that become available on October 1,*
6 *2023: Provided further, That for each of fiscal years 2023*
7 *and 2024, up to \$51,000,000 shall remain available until*
8 *expended for implementation of the loan repayment pro-*
9 *gram under section 108 of the Indian Health Care Improve-*
10 *ment Act: Provided further, That of the total amount of*
11 *funds provided, \$116,000,000, including \$58,000,000 from*
12 *funds that become available on October 1, 2023, shall be*
13 *for costs related to or resulting from accreditation emer-*
14 *gencies, including supplementing activities funded under*
15 *the heading “Indian Health Facilities”, of which up to*
16 *\$4,000,000 for each of fiscal years 2023 and 2024 may be*
17 *used to supplement amounts otherwise available for Pur-*
18 *chased/Referred Care: Provided further, That the amounts*
19 *collected by the Federal Government as authorized by sec-*
20 *tions 104 and 108 of the Indian Health Care Improvement*
21 *Act (25 U.S.C. 1613a and 1616a) during the preceding fis-*
22 *cal year for breach of contracts shall be deposited in the*
23 *Fund authorized by section 108A of that Act (25 U.S.C.*
24 *1616a–1) and shall remain available until expended and,*
25 *notwithstanding section 108A(c) of that Act (25 U.S.C.*

1 1616a–1(c)), funds shall be available to make new awards
2 under the loan repayment and scholarship programs under
3 sections 104 and 108 of that Act (25 U.S.C. 1613a and
4 1616a): Provided further, That the amounts made available
5 within this account for the Substance Abuse and Suicide
6 Prevention Program, for Opioid Prevention, Treatment and
7 Recovery Services, for the Domestic Violence Prevention
8 Program, for the Zero Suicide Initiative, for the housing
9 subsidy authority for civilian employees, for Aftercare Pilot
10 Programs at Youth Regional Treatment Centers, for trans-
11 formation and modernization costs of the Indian Health
12 Service Electronic Health Record system, for national qual-
13 ity and oversight activities, to improve collections from
14 public and private insurance at Indian Health Service and
15 tribally operated facilities, for an initiative to treat or re-
16 duce the transmission of HIV and HCV, for a maternal
17 health initiative, for the Telebehaviorial Health Center of
18 Excellence, for Alzheimer’s grants, for Village Built Clinics,
19 for a produce prescription pilot, and for accreditation emer-
20 gencies shall be allocated at the discretion of the Director
21 of the Indian Health Service and shall remain available
22 until expended: Provided further, That funds provided in
23 this Act may be used for annual contracts and grants that
24 fall within 2 fiscal years, provided the total obligation is
25 recorded in the year the funds are appropriated: Provided

1 *further, That the amounts collected by the Secretary of*
2 *Health and Human Services under the authority of title*
3 *IV of the Indian Health Care Improvement Act (25 U.S.C.*
4 *1613) shall remain available until expended for the purpose*
5 *of achieving compliance with the applicable conditions and*
6 *requirements of titles XVIII and XIX of the Social Security*
7 *Act, except for those related to the planning, design, or con-*
8 *struction of new facilities: Provided further, That funding*
9 *contained herein for scholarship programs under the Indian*
10 *Health Care Improvement Act (25 U.S.C. 1613) shall re-*
11 *main available until expended: Provided further, That*
12 *amounts received by tribes and tribal organizations under*
13 *title IV of the Indian Health Care Improvement Act shall*
14 *be reported and accounted for and available to the receiving*
15 *tribes and tribal organizations until expended: Provided*
16 *further, That the Bureau of Indian Affairs may collect from*
17 *the Indian Health Service, and from tribes and tribal orga-*
18 *nizations operating health facilities pursuant to Public*
19 *Law 93–638, such individually identifiable health informa-*
20 *tion relating to disabled children as may be necessary for*
21 *the purpose of carrying out its functions under the Individ-*
22 *uals with Disabilities Education Act (20 U.S.C. 1400 et*
23 *seq.): Provided further, That none of the funds provided that*
24 *become available on October 1, 2023, may be used for imple-*
25 *mentation of the Electronic Health Record System or the*

1 *Indian Health Care Improvement Fund: Provided further,*
2 *That of the funds provided, \$74,138,000 is for the Indian*
3 *Health Care Improvement Fund and may be used, as need-*
4 *ed, to carry out activities typically funded under the Indian*
5 *Health Facilities account: Provided further, That none of*
6 *the funds appropriated by this Act, or any other Act, to*
7 *the Indian Health Service for the Electronic Health Record*
8 *system shall be available for obligation or expenditure for*
9 *the selection or implementation of a new Information Tech-*
10 *nology infrastructure system, unless the Committees on Ap-*
11 *propriations of the House of Representatives and the Senate*
12 *are consulted 90 days in advance of such obligation.*

13 *Of the unobligated balances under the heading “Indian*
14 *Health Services” from amounts made available in title III*
15 *of division G of Public Law 117–103 for the fiscal year*
16 *2022 costs of staffing and operating new facilities,*
17 *\$29,388,000 are hereby rescinded.*

18 *CONTRACT SUPPORT COSTS*

19 *For payments to tribes and tribal organizations for*
20 *contract support costs associated with Indian Self-Deter-*
21 *mination and Education Assistance Act agreements with*
22 *the Indian Health Service for fiscal year 2023, such sums*
23 *as may be necessary: Provided, That notwithstanding any*
24 *other provision of law, no amounts made available under*
25 *this heading shall be available for transfer to another budget*

1 *account: Provided further, That amounts obligated but not*
2 *expended by a tribe or tribal organization for contract sup-*
3 *port costs for such agreements for the current fiscal year*
4 *shall be applied to contract support costs due for such agree-*
5 *ments for subsequent fiscal years.*

6 *PAYMENTS FOR TRIBAL LEASES*

7 *For payments to tribes and tribal organizations for*
8 *leases pursuant to section 105(l) of the Indian Self-Deter-*
9 *mination and Education Assistance Act (25 U.S.C. 5324(l))*
10 *for fiscal year 2023, such sums as may be necessary, which*
11 *shall be available for obligation through September 30,*
12 *2024: Provided, That notwithstanding any other provision*
13 *of law, no amounts made available under this heading shall*
14 *be available for transfer to another budget account.*

15 *INDIAN HEALTH FACILITIES*

16 *For construction, repair, maintenance, demolition, im-*
17 *provement, and equipment of health and related auxiliary*
18 *facilities, including quarters for personnel; preparation of*
19 *plans, specifications, and drawings; acquisition of sites,*
20 *purchase and erection of modular buildings, and purchases*
21 *of trailers; and for provision of domestic and community*
22 *sanitation facilities for Indians, as authorized by section*
23 *7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the In-*
24 *dian Self-Determination Act, and the Indian Health Care*
25 *Improvement Act, and for expenses necessary to carry out*

1 *such Acts and titles II and III of the Public Health Service*
2 *Act with respect to environmental health and facilities sup-*
3 *port activities of the Indian Health Service, \$958,553,000,*
4 *to remain available until expended; and, in addition,*
5 *\$501,490,000, which shall become available on October 1,*
6 *2023, and remain available until expended: Provided, That*
7 *notwithstanding any other provision of law, funds appro-*
8 *priated for the planning, design, construction, renovation,*
9 *or expansion of health facilities for the benefit of an Indian*
10 *tribe or tribes may be used to purchase land on which such*
11 *facilities will be located: Provided further, That not to ex-*
12 *ceed \$500,000 may be used for each of fiscal years 2023*
13 *and 2024 by the Indian Health Service to purchase*
14 *TRANSAM equipment from the Department of Defense for*
15 *distribution to the Indian Health Service and tribal facili-*
16 *ties: Provided further, That none of the funds provided that*
17 *become available on October 1, 2023, may be used for*
18 *Health Care Facilities Construction or for Sanitation Fa-*
19 *cilities Construction: Provided further, That of the amount*
20 *appropriated under this heading for fiscal year 2023 for*
21 *Sanitation Facilities Construction, \$15,192,000 shall be for*
22 *projects specified for Sanitation Facilities Construction*
23 *(CDS) in the table titled “Interior and Environment Incor-*
24 *poration of Community Project Funding Items/Congres-*
25 *sionally Directed Spending Items” included for this divi-*

1 *sion in the explanatory statement described in section 4 (in*
2 *the matter preceding division A of this consolidated Act):*
3 *Provided further, That none of the funds appropriated to*
4 *the Indian Health Service may be used for sanitation facili-*
5 *ties construction for new homes funded with grants by the*
6 *housing programs of the United States Department of*
7 *Housing and Urban Development.*

8 *ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE*

9 *Appropriations provided in this Act to the Indian*
10 *Health Service shall be available for services as authorized*
11 *by 5 U.S.C. 3109 at rates not to exceed the per diem rate*
12 *equivalent to the maximum rate payable for senior-level po-*
13 *sitions under 5 U.S.C. 5376; hire of passenger motor vehi-*
14 *cles and aircraft; purchase of medical equipment; purchase*
15 *of reprints; purchase, renovation, and erection of modular*
16 *buildings and renovation of existing facilities; payments for*
17 *telephone service in private residences in the field, when au-*
18 *thorized under regulations approved by the Secretary of*
19 *Health and Human Services; uniforms, or allowances there-*
20 *for as authorized by 5 U.S.C. 5901–5902; and for expenses*
21 *of attendance at meetings that relate to the functions or ac-*
22 *tivities of the Indian Health Service: Provided, That in ac-*
23 *cordance with the provisions of the Indian Health Care Im-*
24 *provement Act, non-Indian patients may be extended health*
25 *care at all tribally administered or Indian Health Service*

862

1 *facilities, subject to charges, and the proceeds along with*
2 *funds recovered under the Federal Medical Care Recovery*
3 *Act (42 U.S.C. 2651–2653) shall be credited to the account*
4 *of the facility providing the service and shall be available*
5 *without fiscal year limitation: Provided further, That not-*
6 *withstanding any other law or regulation, funds transferred*
7 *from the Department of Housing and Urban Development*
8 *to the Indian Health Service shall be administered under*
9 *Public Law 86–121, the Indian Sanitation Facilities Act*
10 *and Public Law 93–638: Provided further, That funds ap-*
11 *propriated to the Indian Health Service in this Act, except*
12 *those used for administrative and program direction pur-*
13 *poses, shall not be subject to limitations directed at cur-*
14 *tailing Federal travel and transportation: Provided further,*
15 *That none of the funds made available to the Indian Health*
16 *Service in this Act shall be used for any assessments or*
17 *charges by the Department of Health and Human Services*
18 *unless identified in the budget justification and provided*
19 *in this Act, or approved by the House and Senate Commit-*
20 *tees on Appropriations through the reprogramming process:*
21 *Provided further, That notwithstanding any other provision*
22 *of law, funds previously or herein made available to a tribe*
23 *or tribal organization through a contract, grant, or agree-*
24 *ment authorized by title I or title V of the Indian Self-*
25 *Determination and Education Assistance Act of 1975 (25*

1 *U.S.C. 450 et seq.), may be deobligated and reobligated to*
2 *a self-determination contract under title I, or a self-govern-*
3 *ance agreement under title V of such Act and thereafter*
4 *shall remain available to the tribe or tribal organization*
5 *without fiscal year limitation: Provided further, That none*
6 *of the funds made available to the Indian Health Service*
7 *in this Act shall be used to implement the final rule pub-*
8 *lished in the Federal Register on September 16, 1987, by*
9 *the Department of Health and Human Services, relating*
10 *to the eligibility for the health care services of the Indian*
11 *Health Service until the Indian Health Service has sub-*
12 *mitted a budget request reflecting the increased costs associ-*
13 *ated with the proposed final rule, and such request has been*
14 *included in an appropriations Act and enacted into law:*
15 *Provided further, That with respect to functions transferred*
16 *by the Indian Health Service to tribes or tribal organiza-*
17 *tions, the Indian Health Service is authorized to provide*
18 *goods and services to those entities on a reimbursable basis,*
19 *including payments in advance with subsequent adjust-*
20 *ment, and the reimbursements received therefrom, along*
21 *with the funds received from those entities pursuant to the*
22 *Indian Self-Determination Act, may be credited to the same*
23 *or subsequent appropriation account from which the funds*
24 *were originally derived, with such amounts to remain*
25 *available until expended: Provided further, That reimburse-*

1 *ments for training, technical assistance, or services pro-*
2 *vided by the Indian Health Service will contain total costs,*
3 *including direct, administrative, and overhead costs associ-*
4 *ated with the provision of goods, services, or technical as-*
5 *sistance: Provided further, That the Indian Health Service*
6 *may provide to civilian medical personnel serving in hos-*
7 *pitals operated by the Indian Health Service housing allow-*
8 *ances equivalent to those that would be provided to members*
9 *of the Commissioned Corps of the United States Public*
10 *Health Service serving in similar positions at such hos-*
11 *pitals: Provided further, That the appropriation structure*
12 *for the Indian Health Service may not be altered without*
13 *advance notification to the House and Senate Committees*
14 *on Appropriations.*

15 *NATIONAL INSTITUTES OF HEALTH*

16 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*

17 *SCIENCES*

18 *For necessary expenses for the National Institute of*
19 *Environmental Health Sciences in carrying out activities*
20 *set forth in section 311(a) of the Comprehensive Environ-*
21 *mental Response, Compensation, and Liability Act of 1980*
22 *(42 U.S.C. 9660(a)) and section 126(g) of the Superfund*
23 *Amendments and Reauthorization Act of 1986,*
24 *\$83,035,000.*

865

1 *AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY*

2 *TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH*

3 *For necessary expenses for the Agency for Toxic Sub-*
4 *stances and Disease Registry (ATSDR) in carrying out ac-*
5 *tivities set forth in sections 104(i) and 111(c)(4) of the*
6 *Comprehensive Environmental Response, Compensation,*
7 *and Liability Act of 1980 (CERCLA) and section 3019 of*
8 *the Solid Waste Disposal Act, \$85,020,000: Provided, That*
9 *notwithstanding any other provision of law, in lieu of per-*
10 *forming a health assessment under section 104(i)(6) of*
11 *CERCLA, the Administrator of ATSDR may conduct other*
12 *appropriate health studies, evaluations, or activities, in-*
13 *cluding, without limitation, biomedical testing, clinical*
14 *evaluations, medical monitoring, and referral to accredited*
15 *healthcare providers: Provided further, That in performing*
16 *any such health assessment or health study, evaluation, or*
17 *activity, the Administrator of ATSDR shall not be bound*
18 *by the deadlines in section 104(i)(6)(A) of CERCLA: Pro-*
19 *vided further, That none of the funds appropriated under*
20 *this heading shall be available for ATSDR to issue in excess*
21 *of 40 toxicological profiles pursuant to section 104(i) of*
22 *CERCLA during fiscal year 2023, and existing profiles*
23 *may be updated as necessary.*

866

1 *OTHER RELATED AGENCIES*
2 *EXECUTIVE OFFICE OF THE PRESIDENT*

3 *COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF*
4 *ENVIRONMENTAL QUALITY*

5 *For necessary expenses to continue functions assigned*
6 *to the Council on Environmental Quality and Office of En-*
7 *vironmental Quality pursuant to the National Environ-*
8 *mental Policy Act of 1969, the Environmental Quality Im-*
9 *provement Act of 1970, and Reorganization Plan No. 1 of*
10 *1977, and not to exceed \$750 for official reception and rep-*
11 *resentation expenses, \$4,676,000: Provided, That notwith-*
12 *standing section 202 of the National Environmental Policy*
13 *Act of 1970, the Council shall consist of one member, ap-*
14 *pointed by the President, by and with the advice and con-*
15 *sent of the Senate, serving as chairman and exercising all*
16 *powers, functions, and duties of the Council.*

17 *CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD*
18 *SALARIES AND EXPENSES*

19 *For necessary expenses in carrying out activities pur-*
20 *suant to section 112(r)(6) of the Clean Air Act, including*
21 *hire of passenger vehicles, uniforms or allowances therefor,*
22 *as authorized by 5 U.S.C. 5901–5902, and for services au-*
23 *thorized by 5 U.S.C. 3109 but at rates for individuals not*
24 *to exceed the per diem equivalent to the maximum rate pay-*
25 *able for senior level positions under 5 U.S.C. 5376,*

867

1 \$14,400,000: *Provided, That the Chemical Safety and Haz-*
2 *ard Investigation Board (Board) shall have not more than*
3 *three career Senior Executive Service positions: Provided*
4 *further, That notwithstanding any other provision of law,*
5 *the individual appointed to the position of Inspector Gen-*
6 *eral of the Environmental Protection Agency (EPA) shall,*
7 *by virtue of such appointment, also hold the position of In-*
8 *spector General of the Board: Provided further, That not-*
9 *withstanding any other provision of law, the Inspector Gen-*
10 *eral of the Board shall utilize personnel of the Office of In-*
11 *spector General of EPA in performing the duties of the In-*
12 *spector General of the Board, and shall not appoint any*
13 *individuals to positions within the Board.*

14 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of Navajo and
17 Hopi Indian Relocation as authorized by Public Law 93–
18 531, \$3,060,000, to remain available until expended, which
19 shall be derived from unobligated balances from prior year
20 appropriations available under this heading: *Provided,*
21 *That funds provided in this or any other appropriations*
22 *Act are to be used to relocate eligible individuals and groups*
23 *including evictees from District 6, Hopi-partitioned lands*
24 *residents, those in significantly substandard housing, and*
25 *all others certified as eligible and not included in the pre-*

1 *ceding categories: Provided further, That none of the funds*
2 *contained in this or any other Act may be used by the Office*
3 *of Navajo and Hopi Indian Relocation to evict any single*
4 *Navajo or Navajo family who, as of November 30, 1985,*
5 *was physically domiciled on the lands partitioned to the*
6 *Hopi Tribe unless a new or replacement home is provided*
7 *for such household: Provided further, That no relocatee will*
8 *be provided with more than one new or replacement home:*
9 *Provided further, That the Office shall relocate any certified*
10 *eligible relocatees who have selected and received an ap-*
11 *proved homesite on the Navajo reservation or selected a re-*
12 *placement residence off the Navajo reservation or on the*
13 *land acquired pursuant to section 11 of Public Law 93–*
14 *531 (88 Stat. 1716).*

15 *INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE*

16 *CULTURE AND ARTS DEVELOPMENT*

17 *PAYMENT TO THE INSTITUTE*

18 *For payment to the Institute of American Indian and*
19 *Alaska Native Culture and Arts Development, as authorized*
20 *by part A of title XV of Public Law 99–498 (20 U.S.C.*
21 *4411 et seq.), \$13,482,000, which shall become available on*
22 *July 1, 2023, and shall remain available until September*
23 *30, 2024.*

869

1 *SMITHSONIAN INSTITUTION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Smithsonian Institution,*
4 *as authorized by law, including research in the fields of art,*
5 *science, and history; development, preservation, and docu-*
6 *mentation of the National Collections; presentation of pub-*
7 *lic exhibits and performances; collection, preparation, dis-*
8 *semination, and exchange of information and publications;*
9 *conduct of education, training, and museum assistance pro-*
10 *grams; maintenance, alteration, operation, lease agreements*
11 *of no more than 30 years, and protection of buildings, fa-*
12 *cilities, and approaches; not to exceed \$100,000 for services*
13 *as authorized by 5 U.S.C. 3109; and purchase, rental, re-*
14 *pair, and cleaning of uniforms for employees, \$892,855,000,*
15 *to remain available until September 30, 2024, except as oth-*
16 *erwise provided herein; of which not to exceed \$26,974,000*
17 *for the instrumentation program, collections acquisition,*
18 *exhibition reinstallation, Smithsonian American Women's*
19 *History Museum, National Museum of the American*
20 *Latino, and the repatriation of skeletal remains program*
21 *shall remain available until expended; and including such*
22 *funds as may be necessary to support American overseas*
23 *research centers: Provided, That funds appropriated herein*
24 *are available for advance payments to independent contrac-*
25 *tors performing research services or participating in official*

1 *Smithsonian presentations: Provided further, That the*
2 *Smithsonian Institution may expend Federal appropria-*
3 *tions designated in this Act for lease or rent payments, as*
4 *rent payable to the Smithsonian Institution, and such rent*
5 *payments may be deposited into the general trust funds of*
6 *the Institution to be available as trust funds for expenses*
7 *associated with the purchase of a portion of the building*
8 *at 600 Maryland Avenue, SW, Washington, DC, to the ex-*
9 *tent that federally supported activities will be housed there:*
10 *Provided further, That the use of such amounts in the gen-*
11 *eral trust funds of the Institution for such purpose shall*
12 *not be construed as Federal debt service for, a Federal guar-*
13 *antee of, a transfer of risk to, or an obligation of the Federal*
14 *Government: Provided further, That no appropriated funds*
15 *may be used directly to service debt which is incurred to*
16 *finance the costs of acquiring a portion of the building at*
17 *600 Maryland Avenue, SW, Washington, DC, or of plan-*
18 *ning, designing, and constructing improvements to such*
19 *building: Provided further, That any agreement entered*
20 *into by the Smithsonian Institution for the sale of its own-*
21 *ership interest, or any portion thereof, in such building so*
22 *acquired may not take effect until the expiration of a 30*
23 *day period which begins on the date on which the Secretary*
24 *of the Smithsonian submits to the Committees on Appro-*
25 *priations of the House of Representatives and Senate, the*

871

1 *Committees on House Administration and Transportation*
2 *and Infrastructure of the House of Representatives, and the*
3 *Committee on Rules and Administration of the Senate a*
4 *report, as outlined in the explanatory statement described*
5 *in section 4 of the Further Consolidated Appropriations*
6 *Act, 2020 (Public Law 116–94; 133 Stat. 2536) on the in-*
7 *tended sale.*

8 *FACILITIES CAPITAL*

9 *For necessary expenses of repair, revitalization, and*
10 *alteration of facilities owned or occupied by the Smithso-*
11 *nian Institution, by contract or otherwise, as authorized by*
12 *section 2 of the Act of August 22, 1949 (63 Stat. 623), and*
13 *for construction, including necessary personnel,*
14 *\$251,645,000, to remain available until expended, of which*
15 *not to exceed \$10,000 shall be for services as authorized by*
16 *5 U.S.C. 3109.*

17 *NATIONAL GALLERY OF ART*

18 *SALARIES AND EXPENSES*

19 *For the upkeep and operations of the National Gallery*
20 *of Art, the protection and care of the works of art therein,*
21 *and administrative expenses incident thereto, as authorized*
22 *by the Act of March 24, 1937 (50 Stat. 51), as amended*
23 *by the public resolution of April 13, 1939 (Public Resolu-*
24 *tion 9, 76th Congress), including services as authorized by*
25 *5 U.S.C. 3109; payment in advance when authorized by*

1 *the treasurer of the Gallery for membership in library, mu-*
2 *seum, and art associations or societies whose publications*
3 *or services are available to members only, or to members*
4 *at a price lower than to the general public; purchase, re-*
5 *pair, and cleaning of uniforms for guards, and uniforms,*
6 *or allowances therefor, for other employees as authorized by*
7 *law (5 U.S.C. 5901–5902); purchase or rental of devices and*
8 *services for protecting buildings and contents thereof, and*
9 *maintenance, alteration, improvement, and repair of build-*
10 *ings, approaches, and grounds; and purchase of services for*
11 *restoration and repair of works of art for the National Gal-*
12 *lery of Art by contracts made, without advertising, with*
13 *individuals, firms, or organizations at such rates or prices*
14 *and under such terms and conditions as the Gallery may*
15 *deem proper, \$170,240,000, to remain available until Sep-*
16 *tember 30, 2024, of which not to exceed \$3,875,000 for the*
17 *special exhibition program shall remain available until ex-*
18 *pended.*

19 *REPAIR, RESTORATION AND RENOVATION OF BUILDINGS*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For necessary expenses of repair, restoration, and ren-*
22 *ovation of buildings, grounds and facilities owned or occu-*
23 *pled by the National Gallery of Art, by contract or other-*
24 *wise, for operating lease agreements of no more than 10*
25 *years, that address space needs created by the ongoing ren-*

1 *ovations in the Master Facilities Plan, as authorized,*
2 *\$39,000,000, to remain available until expended: Provided,*
3 *That of this amount, \$27,208,000 shall be available for de-*
4 *sign and construction of an off-site art storage facility in*
5 *partnership with the Smithsonian Institution and may be*
6 *transferred to the Smithsonian Institution for such pur-*
7 *poses: Provided further, That contracts awarded for envi-*
8 *ronmental systems, protection systems, and exterior repair*
9 *or renovation of buildings of the National Gallery of Art*
10 *may be negotiated with selected contractors and awarded*
11 *on the basis of contractor qualifications as well as price.*

12 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*

13 *OPERATIONS AND MAINTENANCE*

14 *For necessary expenses for the operation, maintenance,*
15 *and security of the John F. Kennedy Center for the Per-*
16 *forming Arts, \$27,640,000, to remain available until Sep-*
17 *tember, 30, 2024.*

18 *CAPITAL REPAIR AND RESTORATION*

19 *For necessary expenses for capital repair and restora-*
20 *tion of the existing features of the building and site of the*
21 *John F. Kennedy Center for the Performing Arts,*
22 *\$17,740,000, to remain available until expended.*

874

1 *WOODROW WILSON INTERNATIONAL CENTER FOR*
2 *SCHOLARS*

3 *SALARIES AND EXPENSES*

4 *For expenses necessary in carrying out the provisions*
5 *of the Woodrow Wilson Memorial Act of 1968 (82 Stat.*
6 *1356) including hire of passenger vehicles and services as*
7 *authorized by 5 U.S.C. 3109, \$15,000,000, to remain avail-*
8 *able until September 30, 2024.*

9 NATIONAL FOUNDATION ON THE ARTS AND THE
10 HUMANITIES

11 *NATIONAL ENDOWMENT FOR THE ARTS*

12 GRANTS AND ADMINISTRATION

13 *For necessary expenses to carry out the National Foun-*
14 *dation on the Arts and the Humanities Act of 1965.*
15 *\$207,000,000 shall be available to the National Endowment*
16 *for the Arts for the support of projects and productions in*
17 *the arts, including arts education and public outreach ac-*
18 *tivities, through assistance to organizations and individuals*
19 *pursuant to section 5 of the Act, for program support, and*
20 *for administering the functions of the Act, to remain avail-*
21 *able until expended.*

22 *NATIONAL ENDOWMENT FOR THE HUMANITIES*

23 GRANTS AND ADMINISTRATION

24 *For necessary expenses to carry out the National Foun-*
25 *dation on the Arts and the Humanities Act of 1965,*

875

1 \$207,000,000 to remain available until expended, of which
2 \$188,250,000 shall be available for support of activities in
3 the humanities, pursuant to section 7(c) of the Act and for
4 administering the functions of the Act; and \$18,750,000
5 shall be available to carry out the matching grants program
6 pursuant to section 10(a)(2) of the Act, including
7 \$15,750,000 for the purposes of section 7(h): Provided, That
8 appropriations for carrying out section 10(a)(2) shall be
9 available for obligation only in such amounts as may be
10 equal to the total amounts of gifts, bequests, devises of
11 money, and other property accepted by the chairman or by
12 grantees of the National Endowment for the Humanities
13 under the provisions of sections 11(a)(2)(B) and
14 11(a)(3)(B) during the current and preceding fiscal years
15 for which equal amounts have not previously been appro-
16 priated.

17 ADMINISTRATIVE PROVISIONS

18 None of the funds appropriated to the National Foun-
19 dation on the Arts and the Humanities may be used to
20 process any grant or contract documents which do not in-
21 clude the text of 18 U.S.C. 1913: Provided, That none of
22 the funds appropriated to the National Foundation on the
23 Arts and the Humanities may be used for official reception
24 and representation expenses: Provided further, That funds
25 from nonappropriated sources may be used as necessary for

1 *official reception and representation expenses: Provided fur-*
2 *ther, That the Chairperson of the National Endowment for*
3 *the Arts may approve grants of up to \$10,000, if in the*
4 *aggregate the amount of such grants does not exceed 5 per-*
5 *cent of the sums appropriated for grantmaking purposes per*
6 *year: Provided further, That such small grant actions are*
7 *taken pursuant to the terms of an expressed and direct dele-*
8 *gation of authority from the National Council on the Arts*
9 *to the Chairperson.*

10 *COMMISSION OF FINE ARTS*

11 *SALARIES AND EXPENSES*

12 *For expenses of the Commission of Fine Arts under*
13 *chapter 91 of title 40, United States Code, \$3,661,000: Pro-*
14 *vided, That the Commission is authorized to charge fees to*
15 *cover the full costs of its publications, and such fees shall*
16 *be credited to this account as an offsetting collection, to re-*
17 *main available until expended without further appropria-*
18 *tion: Provided further, That the Commission is authorized*
19 *to accept gifts, including objects, papers, artwork, drawings*
20 *and artifacts, that pertain to the history and design of the*
21 *Nation's Capital or the history and activities of the Com-*
22 *mission of Fine Arts, for the purpose of artistic display,*
23 *study, or education: Provided further, That one-tenth of one*
24 *percent of the funds provided under this heading may be*
25 *used for official reception and representation expenses.*

877

1 *NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS*

2 *For necessary expenses as authorized by Public Law*
3 *99–190 (20 U.S.C. 956a), \$5,000,000: Provided, That the*
4 *item relating to “National Capital Arts and Cultural Af-*
5 *fairs” in the Department of the Interior and Related Agen-*
6 *cies Appropriations Act, 1986, as enacted into law by sec-*
7 *tion 101(d) of Public Law 99–190 (20 U.S.C. 956a), shall*
8 *be applied in fiscal year 2023 in the second paragraph by*
9 *inserting “, calendar year 2020 excluded” before the first*
10 *period: Provided further, That in determining an eligible*
11 *organization’s annual income for calendar years 2021,*
12 *2022, and 2023, funds or grants received by the eligible or-*
13 *ganization from any supplemental appropriations Act re-*
14 *lated to coronavirus or any other law providing appropria-*
15 *tions for the purpose of preventing, preparing for, or re-*
16 *sponding to coronavirus shall be counted as part of the eli-*
17 *gible organization’s annual income.*

18 *ADVISORY COUNCIL ON HISTORIC PRESERVATION*19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Advisory Council on His-*
21 *toric Preservation (Public Law 89–665), \$8,585,000.*

22 *NATIONAL CAPITAL PLANNING COMMISSION*23 *SALARIES AND EXPENSES*

24 *For necessary expenses of the National Capital Plan-*
25 *ning Commission under chapter 87 of title 40, United*

1 *States Code, including services as authorized by 5 U.S.C.*
2 *3109, \$8,750,000: Provided, That one-quarter of 1 percent*
3 *of the funds provided under this heading may be used for*
4 *official reception and representational expenses associated*
5 *with hosting international visitors engaged in the planning*
6 *and physical development of world capitals.*

7 *UNITED STATES HOLOCAUST MEMORIAL MUSEUM*

8 *HOLOCAUST MEMORIAL MUSEUM*

9 *For expenses of the Holocaust Memorial Museum, as*
10 *authorized by Public Law 106–292 (36 U.S.C. 2301–2310),*
11 *\$65,231,000, of which \$1,000,000 shall remain available*
12 *until September 30, 2025, for the Museum’s equipment re-*
13 *placement program; and of which \$4,000,000 for the Muse-*
14 *um’s repair and rehabilitation program and \$1,264,000 for*
15 *the Museum’s outreach initiatives program shall remain*
16 *available until expended.*

17 *PRESIDIO TRUST*

18 *The Presidio Trust is authorized to issue obligations*
19 *to the Secretary of the Treasury pursuant to section*
20 *104(d)(3) of the Omnibus Parks and Public Lands Manage-*
21 *ment Act of 1996 (Public Law 104–333), in an amount*
22 *not to exceed \$90,000,000: Provided, That such section is*
23 *amended by striking “\$150,000,000” and inserting*
24 *“\$250,000,000”.*

1 *WORLD WAR I CENTENNIAL COMMISSION*2 *SALARIES AND EXPENSES*

3 *Notwithstanding section 9 of the World War I Centen-*
4 *nial Commission Act, as authorized by the World War I*
5 *Centennial Commission Act (Public Law 112–272) and the*
6 *Carl Levin and Howard P. “Buck” McKeon National De-*
7 *fense Authorization Act for Fiscal Year 2015 (Public Law*
8 *113–291), for necessary expenses of the World War I Cen-*
9 *tennial Commission, \$1,000,000, to remain available until*
10 *September 30, 2024: Provided, That in addition to the au-*
11 *thority provided by section 6(g) of such Act, the World War*
12 *I Commission may accept money, in-kind personnel serv-*
13 *ices, contractual support, or any appropriate support from*
14 *any executive branch agency for activities of the Commis-*
15 *sion.*

16 *UNITED STATES SEMIQUINCENTENNIAL COMMISSION*17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the United States*
19 *Semiquincentennial Commission to plan and coordinate ob-*
20 *servances and activities associated with the 250th anniver-*
21 *sary of the founding of the United States, as authorized by*
22 *Public Law 116–282, the technical amendments to Public*
23 *Law 114–196, \$15,000,000, to remain available until Sep-*
24 *tember 30, 2024.*

880

1 *ALYCE SPOTTED BEAR AND WALTER SOBOLEFF*

2 *COMMISSION ON NATIVE CHILDREN*

3 *For necessary expenses of the Alyce Spotted Bear and*
4 *Walter Soboleff Commission on Native Children (referred*
5 *to in this paragraph as the “Commission”), \$550,000 to*
6 *remain available until September 30, 2024: Provided, That*
7 *in addition to the authority provided by section 3(g)(5) and*
8 *3(h) of Public Law 114–244, the Commission may hereafter*
9 *accept in-kind personnel services, contractual support, or*
10 *any appropriate support from any executive branch agency*
11 *for activities of the Commission.*

881

1

TITLE IV

2

GENERAL PROVISIONS

3

(INCLUDING TRANSFERS OF FUNDS)

4

RESTRICTION ON USE OF FUNDS

5

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

12

OBLIGATION OF APPROPRIATIONS

13

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

16

DISCLOSURE OF ADMINISTRATIVE EXPENSES

17

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves, or holdbacks, including working capital fund charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such esti-

1 *mates shall be presented to the Committees on Appropria-*
2 *tions for approval.*

3 *MINING APPLICATIONS*

4 *SEC. 404. (a) LIMITATION OF FUNDS.—None of the*
5 *funds appropriated or otherwise made available pursuant*
6 *to this Act shall be obligated or expended to accept or proc-*
7 *ess applications for a patent for any mining or mill site*
8 *claim located under the general mining laws.*

9 *(b) EXCEPTIONS.—Subsection (a) shall not apply if*
10 *the Secretary of the Interior determines that, for the claim*
11 *concerned: (1) a patent application was filed with the Sec-*
12 *retary on or before September 30, 1994; and (2) all require-*
13 *ments established under sections 2325 and 2326 of the Re-*
14 *vised Statutes (30 U.S.C. 29 and 30) for vein or lode*
15 *claims, sections 2329, 2330, 2331, and 2333 of the Revised*
16 *Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and*
17 *section 2337 of the Revised Statutes (30 U.S.C. 42) for mill*
18 *site claims, as the case may be, were fully complied with*
19 *by the applicant by that date.*

20 *(c) REPORT.—On September 30, 2024, the Secretary*
21 *of the Interior shall file with the House and Senate Com-*
22 *mittees on Appropriations and the Committee on Natural*
23 *Resources of the House and the Committee on Energy and*
24 *Natural Resources of the Senate a report on actions taken*
25 *by the Department under the plan submitted pursuant to*

1 *section 314(c) of the Department of the Interior and Related*
2 *Agencies Appropriations Act, 1997 (Public Law 104–208).*

3 (d) *MINERAL EXAMINATIONS.—In order to process*
4 *patent applications in a timely and responsible manner,*
5 *upon the request of a patent applicant, the Secretary of the*
6 *Interior shall allow the applicant to fund a qualified third-*
7 *party contractor to be selected by the Director of the Bureau*
8 *of Land Management to conduct a mineral examination of*
9 *the mining claims or mill sites contained in a patent appli-*
10 *cation as set forth in subsection (b). The Bureau of Land*
11 *Management shall have the sole responsibility to choose and*
12 *pay the third-party contractor in accordance with the*
13 *standard procedures employed by the Bureau of Land Man-*
14 *agement in the retention of third-party contractors.*

15 *CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION*

16 *SEC. 405. Sections 405 and 406 of division F of the*
17 *Consolidated and Further Continuing Appropriations Act,*
18 *2015 (Public Law 113–235) shall continue in effect in fiscal*
19 *year 2023.*

20 *CONTRACT SUPPORT COSTS, FISCAL YEAR 2023 LIMITATION*

21 *SEC. 406. Amounts provided by this Act for fiscal year*
22 *2023 under the headings “Department of Health and*
23 *Human Services, Indian Health Service, Contract Support*
24 *Costs” and “Department of the Interior, Bureau of Indian*
25 *Affairs and Bureau of Indian Education, Contract Support*

1 *Costs” are the only amounts available for contract support*
2 *costs arising out of self-determination or self-governance*
3 *contracts, grants, compacts, or annual funding agreements*
4 *for fiscal year 2023 with the Bureau of Indian Affairs, Bu-*
5 *reau of Indian Education, and the Indian Health Service:*
6 *Provided, That such amounts provided by this Act are not*
7 *available for payment of claims for contract support costs*
8 *for prior years, or for repayments of payments for settle-*
9 *ments or judgments awarding contract support costs for*
10 *prior years.*

11 *FOREST MANAGEMENT PLANS*

12 *SEC. 407. The Secretary of Agriculture shall not be*
13 *considered to be in violation of section 6(f)(5)(A) of the For-*
14 *est and Rangeland Renewable Resources Planning Act of*
15 *1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15*
16 *years have passed without revision of the plan for a unit*
17 *of the National Forest System. Nothing in this section ex-*
18 *empts the Secretary from any other requirement of the For-*
19 *est and Rangeland Renewable Resources Planning Act (16*
20 *U.S.C. 1600 et seq.) or any other law: Provided, That if*
21 *the Secretary is not acting expeditiously and in good faith,*
22 *within the funding available, to revise a plan for a unit*
23 *of the National Forest System, this section shall be void*
24 *with respect to such plan and a court of proper jurisdiction*
25 *may order completion of the plan on an accelerated basis.*

1 *PROHIBITION WITHIN NATIONAL MONUMENTS*

2 *SEC. 408. No funds provided in this Act may be ex-*
3 *pende**d to conduct preleasing, leasing and related activities*
4 *under either the Mineral Leasing Act (30 U.S.C. 181 et seq.)*
5 *or the Outer Continental Shelf Lands Act (43 U.S.C. 1331*
6 *et seq.) within the boundaries of a National Monument es-*
7 *tablished pursuant to the Act of June 8, 1906 (16 U.S.C.*
8 *431 et seq.) as such boundary existed on January 20, 2001,*
9 *except where such activities are allowed under the Presi-*
10 *dential proclamation establishing such monument.*

11 *LIMITATION ON TAKINGS*

12 *SEC. 409. Unless otherwise provided herein, no funds*
13 *appropriated in this Act for the acquisition of lands or in-*
14 *terests in lands may be expended for the filing of declara-*
15 *tions of taking or complaints in condemnation without the*
16 *approval of the House and Senate Committees on Appro-*
17 *priations: Provided, That this provision shall not apply to*
18 *funds appropriated to implement the Everglades National*
19 *Park Protection and Expansion Act of 1989, or to funds*
20 *appropriated for Federal assistance to the State of Florida*
21 *to acquire lands for Everglades restoration purposes.*

22 *PROHIBITION ON NO-BID CONTRACTS*

23 *SEC. 410. None of the funds appropriated or otherwise*
24 *made available by this Act to executive branch agencies may*
25 *be used to enter into any Federal contract unless such con-*

1 *tract is entered into in accordance with the requirements*
2 *of Chapter 33 of title 41, United States Code, or Chapter*
3 *137 of title 10, United States Code, and the Federal Acqui-*
4 *sition Regulation, unless—*

5 *(1) Federal law specifically authorizes a contract*
6 *to be entered into without regard for these require-*
7 *ments, including formula grants for States, or feder-*
8 *ally recognized Indian tribes;*

9 *(2) such contract is authorized by the Indian*
10 *Self-Determination and Education Assistance Act*
11 *(Public Law 93–638, 25 U.S.C. 450 et seq.) or by any*
12 *other Federal laws that specifically authorize a con-*
13 *tract within an Indian tribe as defined in section*
14 *4(e) of that Act (25 U.S.C. 450b(e)); or*

15 *(3) such contract was awarded prior to the date*
16 *of enactment of this Act.*

17 *POSTING OF REPORTS*

18 *SEC. 411. (a) Any agency receiving funds made avail-*
19 *able in this Act, shall, subject to subsections (b) and (c),*
20 *post on the public website of that agency any report re-*
21 *quired to be submitted by the Congress in this or any other*
22 *Act, upon the determination by the head of the agency that*
23 *it shall serve the national interest.*

24 *(b) Subsection (a) shall not apply to a report if—*

887

1 (1) *the public posting of the report compromises*
2 *national security; or*

3 (2) *the report contains proprietary information.*

4 (c) *The head of the agency posting such report shall*
5 *do so only after such report has been made available to the*
6 *requesting Committee or Committees of Congress for no less*
7 *than 45 days.*

8 NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

9 SEC. 412. *Of the funds provided to the National En-*
10 *dowment for the Arts—*

11 (1) *The Chairperson shall only award a grant to*
12 *an individual if such grant is awarded to such indi-*
13 *vidual for a literature fellowship, National Heritage*
14 *Fellowship, or American Jazz Masters Fellowship.*

15 (2) *The Chairperson shall establish procedures to*
16 *ensure that no funding provided through a grant, ex-*
17 *cept a grant made to a State or local arts agency, or*
18 *regional group, may be used to make a grant to any*
19 *other organization or individual to conduct activity*
20 *independent of the direct grant recipient. Nothing in*
21 *this subsection shall prohibit payments made in ex-*
22 *change for goods and services.*

23 (3) *No grant shall be used for seasonal support*
24 *to a group, unless the application is specific to the*

888

1 *contents of the season, including identified programs*
2 *or projects.*

3 *NATIONAL ENDOWMENT FOR THE ARTS PROGRAM*

4 *PRIORITIES*

5 *SEC. 413. (a) In providing services or awarding finan-*
6 *cial assistance under the National Foundation on the Arts*
7 *and the Humanities Act of 1965 from funds appropriated*
8 *under this Act, the Chairperson of the National Endowment*
9 *for the Arts shall ensure that priority is given to providing*
10 *services or awarding financial assistance for projects, pro-*
11 *ductions, workshops, or programs that serve underserved*
12 *populations.*

13 *(b) In this section:*

14 *(1) The term “underserved population” means a*
15 *population of individuals, including urban minori-*
16 *ties, who have historically been outside the purview of*
17 *arts and humanities programs due to factors such as*
18 *a high incidence of income below the poverty line or*
19 *to geographic isolation.*

20 *(2) The term “poverty line” means the poverty*
21 *line (as defined by the Office of Management and*
22 *Budget, and revised annually in accordance with sec-*
23 *tion 673(2) of the Community Services Block Grant*
24 *Act (42 U.S.C. 9902(2))) applicable to a family of the*
25 *size involved.*

1 (c) *In providing services and awarding financial as-*
2 *sistance under the National Foundation on the Arts and*
3 *Humanities Act of 1965 with funds appropriated by this*
4 *Act, the Chairperson of the National Endowment for the*
5 *Arts shall ensure that priority is given to providing services*
6 *or awarding financial assistance for projects, productions,*
7 *workshops, or programs that will encourage public knowl-*
8 *edge, education, understanding, and appreciation of the*
9 *arts.*

10 (d) *With funds appropriated by this Act to carry out*
11 *section 5 of the National Foundation on the Arts and Hu-*
12 *manities Act of 1965—*

13 (1) *the Chairperson shall establish a grant cat-*
14 *egory for projects, productions, workshops, or pro-*
15 *grams that are of national impact or availability or*
16 *are able to tour several States;*

17 (2) *the Chairperson shall not make grants ex-*
18 *ceeding 15 percent, in the aggregate, of such funds to*
19 *any single State, excluding grants made under the*
20 *authority of paragraph (1);*

21 (3) *the Chairperson shall report to the Congress*
22 *annually and by State, on grants awarded by the*
23 *Chairperson in each grant category under section 5 of*
24 *such Act; and*

1 (4) *the Chairperson shall encourage the use of*
2 *grants to improve and support community-based*
3 *music performance and education.*

4 *STATUS OF BALANCES OF APPROPRIATIONS*

5 *SEC. 414. The Department of the Interior, the Envi-*
6 *ronmental Protection Agency, the Forest Service, and the*
7 *Indian Health Service shall provide the Committees on Ap-*
8 *propriations of the House of Representatives and Senate*
9 *quarterly reports on the status of balances of appropriations*
10 *including all uncommitted, committed, and unobligated*
11 *funds in each program and activity within 60 days of en-*
12 *actment of this Act.*

13 *EXTENSION OF GRAZING PERMITS*

14 *SEC. 415. The terms and conditions of section 325 of*
15 *Public Law 108–108 (117 Stat. 1307), regarding grazing*
16 *permits issued by the Forest Service on any lands not sub-*
17 *ject to administration under section 402 of the Federal*
18 *Lands Policy and Management Act (43 U.S.C. 1752), shall*
19 *remain in effect for fiscal year 2023.*

20 *FUNDING PROHIBITION*

21 *SEC. 416. (a) None of the funds made available in this*
22 *Act may be used to maintain or establish a computer net-*
23 *work unless such network is designed to block access to por-*
24 *nography websites.*

1 (b) *Nothing in subsection (a) shall limit the use of*
2 *funds necessary for any Federal, State, tribal, or local law*
3 *enforcement agency or any other entity carrying out crimi-*
4 *nal investigations, prosecution, or adjudication activities.*

5 *HUMANE TRANSFER AND TREATMENT OF ANIMALS*

6 *SEC. 417. (a) Notwithstanding any other provision of*
7 *law, the Secretary of the Interior, with respect to land ad-*
8 *ministered by the Bureau of Land Management, or the Sec-*
9 *retary of Agriculture, with respect to land administered by*
10 *the Forest Service (referred to in this section as the “Sec-*
11 *retary concerned”), may transfer excess wild horses and*
12 *burros that have been removed from land administered by*
13 *the Secretary concerned to other Federal, State, and local*
14 *government agencies for use as work animals.*

15 (b) *The Secretary concerned may make a transfer*
16 *under subsection (a) immediately on the request of a Fed-*
17 *eral, State, or local government agency.*

18 (c) *An excess wild horse or burro transferred under*
19 *subsection (a) shall lose status as a wild free-roaming horse*
20 *or burro (as defined in section 2 of Public Law 92–195*
21 *(commonly known as the “Wild Free-Roaming Horses and*
22 *Burros Act”)) (16 U.S.C. 1332)).*

23 (d) *A Federal, State, or local government agency re-*
24 *ceiving an excess wild horse or burro pursuant to subsection*
25 *(a) shall not—*

1 (1) *destroy the horse or burro in a manner that*
2 *results in the destruction of the horse or burro into a*
3 *commercial product;*

4 (2) *sell or otherwise transfer the horse or burro*
5 *in a manner that results in the destruction of the*
6 *horse or burro for processing into a commercial prod-*
7 *uct; or*

8 (3) *euthanize the horse or burro, except on the*
9 *recommendation of a licensed veterinarian in a case*
10 *of severe injury, illness, or advanced age.*

11 (e) *Amounts appropriated by this Act shall not be*
12 *available for—*

13 (1) *the destruction of any healthy, unadopted,*
14 *and wild horse or burro under the jurisdiction of the*
15 *Secretary concerned (including a contractor); or*

16 (2) *the sale of a wild horse or burro that results*
17 *in the destruction of the wild horse or burro for proc-*
18 *essing into a commercial product.*

19 *FOREST SERVICE FACILITY REALIGNMENT AND*
20 *ENHANCEMENT AUTHORIZATION EXTENSION*

21 SEC. 418. *Section 503(f) of Public Law 109–54 (16*
22 *U.S.C. 580d note) shall be applied by substituting “Sep-*
23 *tember 30, 2023” for “September 30, 2019”.*

1 *USE OF AMERICAN IRON AND STEEL*

2 *SEC. 419. (a)(1) None of the funds made available by*
3 *a State water pollution control revolving fund as authorized*
4 *by section 1452 of the Safe Drinking Water Act (42 U.S.C.*
5 *300j-12) shall be used for a project for the construction,*
6 *alteration, maintenance, or repair of a public water system*
7 *or treatment works unless all of the iron and steel products*
8 *used in the project are produced in the United States.*

9 *(2) In this section, the term “iron and steel” products*
10 *means the following products made primarily of iron or*
11 *steel: lined or unlined pipes and fittings, manhole covers*
12 *and other municipal castings, hydrants, tanks, flanges, pipe*
13 *clamps and restraints, valves, structural steel, reinforced*
14 *precast concrete, and construction materials.*

15 *(b) Subsection (a) shall not apply in any case or cat-*
16 *egory of cases in which the Administrator of the Environ-*
17 *mental Protection Agency (in this section referred to as the*
18 *“Administrator”) finds that—*

19 *(1) applying subsection (a) would be inconsistent*
20 *with the public interest;*

21 *(2) iron and steel products are not produced in*
22 *the United States in sufficient and reasonably avail-*
23 *able quantities and of a satisfactory quality; or*

1 (3) inclusion of iron and steel products produced
2 in the United States will increase the cost of the over-
3 all project by more than 25 percent.

4 (c) If the Administrator receives a request for a waiver
5 under this section, the Administrator shall make available
6 to the public on an informal basis a copy of the request
7 and information available to the Administrator concerning
8 the request, and shall allow for informal public input on
9 the request for at least 15 days prior to making a finding
10 based on the request. The Administrator shall make the re-
11 quest and accompanying information available by elec-
12 tronic means, including on the official public Internet Web
13 site of the Environmental Protection Agency.

14 (d) This section shall be applied in a manner con-
15 sistent with United States obligations under international
16 agreements.

17 (e) The Administrator may retain up to 0.25 percent
18 of the funds appropriated in this Act for the Clean and
19 Drinking Water State Revolving Funds for carrying out the
20 provisions described in subsection (a)(1) for management
21 and oversight of the requirements of this section.

1 *LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANS-*
2 *FERS OF EXCESS EQUIPMENT AND SUPPLIES FOR*
3 *WILDFIRES*

4 *SEC. 420. The Secretary of the Interior is authorized*
5 *to enter into grants and cooperative agreements with volun-*
6 *teer fire departments, rural fire departments, rangeland fire*
7 *protection associations, and similar organizations to pro-*
8 *vide for wildland fire training and equipment, including*
9 *supplies and communication devices. Notwithstanding sec-*
10 *tion 121(c) of title 40, United States Code, or section 521*
11 *of title 40, United States Code, the Secretary is further au-*
12 *thorized to transfer title to excess Department of the Interior*
13 *firefighting equipment no longer needed to carry out the*
14 *functions of the Department's wildland fire management*
15 *program to such organizations.*

16 *RECREATION FEES*

17 *SEC. 421. Section 810 of the Federal Lands Recreation*
18 *Enhancement Act (16 U.S.C. 6809) shall be applied by sub-*
19 *stituting "October 1, 2024" for "September 30, 2019".*

20 *REPROGRAMMING GUIDELINES*

21 *SEC. 422. None of the funds made available in this*
22 *Act, in this and prior fiscal years, may be reprogrammed*
23 *without the advance approval of the House and Senate*
24 *Committees on Appropriations in accordance with the re-*
25 *programming procedures contained in the explanatory*

1 *statement described in section 4 (in the matter preceding*
2 *division A of this consolidated Act).*

3 *LOCAL CONTRACTORS*

4 *SEC. 423. Section 412 of division E of Public Law*
5 *112–74 shall be applied by substituting “fiscal year 2023”*
6 *for “fiscal year 2019”.*

7 *SHASTA-TRINITY MARINA FEE AUTHORITY AUTHORIZATION*

8 *EXTENSION*

9 *SEC. 424. Section 422 of division F of Public Law*
10 *110–161 (121 Stat 1844), as amended, shall be applied by*
11 *substituting “fiscal year 2023” for “fiscal year 2019”.*

12 *INTERPRETIVE ASSOCIATION AUTHORIZATION EXTENSION*

13 *SEC. 425. Section 426 of division G of Public Law*
14 *113–76 (16 U.S.C. 565a–1 note) shall be applied by sub-*
15 *stituting “September 30, 2023” for “September 30, 2019”.*

16 *PUERTO RICO SCHOOLING AUTHORIZATION EXTENSION*

17 *SEC. 426. The authority provided by the 19th unnum-*
18 *bered paragraph under heading “Administrative Provi-*
19 *sions, Forest Service” in title III of Public Law 109–54,*
20 *as amended, shall be applied by substituting “fiscal year*
21 *2023” for “fiscal year 2019”.*

22 *FOREST BOTANICAL PRODUCTS FEE COLLECTION*

23 *AUTHORIZATION EXTENSION*

24 *SEC. 427. Section 339 of the Department of the Inte-*
25 *rior and Related Agencies Appropriations Act, 2000 (as en-*

1 *acted into law by Public Law 106–113; 16 U.S.C. 528*
2 *note), as amended by section 335(6) of Public Law 108–*
3 *108 and section 432 of Public Law 113–76, shall be applied*
4 *by substituting “fiscal year 2023” for “fiscal year 2019”.*

5 *CHACO CANYON*

6 *SEC. 428. None of the funds made available by this*
7 *Act may be used to accept a nomination for oil and gas*
8 *leasing under 43 CFR 3120.3 et seq., or to offer for oil and*
9 *gas leasing, any Federal lands within the withdrawal area*
10 *identified on the map of the Chaco Culture National Histor-*
11 *ical Park prepared by the Bureau of Land Management*
12 *and dated April 2, 2019, prior to the completion of the cul-*
13 *tural resources investigation identified in the explanatory*
14 *statement described in section 4 in the matter preceding di-*
15 *vision A of the Consolidated Appropriations Act, 2021*
16 *(Public Law 116–260).*

17 *TRIBAL LEASES*

18 *SEC. 429. (a) Notwithstanding any other provision of*
19 *law, in the case of any lease under section 105(l) of the*
20 *Indian Self-Determination and Education Assistance Act*
21 *(25 U.S.C. 5324(l)), the initial lease term shall commence*
22 *no earlier than the date of receipt of the lease proposal.*

23 *(b) The Secretaries of the Interior and Health and*
24 *Human Services shall, jointly or separately, during fiscal*
25 *year 2023 consult with tribes and tribal organizations*

1 *through public solicitation and other means regarding the*
2 *requirements for leases under section 105(l) of the Indian*
3 *Self-Determination and Education Assistance Act (25*
4 *U.S.C. 5324(l)) on how to implement a consistent and*
5 *transparent process for the payment of such leases.*

6 *FOREST ECOSYSTEM HEALTH AND RECOVERY FUND*

7 *SEC. 430. The authority provided under the heading*
8 *“Forest Ecosystem Health and Recovery Fund” in title I*
9 *of Public Law 111–88, as amended by section 117 of divi-*
10 *sion F of Public Law 113–235, shall be applied by sub-*
11 *stituting “fiscal year 2023” for “fiscal year 2020” each*
12 *place it appears.*

13 *ALLOCATION OF PROJECTS, NATIONAL PARKS AND PUBLIC*
14 *LAND LEGACY RESTORATION FUND AND LAND AND*
15 *WATER CONSERVATION FUND*

16 *SEC. 431. (a)(1) Within 45 days of enactment of this*
17 *Act, the Secretary of the Interior shall allocate amounts*
18 *made available from the National Parks and Public Land*
19 *Legacy Restoration Fund for fiscal year 2023 pursuant to*
20 *subsection (c) of section 200402 of title 54, United States*
21 *Code, and as provided in subsection (e) of such section of*
22 *such title, to the agencies of the Department of the Interior*
23 *and the Department of Agriculture specified, in the*
24 *amounts specified, for the stations and unit names speci-*
25 *fied, and for the projects and activities specified in the table*

1 *titled “Allocation of Funds: National Parks and Public*
2 *Land Legacy Restoration Fund Fiscal Year 2023” in the*
3 *explanatory statement described in section 4 (in the matter*
4 *preceding division A of this consolidated Act).*

5 (2) *Within 45 days of enactment of this Act, the Sec-*
6 *retary of the Interior and the Secretary of Agriculture, as*
7 *appropriate, shall allocate amounts made available for ex-*
8 *penditure from the Land and Water Conservation Fund for*
9 *fiscal year 2023 pursuant to subsection (a) of section*
10 *200303 of title 54, United States Code, to the agencies and*
11 *accounts specified, in the amounts specified, and for the*
12 *projects and activities specified in the table titled “Alloca-*
13 *tion of Funds: Land and Water Conservation Fund Fiscal*
14 *Year 2023” in the explanatory statement described in sec-*
15 *tion 4 (in the matter preceding division A of this consoli-*
16 *dated Act).*

17 (b) *Except as otherwise provided by subsection (c) of*
18 *this section, neither the President nor his designee may allo-*
19 *cate any amounts that are made available for any fiscal*
20 *year under subsection (c) of section 200402 of title 54,*
21 *United States Code, or subsection (a) of section 200303 of*
22 *title 54, United States Code, other than in amounts and*
23 *for projects and activities that are allocated by subsections*
24 *(a)(1) and (a)(2) of this section: Provided, That in any fis-*
25 *cal year, the matter preceding this proviso shall not apply*

900

1 *to the allocation of amounts for continuing administration*
2 *of programs allocated funds from the National Parks and*
3 *Public Land Legacy Restoration Fund or the Land and*
4 *Water Conservation Fund, which may be allocated only in*
5 *amounts that are no more than the allocation for such pur-*
6 *poses in subsections (a)(1) and (a)(2) of this section.*

7 *(c) The Secretary of the Interior and the Secretary of*
8 *Agriculture may reallocate amounts from each agency's*
9 *"Contingency Fund" line in the table titled "Allocation of*
10 *Funds: National Parks and Public Land Legacy Restora-*
11 *tion Fund Fiscal Year 2023" to any project funded by the*
12 *National Parks and Public Land Legacy Restoration Fund*
13 *within the same agency, from any fiscal year, that experi-*
14 *enced a funding deficiency due to unforeseen cost overruns,*
15 *in accordance with the following requirements:*

16 *(1) "Contingency Fund" amounts may only be*
17 *reallocated if there is a risk to project completion re-*
18 *sulting from unforeseen cost overruns;*

19 *(2) "Contingency Fund" amounts may only be*
20 *reallocated for cost of adjustments and changes within*
21 *the original scope of effort for projects funded by the*
22 *National Parks and Public Land Legacy Restoration*
23 *Fund; and*

24 *(3) The Secretary of the Interior or the Secretary*
25 *of Agriculture must provide written notification to*

901

1 *the Committees on Appropriations 30 days before tak-*
2 *ing any actions authorized by this subsection if the*
3 *amount reallocated from the “Contingency Fund” line*
4 *for a project is projected to be 10 percent or greater*
5 *than the following, as applicable:*

6 *(A) The amount allocated to that project in*
7 *the table titled “Allocation of Funds: National*
8 *Parks and Public Land Legacy Restoration*
9 *Fund Fiscal Year 2023” in the explanatory*
10 *statement described in section 4 (in the matter*
11 *preceding division A of this consolidated Act); or*

12 *(B) The initial estimate in the most recent*
13 *report submitted, prior to enactment of this Act,*
14 *to the Committees on Appropriations pursuant*
15 *to section 431(e) of division G of the Consoli-*
16 *dated Appropriations Act, 2022 (Public Law*
17 *117–103).*

18 *(d)(1) Concurrent with the annual budget submission*
19 *of the President for fiscal year 2024, the Secretary of the*
20 *Interior and the Secretary of Agriculture shall each submit*
21 *to the Committees on Appropriations of the House of Rep-*
22 *resentatives and the Senate project data sheets for the*
23 *projects in the “Submission of Annual List of Projects to*
24 *Congress” required by section 200402(h) of title 54, United*
25 *States Code: Provided, That the “Submission of Annual*

902

1 *List of Projects to Congress” must include a “Contingency*
2 *Fund” line for each agency within the allocations defined*
3 *in subsection (e) of section 200402 of title 54, United States*
4 *Code: Provided further, That in the event amounts allocated*
5 *by this Act or any prior Act for the National Parks and*
6 *Public Land Legacy Restoration Fund are no longer needed*
7 *to complete a specified project, such amounts may be reallo-*
8 *cated in such submission to that agency’s “Contingency*
9 *Fund” line: Provided further, That any proposals to change*
10 *the scope of or terminate a previously approved project*
11 *must be clearly identified in such submission.*

12 (2)(A) *Concurrent with the annual budget submission*
13 *of the President for fiscal year 2024, the Secretary of the*
14 *Interior and the Secretary of Agriculture shall each submit*
15 *to the Committees on Appropriations of the House of Rep-*
16 *resentatives and the Senate a list of supplementary alloca-*
17 *tions for Federal land acquisition and Forest Legacy*
18 *Projects at the National Park Service, the U.S. Fish and*
19 *Wildlife Service, the Bureau of Land Management, and the*
20 *U.S. Forest Service that are in addition to the “Submission*
21 *of Cost Estimates” required by section 200303(c)(1) of title*
22 *54, United States Code, that are prioritized and detailed*
23 *by account, program, and project, and that total no less*
24 *than half the full amount allocated to each account for that*
25 *land management Agency under the allocations submitted*

903

1 *under section 200303(c)(1) of title 54, United States Code:*
2 *Provided, That in the event amounts allocated by this Act*
3 *or any prior Act pursuant to subsection (a) of section*
4 *200303 of title 54, United States Code are no longer needed*
5 *because a project has been completed or can no longer be*
6 *executed, such amounts must be clearly identified if pro-*
7 *posed for reallocation in the annual budget submission.*

8 *(B) The Federal land acquisition and Forest Legacy*
9 *projects in the “Submission of Cost Estimates” required by*
10 *section 200303(c)(1) of title 54, United States Code, and*
11 *on the list of supplementary allocations required by sub-*
12 *paragraph (A) shall be comprised only of projects for which*
13 *a willing seller has been identified and for which an ap-*
14 *praisal or market research has been initiated.*

15 *(C) Concurrent with the annual budget submission of*
16 *the President for fiscal year 2024, the Secretary of the Inte-*
17 *rior and the Secretary of Agriculture shall each submit to*
18 *the Committees on Appropriations of the House of Rep-*
19 *resentatives and the Senate project data sheets in the same*
20 *format and containing the same level of detailed informa-*
21 *tion that is found on such sheets in the Budget Justifica-*
22 *tions annually submitted by the Department of the Interior*
23 *with the President’s Budget for the projects in the “Submis-*
24 *sion of Cost Estimates” required by section 200303(c)(1)*
25 *of title 54, United States Code, and in the same format and*

1 *containing the same level of detailed information that is*
2 *found on such sheets submitted to the Committees pursuant*
3 *to section 427 of division D of the Further Consolidated*
4 *Appropriations Act, 2020 (Public Law 116–94) for the list*
5 *of supplementary allocations required by subparagraph (A).*

6 *(e) The Department of the Interior and the Depart-*
7 *ment of Agriculture shall provide the Committees on Appro-*
8 *priations of the House of Representatives and Senate quar-*
9 *terly reports on the status of balances of projects and activi-*
10 *ties funded by the National Parks and Public Land Legacy*
11 *Restoration Fund for amounts allocated pursuant to sub-*
12 *section (a)(1) of this section and the status of balances of*
13 *projects and activities funded by the Land and Water Con-*
14 *servation Fund for amounts allocated pursuant to sub-*
15 *section (a)(2) of this section, including all uncommitted,*
16 *committed, and unobligated funds, and, for amounts allo-*
17 *cated pursuant to subsection (a)(1) of this section, National*
18 *Parks and Public Land Legacy Restoration Fund amounts*
19 *reallocated pursuant to subsection (c) of this section.*

20 *POLICIES RELATING TO BIOMASS ENERGY*

21 *SEC. 432. To support the key role that forests in the*
22 *United States can play in addressing the energy needs of*
23 *the United States, the Secretary of Energy, the Secretary*
24 *of Agriculture, and the Administrator of the Environmental*

1 *Protection Agency shall, consistent with their missions,*
2 *jointly—*

3 *(1) ensure that Federal policy relating to forest*
4 *bioenergy—*

5 *(A) is consistent across all Federal depart-*
6 *ments and agencies; and*

7 *(B) recognizes the full benefits of the use of*
8 *forest biomass for energy, conservation, and re-*
9 *sponsible forest management; and*

10 *(2) establish clear and simple policies for the use*
11 *of forest biomass as an energy solution, including*
12 *policies that—*

13 *(A) reflect the carbon neutrality of forest*
14 *bioenergy and recognize biomass as a renewable*
15 *energy source, provided the use of forest biomass*
16 *for energy production does not cause conversion*
17 *of forests to non-forest use;*

18 *(B) encourage private investment through-*
19 *out the forest biomass supply chain, including*
20 *in—*

21 *(i) working forests;*

22 *(ii) harvesting operations;*

23 *(iii) forest improvement operations;*

24 *(iv) forest bioenergy production;*

25 *(v) wood products manufacturing; or*

906

- 1 (vi) paper manufacturing;
- 2 (C) encourage forest management to im-
- 3 prove forest health; and
- 4 (D) recognize State initiatives to produce
- 5 and use forest biomass.

6 SMALL REMOTE INCINERATORS

7 SEC. 433. None of the funds made available in this

8 Act may be used to implement or enforce the regulation

9 issued on March 21, 2011 at 40 CFR part 60 subparts

10 CCCC and DDDD with respect to units in the State of Alas-

11 ka that are defined as “small, remote incinerator” units

12 in those regulations and, until a subsequent regulation is

13 issued, the Administrator shall implement the law and reg-

14 ulations in effect prior to such date.

15 TIMBER SALE REQUIREMENTS

16 SEC. 434. No timber sale in Alaska’s Region 10 shall

17 be advertised if the indicated rate is deficit (defined as the

18 value of the timber is not sufficient to cover all logging and

19 stumpage costs and provide a normal profit and risk allow-

20 ance under the Forest Service’s appraisal process) when ap-

21 praised using a residual value appraisal. The western red

22 cedar timber from those sales which is surplus to the needs

23 of the domestic processors in Alaska, shall be made available

24 to domestic processors in the contiguous 48 United States

25 at prevailing domestic prices. All additional western red

1 *cedar volume not sold to Alaska or contiguous 48 United*
2 *States domestic processors may be exported to foreign mar-*
3 *kets at the election of the timber sale holder. All Alaska yel-*
4 *low cedar may be sold at prevailing export prices at the*
5 *election of the timber sale holder.*

6 *TRANSFER AUTHORITY TO FEDERAL HIGHWAY ADMINIS-*
7 *TRATION FOR THE NATIONAL PARKS AND PUBLIC*
8 *LAND LEGACY RESTORATION FUND*

9 *SEC. 435. Funds made available or allocated in this*
10 *Act to the Department of the Interior or the Department*
11 *of Agriculture that are subject to the allocations and limita-*
12 *tions in 54 U.S.C. 200402(e) and prohibitions in 54 U.S.C.*
13 *200402(f) may be further allocated or reallocated to the Fed-*
14 *eral Highway Administration for transportation projects of*
15 *the covered agencies defined in 54 U.S.C. 200401(2).*

16 *PROHIBITION ON USE OF FUNDS*

17 *SEC. 436. Notwithstanding any other provision of law,*
18 *none of the funds made available in this Act or any other*
19 *Act may be used to promulgate or implement any regula-*
20 *tion requiring the issuance of permits under title V of the*
21 *Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide,*
22 *nitrous oxide, water vapor, or methane emissions resulting*
23 *from biological processes associated with livestock produc-*
24 *tion.*

908

1 *GREENHOUSE GAS REPORTING RESTRICTIONS*

2 *SEC. 437. Notwithstanding any other provision of law,*
3 *none of the funds made available in this or any other Act*
4 *may be used to implement any provision in a rule, if that*
5 *provision requires mandatory reporting of greenhouse gas*
6 *emissions from manure management systems.*

7 *FUNDING PROHIBITION*

8 *SEC. 438. None of the funds made available by this*
9 *or any other Act may be used to regulate the lead content*
10 *of ammunition, ammunition components, or fishing tackle*
11 *under the Toxic Substances Control Act (15 U.S.C. 2601*
12 *et seq.) or any other law.*

13 *ROAD CONSTRUCTION*

14 *SEC. 439. Section 8206(a)(4)(B)(i) of the Agricultural*
15 *Act of 2014 (16 U.S.C. 2113a(a)(4)(B)(i)) is amended by*
16 *inserting “or Bureau of Land Management managed” after*
17 *“National Forest System”.*

18 *FIREFIGHTER PAY CAP*

19 *SEC. 440. Section 1701 of division B of the Extending*
20 *Government Funding and Delivering Emergency Assistance*
21 *Act (5 U.S.C. 5547 note), as amended by Public Law 117–*
22 *103, is further amended—*

23 *(1) in subsection (a)(1), by striking the last sen-*
24 *tence and inserting “Any Services during a given cal-*
25 *endar year that generate payments payable in the*

1 *subsequent calendar year shall be disregarded in ap-*
2 *plying this subsection”; and*

3 *(2) in subsections (a), (b), and (c) by inserting*
4 *“or 2023” after “or 2022” each place it appears.*

5 *FOREST SERVICE INTEREST BEARING ACCOUNT*

6 *SEC. 441. (a) INVESTMENT AUTHORITY.—Any monies*
7 *covered into the Treasury under section 7 of the Act of June*
8 *20, 1958 (Public Law 85–464; 16 U.S.C. 579c), including*
9 *all monies that were previously collected by the United*
10 *States in a forfeiture, judgment, compromise, or settlement,*
11 *shall be invested by the Secretary of the Treasury in interest*
12 *bearing obligations of the United States to the extent the*
13 *amounts are not, in the judgment of the Secretary of the*
14 *Treasury, required to meet current withdrawals.*

15 *(b) AVAILABILITY OF FUNDS.—Any interest earned*
16 *under subsection (a) shall be available in the same manner*
17 *as the monies covered into the Treasury under section 7*
18 *of the Act of June 20, 1958 (Public Law 85–464; 16 U.S.C.*
19 *579c) to cover the costs to the United States specified in*
20 *section 7 of that Act.*

21 *(c) USE OF FUNDS.—Any portion of the monies re-*
22 *ceived or earned under subsection (a) in excess of the*
23 *amount expended in performing the work necessitated by*
24 *the action which led to their receipt may be used to cover*

910

1 *the other work specified in section 7 of the Act of June 20,*
2 *1958 (Public Law 85–464; 16 U.S.C. 579c).*

3 *(d) EFFECTIVE DATE.—This section shall apply with*
4 *respect to fiscal year 2023 and each succeeding fiscal year.*

5 *TECHNICAL CORRECTION*

6 *SEC. 442. In the table entitled “Interior and Environ-*
7 *ment Incorporation of Community Project Funding Items/*
8 *Congressionally Directed Spending Items” in the explana-*
9 *tory statement described in section 4 in the matter pre-*
10 *ceding division A of Public Law 117–103 and in the table*
11 *under the heading “Disclosure of Earmarks and Congres-*
12 *sionally Directed Spending Items” in such explanatory*
13 *statement, the project relating to “City of Metlakatla for*
14 *Solid Waste Multi Use Portable Shredder” is deemed to be*
15 *amended by striking “City of Metlakatla for Solid Waste*
16 *Multi Use Portable Shredder” and inserting “Metlakatla*
17 *Indian Community for Solid Waste Multi Use Portable*
18 *Shredder”.*

19 *HAZARDOUS SUBSTANCE SUPERFUND*

20 *SEC. 443. (a) Section 613 of title VI of division J of*
21 *Public Law 117–58 is repealed.*

22 *(b) For this fiscal year and each fiscal year thereafter,*
23 *such sums as are available in the Hazardous Substance*
24 *Superfund established under section 9507 of the Internal*
25 *Revenue Code of 1986 at the end of the preceding fiscal year*

911

1 *from taxes received in the Treasury under subsection (b)(1)*
2 *of such section shall be available, without further appro-*
3 *priation, to remain available until expended, to be used to*
4 *carry out the Comprehensive Environmental Response,*
5 *Compensation, and Liability Act of 1980 (42 U.S.C. 9601*
6 *et seq.): Provided, That the amount provided by this sub-*
7 *section is designated by the Congress as being for an emer-*
8 *gency requirement pursuant to section 4001(a)(1) of S. Con.*
9 *Res. 14 (117th Congress), the concurrent resolution on the*
10 *budget for fiscal year 2022, and section 1(e) of H. Res. 1151*
11 *(117th Congress), as engrossed in the House of Representa-*
12 *tives on June 8, 2022.*

13 *(c) Expenditures made pursuant to section 613 of title*
14 *VI of division J of Public Law 117–58 shall be charged*
15 *to the appropriation in subsection (b).*

16 *GOLDEN GATE NATIONAL RECREATION AREA*

17 *SEC. 444. Section 3 of Public Law 92–592 (16 U.S.C.*
18 *460cc–2) is amended by adding at the end the following:*

19 *“(j) AUTHORITY TO GRANT EASEMENTS AND RIGHTS-*
20 *OF-WAY PERMIT.—*

21 *“(1) IN GENERAL.—The Secretary of the Interior*
22 *may grant, to any State or local government, an ease-*
23 *ment or right-of-way permit over Federal lands with-*
24 *in Golden Gate National Recreation Area for oper-*
25 *ation and maintenance of projects for control and*

912

1 *prevention of flooding and shoreline erosion and asso-*
2 *ciated structures for continued public access.*

3 “(2) *CHARGES AND REIMBURSEMENTS OF*
4 *COSTS.—The Secretary may grant such an easement*
5 *or right-of-way permit without charge for the value of*
6 *the use so conveyed, except for reimbursement of costs*
7 *incurred by the United States for processing the ap-*
8 *plication therefore and managing such use. Amounts*
9 *received as such reimbursement shall be credited to*
10 *the relevant appropriation account.”.*

11 *ALASKA NATIVE REGIONAL HEALTH ENTITIES*

12 *AUTHORIZATION EXTENSION*

13 *SEC. 445. Section 424(a) of title IV of division G of*
14 *the Consolidated Appropriations Act, 2014 (Public Law*
15 *113–76) shall be applied by substituting “October 1, 2023”*
16 *for “December 24, 2022”.*

17 *This division may be cited as the “Department of the*
18 *Interior, Environment, and Related Agencies Appropria-*
19 *tions Act, 2023”.*

1 ***DIVISION H—DEPARTMENTS OF LABOR,***
2 ***HEALTH AND HUMAN SERVICES, AND***
3 ***EDUCATION, AND RELATED AGENCIES***
4 ***APPROPRIATIONS ACT, 2023***

5 ***TITLE I***

6 ***DEPARTMENT OF LABOR***

7 ***EMPLOYMENT AND TRAINING ADMINISTRATION***

8 ***TRAINING AND EMPLOYMENT SERVICES***

9 *For necessary expenses of the Workforce Innovation*
10 *and Opportunity Act (referred to in this Act as “WIOA”)*
11 *and the National Apprenticeship Act, \$4,140,911,000, plus*
12 *reimbursements, shall be available. Of the amounts pro-*
13 *vided:*

14 *(1) for grants to States for adult employment*
15 *and training activities, youth activities, and dis-*
16 *located worker employment and training activities,*
17 *\$2,929,332,000 as follows:*

18 *(A) \$885,649,000 for adult employment and*
19 *training activities, of which \$173,649,000 shall*
20 *be available for the period July 1, 2023 through*
21 *June 30, 2024, and of which \$712,000,000 shall*
22 *be available for the period October 1, 2023*
23 *through June 30, 2024;*

1 (B) \$948,130,000 for youth activities, which
2 shall be available for the period April 1, 2023
3 through June 30, 2024; and

4 (C) \$1,095,553,000 for dislocated worker
5 employment and training activities, of which
6 \$235,553,000 shall be available for the period
7 July 1, 2023 through June 30, 2024, and of
8 which \$860,000,000 shall be available for the pe-
9 riod October 1, 2023 through June 30, 2024:

10 *Provided, That the funds available for allotment to*
11 *outlying areas to carry out subtitle B of title I of the*
12 *WIOA shall not be subject to the requirements of sec-*
13 *tion 127(b)(1)(B)(ii) of such Act: Provided further,*
14 *That notwithstanding the requirements of WIOA, out-*
15 *lying areas may submit a single application for a*
16 *consolidated grant that awards funds that would oth-*
17 *erwise be available to such areas to carry out the ac-*
18 *tivities described in subtitle B of title I of the WIOA:*
19 *Provided further, That such application shall be sub-*
20 *mitted to the Secretary of Labor (referred to in this*
21 *title as “Secretary”), at such time, in such manner,*
22 *and containing such information as the Secretary*
23 *may require: Provided further, That outlying areas*
24 *awarded a consolidated grant described in the pre-*
25 *ceding provisos may use the funds for any of the pro-*

1 *grams and activities authorized under such subtitle B*
2 *of title I of the WIOA subject to approval of the appli-*
3 *cation and such reporting requirements issued by the*
4 *Secretary; and*

5 *(2) for national programs, \$1,211,579,000 as fol-*
6 *lows:*

7 *(A) \$325,859,000 for the dislocated workers*
8 *assistance national reserve, of which*
9 *\$125,859,000 shall be available for the period*
10 *July 1, 2023 through September 30, 2024, and*
11 *of which \$200,000,000 shall be available for the*
12 *period October 1, 2023 through September 30,*
13 *2024: Provided, That funds provided to carry*
14 *out section 132(a)(2)(A) of the WIOA may be*
15 *used to provide assistance to a State for state-*
16 *wide or local use in order to address cases where*
17 *there have been worker dislocations across mul-*
18 *tiple sectors or across multiple local areas and*
19 *such workers remain dislocated; coordinate the*
20 *State workforce development plan with emerging*
21 *economic development needs; and train such eli-*
22 *gible dislocated workers: Provided further, That*
23 *funds provided to carry out sections 168(b) and*
24 *169(c) of the WIOA may be used for technical as-*
25 *sistance and demonstration projects, respectively,*

1 *that provide assistance to new entrants in the*
2 *workforce and incumbent workers: Provided fur-*
3 *ther, That notwithstanding section 168(b) of the*
4 *WIOA, of the funds provided under this subpara-*
5 *graph, the Secretary may reserve not more than*
6 *10 percent of such funds to provide technical as-*
7 *istance and carry out additional activities re-*
8 *lated to the transition to the WIOA: Provided*
9 *further, That of the funds provided under this*
10 *subparagraph, \$115,000,000 shall be for training*
11 *and employment assistance under sections*
12 *168(b), 169(c) (notwithstanding the 10 percent*
13 *limitation in such section) and 170 of the WIOA*
14 *as follows:*

15 *(i) \$50,000,000 shall be for workers in*
16 *the Appalachian region, as defined by 40*
17 *U.S.C. 14102(a)(1), workers in the Lower*
18 *Mississippi, as defined in section 4(2) of the*
19 *Delta Development Act (Public Law 100–*
20 *460, 102 Stat. 2246; 7 U.S.C. 2009aa(2)),*
21 *and workers in the region served by the*
22 *Northern Border Regional Commission, as*
23 *defined by 40 U.S.C. 15733; and*

24 *(ii) \$65,000,000 shall be for the pur-*
25 *pose of developing, offering, or improving*

917

1 *educational or career training programs at*
2 *community colleges, defined as public insti-*
3 *tutions of higher education, as described in*
4 *section 101(a) of the Higher Education Act*
5 *of 1965 and at which the associate's degree*
6 *is primarily the highest degree awarded,*
7 *with other eligible institutions of higher*
8 *education, as defined in section 101(a) of*
9 *the Higher Education Act of 1965, eligible*
10 *to participate through consortia, with com-*
11 *munity colleges as the lead grantee: Pro-*
12 *vided, That the Secretary shall follow the*
13 *requirements for the program in House Re-*
14 *port 116–62: Provided further, That any*
15 *grant funds used for apprenticeships shall*
16 *be used to support only apprenticeship pro-*
17 *grams registered under the National Ap-*
18 *prenticeship Act and as referred to in sec-*
19 *tion 3(7)(B) of the WIOA;*

20 *(B) \$60,000,000 for Native American pro-*
21 *grams under section 166 of the WIOA, which*
22 *shall be available for the period July 1, 2023*
23 *through June 30, 2024;*

24 *(C) \$97,396,000 for migrant and seasonal*
25 *farmworker programs under section 167 of the*

1 *WIOA, including \$90,134,000 for formula grants*
2 *(of which not less than 70 percent shall be for*
3 *employment and training services), \$6,591,000*
4 *for migrant and seasonal housing (of which not*
5 *less than 70 percent shall be for permanent hous-*
6 *ing), and \$671,000 for other discretionary pur-*
7 *poses, which shall be available for the period*
8 *April 1, 2023 through June 30, 2024: Provided,*
9 *That notwithstanding any other provision of law*
10 *or related regulation, the Department of Labor*
11 *shall take no action limiting the number or pro-*
12 *portion of eligible participants receiving related*
13 *assistance services or discouraging grantees from*
14 *providing such services: Provided further, That*
15 *notwithstanding the definition of “eligible sea-*
16 *sonal farmworker” in section 167(i)(3)(A) of the*
17 *WIOA relating to an individual being “low-in-*
18 *come”, an individual is eligible for migrant and*
19 *seasonal farmworker programs under section 167*
20 *of the WIOA under that definition if, in addi-*
21 *tion to meeting the requirements of clauses (i)*
22 *and (ii) of section 167(i)(3)(A), such individual*
23 *is a member of a family with a total family in-*
24 *come equal to or less than 150 percent of the pov-*
25 *erty line;*

919

1 (D) \$105,000,000 for YouthBuild activities
2 as described in section 171 of the WIOA, which
3 shall be available for the period April 1, 2023
4 through June 30, 2024;

5 (E) \$115,000,000 for ex-offender activities,
6 under the authority of section 169 of the WIOA,
7 which shall be available for the period April 1,
8 2023 through June 30, 2024: Provided, That of
9 this amount, \$30,000,000 shall be for competitive
10 grants to national and regional intermediaries
11 for activities that prepare for employment young
12 adults with criminal legal histories, young
13 adults who have been justice system-involved, or
14 young adults who have dropped out of school or
15 other educational programs, with a priority for
16 projects serving high-crime, high-poverty areas;

17 (F) \$6,000,000 for the Workforce Data
18 Quality Initiative, under the authority of section
19 169 of the WIOA, which shall be available for the
20 period July 1, 2023 through June 30, 2024;

21 (G) \$285,000,000 to expand opportunities
22 through apprenticeships only registered under
23 the National Apprenticeship Act and as referred
24 to in section 3(7)(B) of the WIOA, to be avail-
25 able to the Secretary to carry out activities

920

1 *through grants, cooperative agreements, contracts*
2 *and other arrangements, with States and other*
3 *appropriate entities, including equity inter-*
4 *mediaries and business and labor industry part-*
5 *ner intermediaries, which shall be available for*
6 *the period July 1, 2023 through June 30, 2024;*
7 *and*

8 *(H) \$217,324,000 for carrying out Dem-*
9 *onstration and Pilot projects under section*
10 *169(c) of the WIOA, which shall be available for*
11 *the period April 1, 2023 through June 30, 2024,*
12 *in addition to funds available for such activities*
13 *under subparagraph (A) for the projects, and in*
14 *the amounts, specified in the table titled “Com-*
15 *munity Project Funding/Congressionally Di-*
16 *rected Spending” included for this division in*
17 *the explanatory statement described in section 4*
18 *(in the matter preceding division A of this con-*
19 *solidated Act): Provided, That such funds may be*
20 *used for projects that are related to the employ-*
21 *ment and training needs of dislocated workers,*
22 *other adults, or youth: Provided further, That the*
23 *10 percent funding limitation under such section*
24 *of the WIOA shall not apply to such funds: Pro-*
25 *vided further, That section 169(b)(6)(C) of the*

921

1 *WIOA shall not apply to such funds: Provided*
2 *further, That sections 102 and 107 of this Act*
3 *shall not apply to such funds.*

4 *JOB CORPS*5 *(INCLUDING TRANSFER OF FUNDS)*

6 *To carry out subtitle C of title I of the WIOA, includ-*
7 *ing Federal administrative expenses, the purchase and hire*
8 *of passenger motor vehicles, the construction, alteration,*
9 *and repairs of buildings and other facilities, and the pur-*
10 *chase of real property for training centers as authorized by*
11 *the WIOA, \$1,760,155,000, plus reimbursements, as follows:*

12 *(1) \$1,603,325,000 for Job Corps Operations,*
13 *which shall be available for the period July 1, 2023*
14 *through June 30, 2024;*

15 *(2) \$123,000,000 for construction, rehabilitation*
16 *and acquisition of Job Corps Centers, which shall be*
17 *available for the period July 1, 2023 through June*
18 *30, 2026, and which may include the acquisition,*
19 *maintenance, and repair of major items of equip-*
20 *ment: Provided, That the Secretary may transfer up*
21 *to 15 percent of such funds to meet the operational*
22 *needs of such centers or to achieve administrative effi-*
23 *ciencies: Provided further, That any funds transferred*
24 *pursuant to the preceding proviso shall not be avail-*
25 *able for obligation after June 30, 2023: Provided fur-*

922

1 *ther, That the Committees on Appropriations of the*
2 *House of Representatives and the Senate are notified*
3 *at least 15 days in advance of any transfer; and*

4 *(3) \$33,830,000 for necessary expenses of Job*
5 *Corps, which shall be available for obligation for the*
6 *period October 1, 2022 through September 30, 2023:*
7 *Provided, That no funds from any other appropriation*
8 *shall be used to provide meal services at or for Job Corps*
9 *Centers.*

10 *COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

11 *To carry out title V of the Older Americans Act of 1965*
12 *(referred to in this Act as “OAA”), \$405,000,000, which*
13 *shall be available for the period April 1, 2023 through June*
14 *30, 2024, and may be recaptured and reobligated in accord-*
15 *ance with section 517(c) of the OAA.*

16 *FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

17 *For payments during fiscal year 2023 of trade adjust-*
18 *ment benefit payments and allowances under part I of sub-*
19 *chapter B of chapter 2 of title II of the Trade Act of 1974,*
20 *and section 246 of that Act; and for training, employment*
21 *and case management services, allowances for job search*
22 *and relocation, and related State administrative expenses*
23 *under part II of subchapter B of chapter 2 of title II of*
24 *the Trade Act of 1974, and including benefit payments, al-*
25 *lowances, training, employment and case management serv-*

923

1 *ices, and related State administration provided pursuant*
2 *to section 231(a) of the Trade Adjustment Assistance Exten-*
3 *sion Act of 2011, sections 405(a) and 406 of the Trade Pref-*
4 *erences Extension Act of 2015, and section 285(a) of the*
5 *Trade Act of 1974, as amended, \$494,400,000 together with*
6 *such amounts as may be necessary to be charged to the sub-*
7 *sequent appropriation for payments for any period subse-*
8 *quent to September 15, 2023: Provided, That notwith-*
9 *standing section 502 of this Act, any part of the appropria-*
10 *tion provided under this heading may remain available for*
11 *obligation beyond the current fiscal year pursuant to the*
12 *authorities of section 245(c) of the Trade Act of 1974 (19*
13 *U.S.C. 2317(c)).*

14 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*15 *SERVICE OPERATIONS*16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For authorized administrative expenses, \$84,066,000,*
18 *together with not to exceed \$3,925,084,000 which may be*
19 *expended from the Employment Security Administration*
20 *Account in the Unemployment Trust Fund (“the Trust*
21 *Fund”), of which—*

22 *(1) \$3,134,635,000 from the Trust Fund is for*
23 *grants to States for the administration of State un-*
24 *employment insurance laws as authorized under title*
25 *III of the Social Security Act (including not less than*

1 \$375,000,000 to carry out reemployment services and
2 eligibility assessments under section 306 of such Act,
3 any claimants of regular compensation, as defined in
4 such section, including those who are profiled as most
5 likely to exhaust their benefits, may be eligible for
6 such services and assessments: Provided, That of such
7 amount, \$117,000,000 is specified for grants under
8 section 306 of the Social Security Act and is provided
9 to meet the terms of a concurrent resolution on the
10 budget in the Senate and section 1(j)(2) of H. Res.
11 1151 (117th Congress), as engrossed in the House of
12 Representatives on June 8, 2022, and \$258,000,000 is
13 additional new budget authority specified for pur-
14 poses of a concurrent resolution on the budget in the
15 Senate and section 1(j) of such House resolution; and
16 \$9,000,000 for continued support of the Unemploy-
17 ment Insurance Integrity Center of Excellence), the
18 administration of unemployment insurance for Fed-
19 eral employees and for ex-service members as author-
20 ized under 5 U.S.C. 8501–8523, and the administra-
21 tion of trade readjustment allowances, reemployment
22 trade adjustment assistance, and alternative trade ad-
23 justment assistance under the Trade Act of 1974 and
24 under section 231(a) of the Trade Adjustment Assist-
25 ance Extension Act of 2011, sections 405(a) and 406

925

1 *of the Trade Preferences Extension Act of 2015, and*
2 *section 285(a) of the Trade Act of 1974, as amended,*
3 *and shall be available for obligation by the States*
4 *through December 31, 2023, except that funds used for*
5 *automation shall be available for Federal obligation*
6 *through December 31, 2023, and for State obligation*
7 *through September 30, 2025, or, if the automation is*
8 *being carried out through consortia of States, for*
9 *State obligation through September 30, 2029, and for*
10 *expenditure through September 30, 2030, and funds*
11 *for competitive grants awarded to States for improved*
12 *operations and to conduct in-person reemployment*
13 *and eligibility assessments and unemployment insur-*
14 *ance improper payment reviews and provide reem-*
15 *ployment services and referrals to training, as appro-*
16 *priate, shall be available for Federal obligation*
17 *through December 31, 2023 (except that funds for out-*
18 *come payments pursuant to section 306(f)(2) of the*
19 *Social Security Act shall be available for Federal ob-*
20 *ligation through March 31, 2024), and for obligation*
21 *by the States through September 30, 2025, and funds*
22 *for the Unemployment Insurance Integrity Center of*
23 *Excellence shall be available for obligation by the*
24 *State through September 30, 2024, and funds used for*
25 *unemployment insurance workloads experienced*

1 *through September 30, 2023 shall be available for*
2 *Federal obligation through December 31, 2023;*

3 (2) \$23,000,000 from the Trust Fund is for na-
4 *tional activities necessary to support the administra-*
5 *tion of the Federal-State unemployment insurance*
6 *system;*

7 (3) \$658,639,000 from the Trust Fund, together
8 *with \$21,413,000 from the General Fund of the Treas-*
9 *ury, is for grants to States in accordance with section*
10 *6 of the Wagner-Peyser Act, and shall be available for*
11 *Federal obligation for the period July 1, 2023 through*
12 *June 30, 2024;*

13 (4) \$25,000,000 from the Trust Fund is for na-
14 *tional activities of the Employment Service, including*
15 *administration of the work opportunity tax credit*
16 *under section 51 of the Internal Revenue Code of 1986*
17 *(including assisting States in adopting or modern-*
18 *izing information technology for use in the processing*
19 *of certification requests), and the provision of tech-*
20 *nical assistance and staff training under the Wagner-*
21 *Peyser Act;*

22 (5) \$83,810,000 from the Trust Fund is for the
23 *administration of foreign labor certifications and re-*
24 *lated activities under the Immigration and Nation-*
25 *ality Act and related laws, of which \$60,528,000 shall*

1 *be available for the Federal administration of such*
2 *activities, and \$23,282,000 shall be available for*
3 *grants to States for the administration of such activi-*
4 *ties; and*

5 *(6) \$62,653,000 from the General Fund is to*
6 *provide workforce information, national electronic*
7 *tools, and one-stop system building under the Wagner-*
8 *Peyser Act and shall be available for Federal obliga-*
9 *tion for the period July 1, 2023 through June 30,*
10 *2024, of which up to \$9,800,000 may be used to carry*
11 *out research and demonstration projects related to*
12 *testing effective ways to promote greater labor force*
13 *participation of people with disabilities: Provided,*
14 *That the Secretary may transfer amounts made avail-*
15 *able for research and demonstration projects under*
16 *this paragraph to the “Office of Disability Employ-*
17 *ment Policy” account for such purposes:*

18 *Provided, That to the extent that the Average Weekly In-*
19 *sured Unemployment (“AWIU”) for fiscal year 2023 is pro-*
20 *jected by the Department of Labor to exceed 1,778,000, an*
21 *additional \$28,600,000 from the Trust Fund shall be avail-*
22 *able for obligation for every 100,000 increase in the AWIU*
23 *level (including a pro rata amount for any increment less*
24 *than 100,000) to carry out title III of the Social Security*
25 *Act: Provided further, That funds appropriated in this Act*

1 *that are allotted to a State to carry out activities under*
2 *title III of the Social Security Act may be used by such*
3 *State to assist other States in carrying out activities under*
4 *such title III if the other States include areas that have*
5 *suffered a major disaster declared by the President under*
6 *the Robert T. Stafford Disaster Relief and Emergency As-*
7 *sistance Act: Provided further, That the Secretary may use*
8 *funds appropriated for grants to States under title III of*
9 *the Social Security Act to make payments on behalf of*
10 *States for the use of the National Directory of New Hires*
11 *under section 453(j)(8) of such Act: Provided further, That*
12 *the Secretary may use funds appropriated for grants to*
13 *States under title III of the Social Security Act to make*
14 *payments on behalf of States to the entity operating the*
15 *State Information Data Exchange System: Provided fur-*
16 *ther, That funds appropriated in this Act which are used*
17 *to establish a national one-stop career center system, or*
18 *which are used to support the national activities of the Fed-*
19 *eral-State unemployment insurance, employment service, or*
20 *immigration programs, may be obligated in contracts,*
21 *grants, or agreements with States and non-State entities:*
22 *Provided further, That States awarded competitive grants*
23 *for improved operations under title III of the Social Secu-*
24 *rity Act, or awarded grants to support the national activi-*
25 *ties of the Federal-State unemployment insurance system,*

1 *may award subgrants to other States and non-State entities*
2 *under such grants, subject to the conditions applicable to*
3 *the grants: Provided further, That funds appropriated*
4 *under this Act for activities authorized under title III of*
5 *the Social Security Act and the Wagner-Peyser Act may*
6 *be used by States to fund integrated Unemployment Insur-*
7 *ance and Employment Service automation efforts, notwith-*
8 *standing cost allocation principles prescribed under the*
9 *final rule entitled “Uniform Administrative Requirements,*
10 *Cost Principles, and Audit Requirements for Federal*
11 *Awards” at part 200 of title 2, Code of Federal Regulations:*
12 *Provided further, That the Secretary, at the request of a*
13 *State participating in a consortium with other States, may*
14 *reallot funds allotted to such State under title III of the*
15 *Social Security Act to other States participating in the con-*
16 *sortium or to the entity operating the Unemployment In-*
17 *surance Information Technology Support Center in order*
18 *to carry out activities that benefit the administration of*
19 *the unemployment compensation law of the State making*
20 *the request: Provided further, That the Secretary may col-*
21 *lect fees for the costs associated with additional data collec-*
22 *tion, analyses, and reporting services relating to the Na-*
23 *tional Agricultural Workers Survey requested by State and*
24 *local governments, public and private institutions of higher*
25 *education, and nonprofit organizations and may utilize*

930

1 *such sums, in accordance with the provisions of 29 U.S.C.*
2 *9a, for the National Agricultural Workers Survey infra-*
3 *structure, methodology, and data to meet the information*
4 *collection and reporting needs of such entities, which shall*
5 *be credited to this appropriation and shall remain available*
6 *until September 30, 2024, for such purposes.*

7 *ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND*
8 *OTHER FUNDS*

9 *For repayable advances to the Unemployment Trust*
10 *Fund as authorized by sections 905(d) and 1203 of the So-*
11 *cial Security Act, and to the Black Lung Disability Trust*
12 *Fund as authorized by section 9501(c)(1) of the Internal*
13 *Revenue Code of 1986; and for nonrepayable advances to*
14 *the revolving fund established by section 901(e) of the Social*
15 *Security Act, to the Unemployment Trust Fund as author-*
16 *ized by 5 U.S.C. 8509, and to the “Federal Unemployment*
17 *Benefits and Allowances” account, such sums as may be*
18 *necessary, which shall be available for obligation through*
19 *September 30, 2024.*

20 *PROGRAM ADMINISTRATION*

21 *For expenses of administering employment and train-*
22 *ing programs, \$118,900,000, together with not to exceed*
23 *\$54,015,000 which may be expended from the Employment*
24 *Security Administration Account in the Unemployment*
25 *Trust Fund.*

931

1 *EMPLOYEE BENEFITS SECURITY ADMINISTRATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the Employee Benefits Secu-*
4 *urity Administration, \$191,100,000, of which up to*
5 *\$3,000,000 shall be made available through September 30,*
6 *2024, for the procurement of expert witnesses for enforce-*
7 *ment litigation.*

8 *PENSION BENEFIT GUARANTY CORPORATION*9 *PENSION BENEFIT GUARANTY CORPORATION FUND*

10 *The Pension Benefit Guaranty Corporation (“Cor-*
11 *poration”) is authorized to make such expenditures, includ-*
12 *ing financial assistance authorized by subtitle E of title IV*
13 *of the Employee Retirement Income Security Act of 1974,*
14 *within limits of funds and borrowing authority available*
15 *to the Corporation, and in accord with law, and to make*
16 *such contracts and commitments without regard to fiscal*
17 *year limitations, as provided by 31 U.S.C. 9104, as may*
18 *be necessary in carrying out the program, including associ-*
19 *ated administrative expenses, through September 30, 2023,*
20 *for the Corporation: Provided, That none of the funds avail-*
21 *able to the Corporation for fiscal year 2023 shall be avail-*
22 *able for obligations for administrative expenses in excess of*
23 *\$493,314,000: Provided further, That to the extent that the*
24 *number of new plan participants in plans terminated by*
25 *the Corporation exceeds 100,000 in fiscal year 2023, an*

932

1 *amount not to exceed an additional \$9,200,000 shall be*
2 *available through September 30, 2027, for obligations for*
3 *administrative expenses for every 20,000 additional termi-*
4 *nated participants: Provided further, That obligations in*
5 *excess of the amounts provided for administrative expenses*
6 *in this paragraph may be incurred and shall be available*
7 *through September 30, 2027 for obligation for unforeseen*
8 *and extraordinary pre-termination or termination expenses*
9 *or extraordinary multiemployer program related expenses*
10 *after approval by the Office of Management and Budget and*
11 *notification of the Committees on Appropriations of the*
12 *House of Representatives and the Senate: Provided further,*
13 *That an additional amount shall be available for obligation*
14 *through September 30, 2027 to the extent the Corporation's*
15 *costs exceed \$250,000 for the provision of credit or identity*
16 *monitoring to affected individuals upon suffering a security*
17 *incident or privacy breach, not to exceed an additional*
18 *\$100 per affected individual.*

19 *WAGE AND HOUR DIVISION*20 *SALARIES AND EXPENSES*

21 *For necessary expenses for the Wage and Hour Divi-*
22 *sion, including reimbursement to State, Federal, and local*
23 *agencies and their employees for inspection services ren-*
24 *dered, \$260,000,000.*

933

1 *OFFICE OF LABOR-MANAGEMENT STANDARDS*2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the Office of Labor-Manage-*
4 *ment Standards, \$48,515,000.*

5 *OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS*6 *SALARIES AND EXPENSES*

7 *For necessary expenses for the Office of Federal Con-*
8 *tract Compliance Programs, \$110,976,000.*

9 *OFFICE OF WORKERS' COMPENSATION PROGRAMS*10 *SALARIES AND EXPENSES*

11 *For necessary expenses for the Office of Workers' Com-*
12 *pensation Programs, \$120,500,000, together with*
13 *\$2,205,000 which may be expended from the Special Fund*
14 *in accordance with sections 39(c), 44(d), and 44(j) of the*
15 *Longshore and Harbor Workers' Compensation Act.*

16 *SPECIAL BENEFITS*17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For the payment of compensation, benefits, and ex-*
19 *penses (except administrative expenses not otherwise au-*
20 *thorized) accruing during the current or any prior fiscal*
21 *year authorized by 5 U.S.C. 81; continuation of benefits*
22 *as provided for under the heading "Civilian War Benefits"*
23 *in the Federal Security Agency Appropriation Act, 1947;*
24 *the Employees' Compensation Commission Appropriation*
25 *Act, 1944; section 5(f) of the War Claims Act (50 U.S.C.*

1 *App. 2012); obligations incurred under the War Hazards*
2 *Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent*
3 *of the additional compensation and benefits required by sec-*
4 *tion 10(h) of the Longshore and Harbor Workers' Com-*
5 *pensation Act, \$250,000,000, together with such amounts*
6 *as may be necessary to be charged to the subsequent year*
7 *appropriation for the payment of compensation and other*
8 *benefits for any period subsequent to August 15 of the cur-*
9 *rent year, for deposit into and to assume the attributes of*
10 *the Employees' Compensation Fund established under 5*
11 *U.S.C. 8147(a): Provided, That amounts appropriated may*
12 *be used under 5 U.S.C. 8104 by the Secretary to reimburse*
13 *an employer, who is not the employer at the time of injury,*
14 *for portions of the salary of a re-employed, disabled bene-*
15 *ficiary: Provided further, That balances of reimbursements*
16 *unobligated on September 30, 2022, shall remain available*
17 *until expended for the payment of compensation, benefits,*
18 *and expenses: Provided further, That in addition there shall*
19 *be transferred to this appropriation from the Postal Service*
20 *and from any other corporation or instrumentality required*
21 *under 5 U.S.C. 8147(c) to pay an amount for its fair share*
22 *of the cost of administration, such sums as the Secretary*
23 *determines to be the cost of administration for employees*
24 *of such fair share entities through September 30, 2023: Pro-*
25 *vided further, That of those funds transferred to this ac-*

1 *count from the fair share entities to pay the cost of adminis-*
2 *tration of the Federal Employees' Compensation Act,*
3 *\$81,752,000 shall be made available to the Secretary as fol-*
4 *lows:*

5 (1) *For enhancement and maintenance of auto-*
6 *mated data processing systems operations and tele-*
7 *communications systems, \$27,727,000;*

8 (2) *For automated workload processing oper-*
9 *ations, including document imaging, centralized mail*
10 *intake, and medical bill processing, \$26,125,000;*

11 (3) *For periodic roll disability management and*
12 *medical review, \$26,126,000;*

13 (4) *For program integrity, \$1,744,000; and*

14 (5) *The remaining funds shall be paid into the*
15 *Treasury as miscellaneous receipts:*

16 *Provided further, That the Secretary may require that any*
17 *person filing a notice of injury or a claim for benefits under*
18 *5 U.S.C. 81, or the Longshore and Harbor Workers' Com-*
19 *pensation Act, provide as part of such notice and claim,*
20 *such identifying information (including Social Security ac-*
21 *count number) as such regulations may prescribe.*

22 *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

23 *For carrying out title IV of the Federal Mine Safety*
24 *and Health Act of 1977, as amended by Public Law 107-*
25 *275, \$36,031,000, to remain available until expended.*

936

1 *For making after July 31 of the current fiscal year,*
2 *benefit payments to individuals under title IV of such Act,*
3 *for costs incurred in the current fiscal year, such amounts*
4 *as may be necessary.*

5 *For making benefit payments under title IV for the*
6 *first quarter of fiscal year 2024, \$10,250,000, to remain*
7 *available until expended.*

8 *ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES*

9 *OCCUPATIONAL ILLNESS COMPENSATION FUND*

10 *For necessary expenses to administer the Energy Em-*
11 *ployees Occupational Illness Compensation Program Act,*
12 *\$64,564,000, to remain available until expended: Provided,*
13 *That the Secretary may require that any person filing a*
14 *claim for benefits under the Act provide as part of such*
15 *claim such identifying information (including Social Secu-*
16 *rity account number) as may be prescribed.*

17 *BLACK LUNG DISABILITY TRUST FUND*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *Such sums as may be necessary from the Black Lung*
20 *Disability Trust Fund (the “Fund”), to remain available*
21 *until expended, for payment of all benefits authorized by*
22 *section 9501(d)(1), (2), (6), and (7) of the Internal Revenue*
23 *Code of 1986; and repayment of, and payment of interest*
24 *on advances, as authorized by section 9501(d)(4) of that*
25 *Act. In addition, the following amounts may be expended*

937

1 *from the Fund for fiscal year 2023 for expenses of operation*
2 *and administration of the Black Lung Benefits program,*
3 *as authorized by section 9501(d)(5): not to exceed*
4 *\$42,194,000 for transfer to the Office of Workers' Compensa-*
5 *tion Programs, "Salaries and Expenses"; not to exceed*
6 *\$38,407,000 for transfer to Departmental Management,*
7 *"Salaries and Expenses"; not to exceed \$353,000 for trans-*
8 *fer to Departmental Management, "Office of Inspector Gen-*
9 *eral"; and not to exceed \$356,000 for payments into mis-*
10 *cellaneous receipts for the expenses of the Department of the*
11 *Treasury.*

12 *OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*13 *SALARIES AND EXPENSES*

14 *For necessary expenses for the Occupational Safety*
15 *and Health Administration, \$632,309,000, including not to*
16 *exceed \$120,000,000 which shall be the maximum amount*
17 *available for grants to States under section 23(g) of the Oc-*
18 *cupational Safety and Health Act (the "Act"), which grants*
19 *shall be no less than 50 percent of the costs of State occupa-*
20 *tional safety and health programs required to be incurred*
21 *under plans approved by the Secretary under section 18*
22 *of the Act; and, in addition, notwithstanding 31 U.S.C.*
23 *3302, the Occupational Safety and Health Administration*
24 *may retain up to \$499,000 per fiscal year of training insti-*
25 *tute course tuition and fees, otherwise authorized by law*

1 *to be collected, and may utilize such sums for occupational*
2 *safety and health training and education: Provided, That*
3 *notwithstanding 31 U.S.C. 3302, the Secretary is author-*
4 *ized, during the fiscal year ending September 30, 2023, to*
5 *collect and retain fees for services provided to Nationally*
6 *Recognized Testing Laboratories, and may utilize such*
7 *sums, in accordance with the provisions of 29 U.S.C. 9a,*
8 *to administer national and international laboratory rec-*
9 *ognition programs that ensure the safety of equipment and*
10 *products used by workers in the workplace: Provided fur-*
11 *ther, That none of the funds appropriated under this para-*
12 *graph shall be obligated or expended to prescribe, issue, ad-*
13 *minister, or enforce any standard, rule, regulation, or order*
14 *under the Act which is applicable to any person who is en-*
15 *gaged in a farming operation which does not maintain a*
16 *temporary labor camp and employs 10 or fewer employees:*
17 *Provided further, That no funds appropriated under this*
18 *paragraph shall be obligated or expended to administer or*
19 *enforce any standard, rule, regulation, or order under the*
20 *Act with respect to any employer of 10 or fewer employees*
21 *who is included within a category having a Days Away,*
22 *Restricted, or Transferred (“DART”) occupational injury*
23 *and illness rate, at the most precise industrial classification*
24 *code for which such data are published, less than the na-*
25 *tional average rate as such rates are most recently published*

1 *by the Secretary, acting through the Bureau of Labor Sta-*
2 *tistics, in accordance with section 24 of the Act, except—*

3 *(1) to provide, as authorized by the Act, con-*
4 *sultation, technical assistance, educational and train-*
5 *ing services, and to conduct surveys and studies;*

6 *(2) to conduct an inspection or investigation in*
7 *response to an employee complaint, to issue a citation*
8 *for violations found during such inspection, and to*
9 *assess a penalty for violations which are not corrected*
10 *within a reasonable abatement period and for any*
11 *willful violations found;*

12 *(3) to take any action authorized by the Act with*
13 *respect to imminent dangers;*

14 *(4) to take any action authorized by the Act with*
15 *respect to health hazards;*

16 *(5) to take any action authorized by the Act with*
17 *respect to a report of an employment accident which*
18 *is fatal to one or more employees or which results in*
19 *hospitalization of two or more employees, and to take*
20 *any action pursuant to such investigation authorized*
21 *by the Act; and*

22 *(6) to take any action authorized by the Act with*
23 *respect to complaints of discrimination against em-*
24 *ployees for exercising rights under the Act:*

1 *Provided further, That the foregoing proviso shall not apply*
2 *to any person who is engaged in a farming operation which*
3 *does not maintain a temporary labor camp and employs*
4 *10 or fewer employees: Provided further, That \$12,787,000*
5 *shall be available for Susan Harwood training grants, of*
6 *which not more than \$6,500,000 is for Susan Harwood*
7 *Training Capacity Building Developmental grants, for pro-*
8 *gram activities starting not later than September 30, 2023*
9 *and lasting for a period of 12 months: Provided further,*
10 *That not less than \$3,500,000 shall be for Voluntary Protec-*
11 *tion Programs.*

12 *MINE SAFETY AND HEALTH ADMINISTRATION*

13 *SALARIES AND EXPENSES*

14 *For necessary expenses for the Mine Safety and Health*
15 *Administration, \$387,816,000, including purchase and be-*
16 *stowal of certificates and trophies in connection with mine*
17 *rescue and first-aid work, and the hire of passenger motor*
18 *vehicles, including up to \$2,000,000 for mine rescue and*
19 *recovery activities and not less than \$10,537,000 for State*
20 *assistance grants: Provided, That notwithstanding 31*
21 *U.S.C. 3302, not to exceed \$750,000 may be collected by*
22 *the National Mine Health and Safety Academy for room,*
23 *board, tuition, and the sale of training materials, otherwise*
24 *authorized by law to be collected, to be available for mine*
25 *safety and health education and training activities: Pro-*

1 *vided further, That notwithstanding 31 U.S.C. 3302, the*
2 *Mine Safety and Health Administration is authorized to*
3 *collect and retain up to \$2,499,000 from fees collected for*
4 *the approval and certification of equipment, materials, and*
5 *explosives for use in mines, and may utilize such sums for*
6 *such activities: Provided further, That the Secretary is au-*
7 *thorized to accept lands, buildings, equipment, and other*
8 *contributions from public and private sources and to pros-*
9 *ecute projects in cooperation with other agencies, Federal,*
10 *State, or private: Provided further, That the Mine Safety*
11 *and Health Administration is authorized to promote health*
12 *and safety education and training in the mining commu-*
13 *nity through cooperative programs with States, industry,*
14 *and safety associations: Provided further, That the Sec-*
15 *retary is authorized to recognize the Joseph A. Holmes Safe-*
16 *ty Association as a principal safety association and, not-*
17 *withstanding any other provision of law, may provide*
18 *funds and, with or without reimbursement, personnel, in-*
19 *cluding service of Mine Safety and Health Administration*
20 *officials as officers in local chapters or in the national orga-*
21 *nization: Provided further, That any funds available to the*
22 *Department of Labor may be used, with the approval of*
23 *the Secretary, to provide for the costs of mine rescue and*
24 *survival operations in the event of a major disaster.*

942

1 *BUREAU OF LABOR STATISTICS*2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the Bureau of Labor Statis-*
4 *tics, including advances or reimbursements to State, Fed-*
5 *eral, and local agencies and their employees for services ren-*
6 *dered, \$629,952,000, together with not to exceed \$68,000,000*
7 *which may be expended from the Employment Security Ad-*
8 *ministration account in the Unemployment Trust Fund.*

9 *OFFICE OF DISABILITY EMPLOYMENT POLICY*10 *SALARIES AND EXPENSES*11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For necessary expenses for the Office of Disability Em-*
13 *ployment Policy to provide leadership, develop policy and*
14 *initiatives, and award grants furthering the objective of*
15 *eliminating barriers to the training and employment of*
16 *people with disabilities, \$43,000,000, of which not less than*
17 *\$9,000,000 shall be for research and demonstration projects*
18 *related to testing effective ways to promote greater labor*
19 *force participation of people with disabilities: Provided,*
20 *That the Secretary may transfer amounts made available*
21 *under this heading for research and demonstration projects*
22 *to the “State Unemployment Insurance and Employment*
23 *Service Operations” account for such purposes.*

943

1 *DEPARTMENTAL MANAGEMENT*2 *SALARIES AND EXPENSES*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary expenses for Departmental Management,*
5 *including the hire of three passenger motor vehicles,*
6 *\$391,889,000, together with not to exceed \$308,000, which*
7 *may be expended from the Employment Security Adminis-*
8 *tration account in the Unemployment Trust Fund: Pro-*
9 *vided, That \$81,725,000 for the Bureau of International*
10 *Labor Affairs shall be available for obligation through De-*
11 *cember 31, 2023: Provided further, That funds available to*
12 *the Bureau of International Labor Affairs may be used to*
13 *administer or operate international labor activities, bilat-*
14 *eral and multilateral technical assistance, and micro-*
15 *finance programs, by or through contracts, grants, sub-*
16 *grants and other arrangements: Provided further, That not*
17 *less than \$30,175,000 shall be for programs to combat ex-*
18 *ploitative child labor internationally and not less than*
19 *\$30,175,000 shall be used to implement model programs*
20 *that address worker rights issues through technical assist-*
21 *ance in countries with which the United States has free*
22 *trade agreements or trade preference programs: Provided*
23 *further, That \$8,281,000 shall be used for program evalua-*
24 *tion and shall be available for obligation through September*
25 *30, 2024: Provided further, That funds available for pro-*

1 *gram evaluation may be used to administer grants for the*
2 *purpose of evaluation: Provided further, That grants made*
3 *for the purpose of evaluation shall be awarded through fair*
4 *and open competition: Provided further, That funds avail-*
5 *able for program evaluation may be transferred to any*
6 *other appropriate account in the Department for such pur-*
7 *pose: Provided further, That the Committees on Appropria-*
8 *tions of the House of Representatives and the Senate are*
9 *notified at least 15 days in advance of any transfer: Pro-*
10 *vided further, That the funds available to the Women's Bu-*
11 *reau may be used for grants to serve and promote the inter-*
12 *ests of women in the workforce: Provided further, That of*
13 *the amounts made available to the Women's Bureau, not*
14 *less than \$5,000,000 shall be used for grants authorized by*
15 *the Women in Apprenticeship and Nontraditional Occupa-*
16 *tions Act.*

17 *VETERANS' EMPLOYMENT AND TRAINING*

18 *Not to exceed \$269,841,000 may be derived from the*
19 *Employment Security Administration account in the Un-*
20 *employment Trust Fund to carry out the provisions of*
21 *chapters 41, 42, and 43 of title 38, United States Code, of*
22 *which—*

23 *(1) \$185,000,000 is for Jobs for Veterans State*
24 *grants under 38 U.S.C. 4102A(b)(5) to support dis-*
25 *abled veterans' outreach program specialists under*

1 *section 4103A of such title and local veterans' employ-*
2 *ment representatives under section 4104(b) of such*
3 *title, and for the expenses described in section*
4 *4102A(b)(5)(C), which shall be available for expendi-*
5 *ture by the States through September 30, 2025, and*
6 *not to exceed 3 percent for the necessary Federal ex-*
7 *penditures for data systems and contract support to*
8 *allow for the tracking of participant and performance*
9 *information: Provided, That, in addition, such funds*
10 *may be used to support such specialists and rep-*
11 *resentatives in the provision of services to*
12 *transitioning members of the Armed Forces who have*
13 *participated in the Transition Assistance Program*
14 *and have been identified as in need of intensive serv-*
15 *ices, to members of the Armed Forces who are wound-*
16 *ed, ill, or injured and receiving treatment in military*
17 *treatment facilities or warrior transition units, and*
18 *to the spouses or other family caregivers of such*
19 *wounded, ill, or injured members;*

20 *(2) \$34,379,000 is for carrying out the Transi-*
21 *tion Assistance Program under 38 U.S.C. 4113 and*
22 *10 U.S.C. 1144;*

23 *(3) \$47,048,000 is for Federal administration of*
24 *chapters 41, 42, and 43 of title 38, and sections 2021,*
25 *2021A and 2023 of title 38, United States Code: Pro-*

1 *vided, That, up to \$500,000 may be used to carry out*
2 *the Hire VETS Act (division O of Public Law 115–*
3 *31); and*

4 *(4) \$3,414,000 is for the National Veterans’ Em-*
5 *ployment and Training Services Institute under 38*
6 *U.S.C. 4109:*

7 *Provided, That the Secretary may reallocate among the ap-*
8 *propriations provided under paragraphs (1) through (4)*
9 *above an amount not to exceed 3 percent of the appropria-*
10 *tion from which such reallocation is made.*

11 *In addition, from the General Fund of the Treasury,*
12 *\$65,500,000 is for carrying out programs to assist homeless*
13 *veterans and veterans at risk of homelessness who are*
14 *transitioning from certain institutions under sections 2021,*
15 *2021A, and 2023 of title 38, United States Code: Provided,*
16 *That notwithstanding subsections (c)(3) and (d) of section*
17 *2023, the Secretary may award grants through September*
18 *30, 2023, to provide services under such section: Provided*
19 *further, That services provided under sections 2021 or*
20 *under 2021A may include, in addition to services to home-*
21 *less veterans described in section 2002(a)(1), services to vet-*
22 *erans who were homeless at some point within the 60 days*
23 *prior to program entry or veterans who are at risk of home-*
24 *lessness within the next 60 days, and that services provided*
25 *under section 2023 may include, in addition to services to*

1 *the individuals described in subsection (e) of such section,*
2 *services to veterans recently released from incarceration who*
3 *are at risk of homelessness: Provided further, That notwith-*
4 *standing paragraph (3) under this heading, funds appro-*
5 *priated in this paragraph may be used for data systems*
6 *and contract support to allow for the tracking of partici-*
7 *pant and performance information: Provided further, That*
8 *notwithstanding sections 2021(e)(2) and 2021A(f)(2) of title*
9 *38, United States Code, such funds shall be available for*
10 *expenditure pursuant to 31 U.S.C. 1553.*

11 *In addition, fees may be assessed and deposited in the*
12 *HIRE Vets Medallion Award Fund pursuant to section 5(b)*
13 *of the HIRE Vets Act, and such amounts shall be available*
14 *to the Secretary to carry out the HIRE Vets Medallion*
15 *Award Program, as authorized by such Act, and shall re-*
16 *main available until expended: Provided, That such sums*
17 *shall be in addition to any other funds available for such*
18 *purposes, including funds available under paragraph (3)*
19 *of this heading: Provided further, That section 2(d) of divi-*
20 *sion O of the Consolidated Appropriations Act, 2017 (Pub-*
21 *lic Law 115–31; 38 U.S.C. 4100 note) shall not apply.*

22 *IT MODERNIZATION*

23 *For necessary expenses for Department of Labor cen-*
24 *tralized infrastructure technology investment activities re-*

1 *lated to support systems and modernization, \$34,269,000,*
2 *which shall be available through September 30, 2024.*

3 *OFFICE OF INSPECTOR GENERAL*

4 *For salaries and expenses of the Office of Inspector*
5 *General in carrying out the provisions of the Inspector Gen-*
6 *eral Act of 1978, \$91,187,000, together with not to exceed*
7 *\$5,841,000 which may be expended from the Employment*
8 *Security Administration account in the Unemployment*
9 *Trust Fund: Provided, That not more than \$2,000,000 of*
10 *the amount provided under this heading may be available*
11 *until expended.*

12 *GENERAL PROVISIONS*

13 *SEC. 101. None of the funds appropriated by this Act*
14 *for the Job Corps shall be used to pay the salary and bo-*
15 *nuses of an individual, either as direct costs or any prora-*
16 *tion as an indirect cost, at a rate in excess of Executive*
17 *Level II.*

18 *(TRANSFER OF FUNDS)*

19 *SEC. 102. Not to exceed 1 percent of any discretionary*
20 *funds (pursuant to the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985) which are appropriated for the*
22 *current fiscal year for the Department of Labor in this Act*
23 *may be transferred between a program, project, or activity,*
24 *but no such program, project, or activity shall be increased*
25 *by more than 3 percent by any such transfer: Provided,*

1 *That the transfer authority granted by this section shall not*
2 *be used to create any new program or to fund any project*
3 *or activity for which no funds are provided in this Act:*
4 *Provided further, That the Committees on Appropriations*
5 *of the House of Representatives and the Senate are notified*
6 *at least 15 days in advance of any transfer.*

7 *SEC. 103. In accordance with Executive Order 13126,*
8 *none of the funds appropriated or otherwise made available*
9 *pursuant to this Act shall be obligated or expended for the*
10 *procurement of goods mined, produced, manufactured, or*
11 *harvested or services rendered, in whole or in part, by forced*
12 *or indentured child labor in industries and host countries*
13 *already identified by the United States Department of*
14 *Labor prior to enactment of this Act.*

15 *SEC. 104. Except as otherwise provided in this section,*
16 *none of the funds made available to the Department of*
17 *Labor for grants under section 414(c) of the American Com-*
18 *petitiveness and Workforce Improvement Act of 1998 (29*
19 *U.S.C. 2916a) may be used for any purpose other than com-*
20 *petitive grants for training individuals who are older than*
21 *16 years of age and are not currently enrolled in school*
22 *within a local educational agency in the occupations and*
23 *industries for which employers are using H-1B visas to*
24 *hire foreign workers, and the related activities necessary to*
25 *support such training.*

SEC. 105. None of the funds made available by this Act under the heading “Employment and Training Administration” shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

17 (TRANSFER OF FUNDS)

18 *SEC. 106. (a) Notwithstanding section 102, the Sec-*
19 *retary may transfer funds made available to the Employ-*
20 *ment and Training Administration by this Act, either di-*
21 *rectly or through a set-aside, for technical assistance serv-*
22 *ices to grantees to “Program Administration” when it is*
23 *determined that those services will be more efficiently per-*
24 *formed by Federal employees: Provided, That this section*
25 *shall not apply to section 171 of the WIOA.*

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary appropriation made available to the Employment and Training Administration by this Act to “Program Administration” in order to carry out program integrity activities relating to any of the programs or activities that are funded under any such discretionary appropriations: Provided, That notwithstanding section 102 and the preceding proviso, the Secretary may transfer not more than 0.5 percent of funds made available in paragraphs (1) and (2) of the “Office of Job Corps” account to paragraph (3) of such account to carry out program integrity activities related to the Job Corps program: Provided further, That funds transferred under this subsection shall be available to the Secretary to carry out program integrity activities directly or through grants, cooperative agreements, contracts and other arrangements with States and other appropriate entities: Provided further, That funds transferred under the authority provided by this subsection shall be available for obligation through September 30, 2024.

21 *(TRANSFER OF FUNDS)*

22 *SEC. 107. (a) The Secretary may reserve not more*
23 *than 0.75 percent from each appropriation made available*
24 *in this Act identified in subsection (b) in order to carry*
25 *out evaluations of any of the programs or activities that*

952

1 *are funded under such accounts. Any funds reserved under*
2 *this section shall be transferred to “Departmental Manage-*
3 *ment” for use by the Office of the Chief Evaluation Officer*
4 *within the Department of Labor, and shall be available for*
5 *obligation through September 30, 2024: Provided, That such*
6 *funds shall only be available if the Chief Evaluation Officer*
7 *of the Department of Labor submits a plan to the Commit-*
8 *tees on Appropriations of the House of Representatives and*
9 *the Senate describing the evaluations to be carried out 15*
10 *days in advance of any transfer.*

11 *(b) The accounts referred to in subsection (a) are:*
12 *“Training and Employment Services”, “Job Corps”, “Com-*
13 *munity Service Employment for Older Americans”, “State*
14 *Unemployment Insurance and Employment Service Oper-*
15 *ations”, “Employee Benefits Security Administration”,*
16 *“Office of Workers’ Compensation Programs”, “Wage and*
17 *Hour Division”, “Office of Federal Contract Compliance*
18 *Programs”, “Office of Labor Management Standards”, “Oc-*
19 *cupational Safety and Health Administration”, “Mine*
20 *Safety and Health Administration”, “Office of Disability*
21 *Employment Policy”, funding made available to the “Bu-*
22 *reau of International Labor Affairs” and “Women’s Bu-*
23 *reau” within the “Departmental Management, Salaries and*
24 *Expenses” account, and “Veterans’ Employment and*
25 *Training”.*

1 *SEC. 108. (a) Section 7 of the Fair Labor Standards*
2 *Act of 1938 (29 U.S.C. 207) shall be applied as if the fol-*
3 *lowing text is part of such section:*

4 *“(s)(1) The provisions of this section shall not apply*
5 *for a period of 2 years after the occurrence of a major dis-*
6 *aster to any employee—*

7 *“(A) employed to adjust or evaluate claims re-*
8 *sulting from or relating to such major disaster, by an*
9 *employer not engaged, directly or through an affiliate,*
10 *in underwriting, selling, or marketing property, cas-*
11 *ualty, or liability insurance policies or contracts;*

12 *“(B) who receives from such employer on average*
13 *weekly compensation of not less than \$591.00 per*
14 *week or any minimum weekly amount established by*
15 *the Secretary, whichever is greater, for the number of*
16 *weeks such employee is engaged in any of the activi-*
17 *ties described in subparagraph (C); and*

18 *“(C) whose duties include any of the following:*

19 *“(i) interviewing insured individuals, indi-*
20 *viduals who suffered injuries or other damages or*
21 *losses arising from or relating to a disaster, wit-*
22 *nesses, or physicians;*

23 *“(ii) inspecting property damage or review-*
24 *ing factual information to prepare damage esti-*
25 *mates;*

1 “(iii) evaluating and making recommenda-
2 tions regarding coverage or compensability of
3 claims or determining liability or value aspects
4 of claims;

5 “(iv) negotiating settlements; or

6 “(v) making recommendations regarding
7 litigation.

8 “(2) The exemption in this subsection shall not affect
9 the exemption provided by section 13(a)(1).

10 “(3) For purposes of this subsection—

11 “(A) the term ‘major disaster’ means any dis-
12 aster or catastrophe declared or designated by any
13 State or Federal agency or department;

14 “(B) the term ‘employee employed to adjust or
15 evaluate claims resulting from or relating to such
16 major disaster’ means an individual who timely se-
17 cured or secures a license required by applicable law
18 to engage in and perform the activities described in
19 clauses (i) through (v) of paragraph (1)(C) relating to
20 a major disaster, and is employed by an employer
21 that maintains worker compensation insurance cov-
22 erage or protection for its employees, if required by
23 applicable law, and withholds applicable Federal,
24 State, and local income and payroll taxes from the

1 *wages, salaries and any benefits of such employees;*
2 *and*

3 *“(C) the term ‘affiliate’ means a company that,*
4 *by reason of ownership or control of 25 percent or*
5 *more of the outstanding shares of any class of voting*
6 *securities of one or more companies, directly or indi-*
7 *rectly, controls, is controlled by, or is under common*
8 *control with, another company.”.*

9 *(b) This section shall be effective on the date of enact-*
10 *ment of this Act.*

11 *SEC. 109. (a) FLEXIBILITY WITH RESPECT TO THE*
12 *CROSSING OF H-2B NONIMMIGRANTS WORKING IN THE*
13 *SEAFOOD INDUSTRY.—*

14 *(1) IN GENERAL.—Subject to paragraph (2), if a*
15 *petition for H-2B nonimmigrants filed by an em-*
16 *ployer in the seafood industry is granted, the em-*
17 *ployer may bring the nonimmigrants described in the*
18 *petition into the United States at any time during*
19 *the 120-day period beginning on the start date for*
20 *which the employer is seeking the services of the non-*
21 *immigrants without filing another petition.*

22 *(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH*
23 *DAY.—An employer in the seafood industry may not*
24 *bring H-2B nonimmigrants into the United States*
25 *after the date that is 90 days after the start date for*

1 *which the employer is seeking the services of the non-*
2 *immigrants unless the employer—*

3 *(A) completes a new assessment of the local*
4 *labor market by—*

5 *(i) listing job orders in local news-*
6 *papers on 2 separate Sundays; and*

7 *(ii) posting the job opportunity on the*
8 *appropriate Department of Labor Elec-*
9 *tronic Job Registry and at the employer's*
10 *place of employment; and*

11 *(B) offers the job to an equally or better*
12 *qualified United States worker who—*

13 *(i) applies for the job; and*

14 *(ii) will be available at the time and*
15 *place of need.*

16 (3) *EXEMPTION FROM RULES WITH RESPECT TO*
17 *STAGGERING.—The Secretary of Labor shall not con-*
18 *sider an employer in the seafood industry who brings*
19 *H–2B nonimmigrants into the United States during*
20 *the 120-day period specified in paragraph (1) to be*
21 *staggering the date of need in violation of section*
22 *655.20(d) of title 20, Code of Federal Regulations, or*
23 *any other applicable provision of law.*

24 (b) *H–2B NONIMMIGRANTS DEFINED.—In this section,*
25 *the term “H–2B nonimmigrants” means aliens admitted*

1 to the United States pursuant to section
2 101(a)(15)(H)(ii)(B) of the Immigration and Nationality
3 Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

4 *SEC. 110. The determination of prevailing wage for*
5 *the purposes of the H–2B program shall be the greater of—*
6 *(1) the actual wage level paid by the employer to other em-*
7 *ployees with similar experience and qualifications for such*
8 *position in the same location; or (2) the prevailing wage*
9 *level for the occupational classification of the position in*
10 *the geographic area in which the H–2B nonimmigrant will*
11 *be employed, based on the best information available at the*
12 *time of filing the petition. In the determination of pre-*
13 *vailing wage for the purposes of the H–2B program, the*
14 *Secretary shall accept private wage surveys even in in-*
15 *stances where Occupational Employment Statistics survey*
16 *data are available unless the Secretary determines that the*
17 *methodology and data in the provided survey are not statis-*
18 *tically supported.*

19 *SEC. 111. None of the funds in this Act shall be used*
20 *to enforce the definition of corresponding employment found*
21 *in 20 CFR 655.5 or the three-fourths guarantee rule defini-*
22 *tion found in 20 CFR 655.20, or any references thereto.*
23 *Further, for the purpose of regulating admission of tem-*
24 *porary workers under the H–2B program, the definition of*

1 *temporary need shall be that provided in 8 CFR*
2 *214.2(h)(6)(ii)(B).*

3 *SEC. 112. Notwithstanding any other provision of law,*
4 *the Secretary may furnish through grants, cooperative*
5 *agreements, contracts, and other arrangements, up to*
6 *\$2,000,000 of excess personal property, at a value deter-*
7 *mined by the Secretary, to apprenticeship programs for the*
8 *purpose of training apprentices in those programs.*

9 *SEC. 113. (a) The Act entitled “An Act to create a*
10 *Department of Labor”, approved March 4, 1913 (37 Stat.*
11 *736, chapter 141) shall be applied as if the following text*
12 *is part of such Act:*

13 **“SEC. 12. SECURITY DETAIL.**

14 *“(a) IN GENERAL.—The Secretary of Labor is author-*
15 *ized to employ law enforcement officers or special agents*
16 *to—*

17 *“(1) provide protection for the Secretary of*
18 *Labor during the workday of the Secretary and dur-*
19 *ing any activity that is preliminary or postliminary*
20 *to the performance of official duties by the Secretary;*

21 *“(2) provide protection, incidental to the protec-*
22 *tion provided to the Secretary, to a member of the im-*
23 *mediate family of the Secretary who is participating*
24 *in an activity or event relating to the official duties*
25 *of the Secretary;*

1 “(3) provide continuous protection to the Sec-
2 retary (including during periods not described in
3 paragraph (1)) and to the members of the immediate
4 family of the Secretary if there is a unique and
5 articulable threat of physical harm, in accordance
6 with guidelines established by the Secretary; and

7 “(4) provide protection to the Deputy Secretary
8 of Labor or another senior officer representing the
9 Secretary of Labor at a public event if there is a
10 unique and articulable threat of physical harm, in
11 accordance with guidelines established by the Sec-
12 retary.

13 “(b) *AUTHORITIES.*—The Secretary of Labor may au-
14 thorize a law enforcement officer or special agent employed
15 under subsection (a), for the purpose of performing the du-
16 ties authorized under subsection (a), to—

17 “(1) carry firearms;

18 “(2) make arrests without a warrant for any of-
19 fense against the United States committed in the
20 presence of such officer or special agent;

21 “(3) perform protective intelligence work, includ-
22 ing identifying and mitigating potential threats and
23 conducting advance work to review security matters
24 relating to sites and events;

1 “(4) coordinate with local law enforcement agen-
2 cies; and

3 “(5) initiate criminal and other investigations
4 into potential threats to the security of the Secretary,
5 in coordination with the Inspector General of the De-
6 partment of Labor.

7 “(c) COMPLIANCE WITH GUIDELINES.—A law enforce-
8 ment officer or special agent employed under subsection (a)
9 shall exercise any authority provided under this section in
10 accordance with any—

11 “(1) guidelines issued by the Attorney General;
12 and

13 “(2) guidelines prescribed by the Secretary of
14 Labor.”.

15 (b) This section shall be effective on the date of enact-
16 ment of this Act.

17 SEC. 114. The Secretary is authorized to dispose of or
18 divest, by any means the Secretary determines appropriate,
19 including an agreement or partnership to construct a new
20 Job Corps center, all or a portion of the real property on
21 which the Treasure Island Job Corps Center is situated.
22 Any sale or other disposition, to include any associated con-
23 struction project, will not be subject to any requirement of
24 any Federal law or regulation relating to the disposition
25 of Federal real property or relating to Federal procurement,

1 *including but not limited to subchapter III of chapter 5*
2 *of title 40 of the United States Code, subchapter V of chap-*
3 *ter 119 of title 42 of the United States Code, and chapter*
4 *33 of division C of subtitle I of title 41 of the United States*
5 *Code. The net proceeds of such a sale shall be transferred*
6 *to the Secretary, which shall be available until expended*
7 *to carry out the Job Corps Program on Treasure Island.*

8 *SEC. 115. None of the funds made available by this*
9 *Act may be used to—*

10 *(1) alter or terminate the Interagency Agreement*
11 *between the United States Department of Labor and*
12 *the United States Department of Agriculture; or*

13 *(2) close any of the Civilian Conservation Cen-*
14 *ters, except if such closure is necessary to prevent the*
15 *endangerment of the health and safety of the students,*
16 *the capacity of the program is retained, and the re-*
17 *quirements of section 159(j) of the WIOA are met.*

18 *(RESCISSION)*

19 *SEC. 116. Of the unobligated funds available under*
20 *section 286(s)(2) of the Immigration and Nationality Act*
21 *(8 U.S.C. 1356(s)(2)), \$142,000,000 are hereby perma-*
22 *nently rescinded not later than September 30, 2023.*

23 *This title may be cited as the “Department of Labor*
24 *Appropriations Act, 2023”.*

962

1 *TITLE II*
2 *DEPARTMENT OF HEALTH AND HUMAN*
3 *SERVICES*

4 *HEALTH RESOURCES AND SERVICES ADMINISTRATION*
5 *PRIMARY HEALTH CARE*

6 *For carrying out titles II and III of the Public Health*
7 *Service Act (referred to in this Act as the “PHS Act”) with*
8 *respect to primary health care and the Native Hawaiian*
9 *Health Care Act of 1988, \$1,858,772,000: Provided, That*
10 *no more than \$1,000,000 shall be available until expended*
11 *for carrying out the provisions of section 224(o) of the PHS*
12 *Act: Provided further, That no more than \$120,000,000*
13 *shall be available until expended for carrying out sub-*
14 *sections (g) through (n) and (q) of section 224 of the PHS*
15 *Act, and for expenses incurred by the Department of Health*
16 *and Human Services (referred to in this Act as “HHS”)*
17 *pertaining to administrative claims made under such law.*

18 *HEALTH WORKFORCE*

19 *For carrying out titles III, VII, and VIII of the PHS*
20 *Act with respect to the health workforce, sections 1128E and*
21 *1921 of the Social Security Act, and the Health Care Qual-*
22 *ity Improvement Act of 1986, \$1,390,376,000: Provided,*
23 *That section 751(j)(2) of the PHS Act and the proportional*
24 *funding amounts in paragraphs (1) through (4) of section*
25 *756(f) of the PHS Act shall not apply to funds made avail-*

1 *able under this heading: Provided further, That for any pro-*
2 *gram operating under section 751 of the PHS Act on or*
3 *before January 1, 2009, the Secretary of Health and*
4 *Human Services (referred to in this title as the “Sec-*
5 *retary”) may hereafter waive any of the requirements con-*
6 *tained in sections 751(d)(2)(A) and 751(d)(2)(B) of such*
7 *Act for the full project period of a grant under such section:*
8 *Provided further, That section 756(c) of the PHS Act shall*
9 *apply to paragraphs (1) through (4) of section 756(a) of*
10 *such Act: Provided further, That no funds shall be available*
11 *for section 340G–1 of the PHS Act: Provided further, That*
12 *fees collected for the disclosure of information under section*
13 *427(b) of the Health Care Quality Improvement Act of 1986*
14 *and sections 1128E(d)(2) and 1921 of the Social Security*
15 *Act shall be sufficient to recover the full costs of operating*
16 *the programs authorized by such sections and shall remain*
17 *available until expended for the National Practitioner Data*
18 *Bank: Provided further, That funds transferred to this ac-*
19 *count to carry out section 846 and subpart 3 of part D*
20 *of title III of the PHS Act may be used to make prior year*
21 *adjustments to awards made under such section and sub-*
22 *part: Provided further, That \$125,600,000 shall remain*
23 *available until expended for the purposes of providing pri-*
24 *mary health services, assigning National Health Service*
25 *Corps (“NHSC”) participants to expand the delivery of*

1 *substance use disorder treatment services, notwithstanding*
2 *the assignment priorities and limitations under sections*
3 *333(a)(1)(D), 333(b), and 333A(a)(1)(B)(ii) of the PHS*
4 *Act, and making payments under the NHSC Loan Repay-*
5 *ment Program under section 338B of such Act: Provided*
6 *further, That, within the amount made available in the pre-*
7 *vious proviso, \$15,600,000 shall remain available until ex-*
8 *pended for the purposes of making payments under the*
9 *NHSC Loan Repayment Program under section 338B of*
10 *the PHS Act to individuals participating in such program*
11 *who provide primary health services in Indian Health*
12 *Service facilities, Tribally-Operated 638 Health Programs,*
13 *and Urban Indian Health Programs (as those terms are*
14 *defined by the Secretary), notwithstanding the assignment*
15 *priorities and limitations under section 333(b) of such Act:*
16 *Provided further, That for purposes of the previous two pro-*
17 *visos, section 331(a)(3)(D) of the PHS Act shall be applied*
18 *as if the term “primary health services” includes clinical*
19 *substance use disorder treatment services, including those*
20 *provided by masters level, licensed substance use disorder*
21 *treatment counselors: Provided further, That of the funds*
22 *made available under this heading, \$6,000,000 shall be*
23 *available to make grants to establish, expand, or maintain*
24 *optional community-based nurse practitioner fellowship*
25 *programs that are accredited or in the accreditation proc-*

965

1 *ess, with a preference for those in Federally Qualified*
2 *Health Centers, for practicing postgraduate nurse practi-*
3 *tioners in primary care or behavioral health: Provided fur-*
4 *ther, That of the funds made available under this heading,*
5 *\$10,000,000 shall remain available until expended for ac-*
6 *tivities under section 775 of the PHS Act: Provided further,*
7 *That the United States may recover liquidated damages in*
8 *an amount determined by the formula under section*
9 *338E(c)(1) of the PHS Act if an individual either fails to*
10 *begin or complete the service obligated by a contract under*
11 *section 775(b) of the PHS Act: Provided further, That for*
12 *purposes of section 775(c)(1) of the PHS Act, the Secretary*
13 *may include other mental and behavioral health disciplines*
14 *as the Secretary deems appropriate: Provided further, That*
15 *the Secretary may terminate a contract entered into under*
16 *section 775 of the PHS Act in the same manner articulated*
17 *in section 206 of this title for fiscal year 2023 contracts*
18 *entered into under section 338B of the PHS Act.*

19 *Of the funds made available under this heading,*
20 *\$60,000,000 shall remain available until expended for*
21 *grants to public institutions of higher education to expand*
22 *or support graduate education for physicians provided by*
23 *such institutions, including funding for infrastructure de-*
24 *velopment, maintenance, equipment, and minor renova-*
25 *tions or alterations: Provided, That, in awarding such*

1 *grants, the Secretary shall give priority to public institu-*
2 *tions of higher education located in States with a projected*
3 *primary care provider shortage in 2025, as determined by*
4 *the Secretary: Provided further, That grants so awarded are*
5 *limited to such public institutions of higher education in*
6 *States in the top quintile of States with a projected primary*
7 *care provider shortage in 2025, as determined by the Sec-*
8 *retary: Provided further, That the minimum amount of a*
9 *grant so awarded to such an institution shall be not less*
10 *than \$1,000,000 per year: Provided further, That such a*
11 *grant may be awarded for a period not to exceed 5 years:*
12 *Provided further, That such a grant awarded with respect*
13 *to a year to such an institution shall be subject to a match-*
14 *ing requirement of non-Federal funds in an amount that*
15 *is not less than 10 percent of the total amount of Federal*
16 *funds provided in the grant to such institution with respect*
17 *to such year.*

18 *MATERNAL AND CHILD HEALTH*

19 *For carrying out titles III, XI, XII, and XIX of the*
20 *PHS Act with respect to maternal and child health and*
21 *title V of the Social Security Act, \$1,171,430,000: Provided,*
22 *That notwithstanding sections 502(a)(1) and 502(b)(1) of*
23 *the Social Security Act, not more than \$219,116,000 shall*
24 *be available for carrying out special projects of regional and*
25 *national significance pursuant to section 501(a)(2) of such*

1 *Act and \$10,276,000 shall be available for projects described*
2 *in subparagraphs (A) through (F) of section 501(a)(3) of*
3 *such Act.*

4 *RYAN WHITE HIV/AIDS PROGRAM*

5 *For carrying out title XXVI of the PHS Act with re-*
6 *spect to the Ryan White HIV/AIDS program,*
7 *\$2,571,041,000, of which \$2,045,630,000 shall remain*
8 *available to the Secretary through September 30, 2025, for*
9 *parts A and B of title XXVI of the PHS Act, and of which*
10 *not less than \$900,313,000 shall be for State AIDS Drug*
11 *Assistance Programs under the authority of section 2616*
12 *or 311(c) of such Act; and of which \$165,000,000, to remain*
13 *available until expended, shall be available to the Secretary*
14 *for carrying out a program of grants and contracts under*
15 *title XXVI or section 311(c) of such Act focused on ending*
16 *the nationwide HIV/AIDS epidemic, with any grants*
17 *issued under such section 311(c) administered in conjunc-*
18 *tion with title XXVI of the PHS Act, including the limita-*
19 *tion on administrative expenses.*

20 *HEALTH SYSTEMS*

21 *For carrying out titles III and XII of the PHS Act*
22 *with respect to health care systems, and the Stem Cell*
23 *Therapeutic and Research Act of 2005, \$99,009,000, of*
24 *which \$122,000 shall be available until expended for facili-*

1 *ties-related expenses of the National Hansen's Disease Pro-*
2 *gram.*

3 *RURAL HEALTH*

4 *For carrying out titles III and IV of the PHS Act with*
5 *respect to rural health, section 427(a) of the Federal Coal*
6 *Mine Health and Safety Act of 1969, and sections 711 and*
7 *1820 of the Social Security Act, \$352,407,000, of which*
8 *\$64,277,000 from general revenues, notwithstanding section*
9 *1820(j) of the Social Security Act, shall be available for*
10 *carrying out the Medicare rural hospital flexibility grants*
11 *program: Provided, That of the funds made available under*
12 *this heading for Medicare rural hospital flexibility grants,*
13 *\$20,942,000 shall be available for the Small Rural Hospital*
14 *Improvement Grant Program for quality improvement and*
15 *adoption of health information technology, no less than*
16 *\$5,000,000 shall be available to award grants to public or*
17 *non-profit private entities for the Rural Emergency Hos-*
18 *pital Technical Assistance Program, and up to \$1,000,000*
19 *shall be to carry out section 1820(g)(6) of the Social Secu-*
20 *rity Act, with funds provided for grants under section*
21 *1820(g)(6) available for the purchase and implementation*
22 *of telehealth services and other efforts to improve health care*
23 *coordination for rural veterans between rural providers and*
24 *the Department of Veterans Affairs: Provided further, That*
25 *notwithstanding section 338J(k) of the PHS Act,*

1 \$12,500,000 shall be available for State Offices of Rural
2 Health: Provided further, That \$12,500,000 shall remain
3 available through September 30, 2025, to support the Rural
4 Residency Development Program: Provided further, That
5 \$145,000,000 shall be for the Rural Communities Opioids
6 Response Program.

7 *FAMILY PLANNING*

8 *For carrying out the program under title X of the PHS*
9 *Act to provide for voluntary family planning projects,*
10 *\$286,479,000: Provided, That amounts provided to said*
11 *projects under such title shall not be expended for abortions,*
12 *that all pregnancy counseling shall be nondirective, and*
13 *that such amounts shall not be expended for any activity*
14 *(including the publication or distribution of literature) that*
15 *in any way tends to promote public support or opposition*
16 *to any legislative proposal or candidate for public office.*

17 *HRSA-WIDE ACTIVITIES AND PROGRAM SUPPORT*

18 *For carrying out title III of the Public Health Service*
19 *Act and for cross-cutting activities and program support*
20 *for activities funded in other appropriations included in*
21 *this Act for the Health Resources and Services Administra-*
22 *tion, \$1,735,769,000, of which \$38,050,000 shall be for ex-*
23 *penses necessary for the Office for the Advancement of Tele-*
24 *health, including grants, contracts, and cooperative agree-*
25 *ments for the advancement of telehealth activities: Provided,*

970

1 *That funds made available under this heading may be used*
2 *to supplement program support funding provided under the*
3 *headings “Primary Health Care”, “Health Workforce”,*
4 *“Maternal and Child Health”, “Ryan White HIV/AIDS*
5 *Program”, “Health Systems”, and “Rural Health”: Pro-*
6 *vided further, That of the amount made available under this*
7 *heading, \$1,521,681,000 shall be used for the projects fi-*
8 *ancing the construction and renovation (including equip-*
9 *ment) of health care and other facilities, and for the projects*
10 *financing one-time grants that support health-related ac-*
11 *tivities, including training and information technology,*
12 *and in the amounts specified in the table titled “Commu-*
13 *nity Project Funding/Congressionally Directed Spending”*
14 *included for this division in the explanatory statement de-*
15 *scribed in section 4 (in the matter preceding division A of*
16 *this consolidated Act): Provided further, That none of the*
17 *funds made available for projects described in the preceding*
18 *proviso shall be subject to section 241 of the PHS Act or*
19 *section 205 of this Act.*

20 *VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

21 *For payments from the Vaccine Injury Compensation*
22 *Program Trust Fund (the “Trust Fund”), such sums as*
23 *may be necessary for claims associated with vaccine-related*
24 *injury or death with respect to vaccines administered after*
25 *September 30, 1988, pursuant to subtitle 2 of title XXI of*

971

1 *the PHS Act, to remain available until expended: Provided,*
2 *That for necessary administrative expenses, not to exceed*
3 *\$15,200,000 shall be available from the Trust Fund to the*
4 *Secretary.*

5 *COVERED COUNTERMEASURES PROCESS FUND*

6 *For carrying out section 319F–4 of the PHS Act,*
7 *\$7,000,000, to remain available until expended.*

8 *CENTERS FOR DISEASE CONTROL AND PREVENTION*9 *IMMUNIZATION AND RESPIRATORY DISEASES*

10 *For carrying out titles II, III, XVII, and XXI, and*
11 *section 2821 of the PHS Act, titles II and IV of the Immi-*
12 *gration and Nationality Act, and section 501 of the Refugee*
13 *Education Assistance Act, with respect to immunization*
14 *and respiratory diseases, \$499,941,000.*

15 *HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED*16 *DISEASES, AND TUBERCULOSIS PREVENTION*

17 *For carrying out titles II, III, XVII, and XXIII of the*
18 *PHS Act with respect to HIV/AIDS, viral hepatitis, sexu-*
19 *ally transmitted diseases, and tuberculosis prevention,*
20 *\$1,391,056,000.*

21 *EMERGING AND ZOOONOTIC INFECTIOUS DISEASES*

22 *For carrying out titles II, III, and XVII, and section*
23 *2821 of the PHS Act, titles II and IV of the Immigration*
24 *and Nationality Act, and section 501 of the Refugee Edu-*
25 *cation Assistance Act, with respect to emerging and zoonotic*

972

1 *infectious diseases, \$698,772,000: Provided, That of the*
2 *amounts made available under this heading, up to*
3 *\$1,000,000 shall remain available until expended to pay for*
4 *the transportation, medical care, treatment, and other re-*
5 *lated costs of persons quarantined or isolated under Federal*
6 *or State quarantine law.*

7 *CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION*

8 *For carrying out titles II, III, XI, XV, XVII, and XIX*
9 *of the PHS Act with respect to chronic disease prevention*
10 *and health promotion, \$1,175,464,000: Provided, That*
11 *funds made available under this heading may be available*
12 *for making grants under section 1509 of the PHS Act for*
13 *not less than 21 States, tribes, or tribal organizations: Pro-*
14 *vided further, That of the funds made available under this*
15 *heading, \$16,500,000 shall be available to continue and ex-*
16 *pand community specific extension and outreach programs*
17 *to combat obesity in counties with the highest levels of obe-*
18 *sity: Provided further, That the proportional funding re-*
19 *quirements under section 1503(a) of the PHS Act shall not*
20 *apply to funds made available under this heading.*

21 *BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES,*22 *DISABILITIES AND HEALTH*

23 *For carrying out titles II, III, XI, and XVII of the*
24 *PHS Act with respect to birth defects, developmental dis-*
25 *abilities, disabilities and health, \$205,560,000.*

973

1 *PUBLIC HEALTH SCIENTIFIC SERVICES*

2 *For carrying out titles II, III, and XVII of the PHS*
3 *Act with respect to health statistics, surveillance, health*
4 *informatics, and workforce development, \$754,497,000.*

5 *ENVIRONMENTAL HEALTH*

6 *For carrying out titles II, III, and XVII of the PHS*
7 *Act with respect to environmental health, \$229,850,000:*
8 *Provided, That of the amounts appropriated under this*
9 *heading up to \$4,000,000 may remain available until ex-*
10 *pendent for carrying out the Vessel Sanitation Program, in*
11 *addition to user fee collections available for such purpose:*
12 *Provided further, That the Committees on Appropriations*
13 *of the House of Representatives and the Senate are notified*
14 *at least 15 days in advance of any use of funds pursuant*
15 *to the preceding proviso.*

16 *INJURY PREVENTION AND CONTROL*

17 *For carrying out titles II, III, and XVII of the PHS*
18 *Act with respect to injury prevention and control,*
19 *\$761,379,000.*

20 *NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND*21 *HEALTH*

22 *For carrying out titles II, III, and XVII of the PHS*
23 *Act, sections 101, 102, 103, 201, 202, 203, 301, and 501*
24 *of the Federal Mine Safety and Health Act, section 13 of*
25 *the Mine Improvement and New Emergency Response Act,*

1 *and sections 20, 21, and 22 of the Occupational Safety and*
2 *Health Act, with respect to occupational safety and health,*
3 *\$362,800,000.*

4 *ENERGY EMPLOYEES OCCUPATIONAL ILLNESS*

5 *COMPENSATION PROGRAM*

6 *For necessary expenses to administer the Energy Em-*
7 *ployees Occupational Illness Compensation Program Act,*
8 *\$55,358,000, to remain available until expended: Provided,*
9 *That this amount shall be available consistent with the pro-*
10 *vision regarding administrative expenses in section 151(b)*
11 *of division B, title I of Public Law 106–554.*

12 *GLOBAL HEALTH*

13 *For carrying out titles II, III, and XVII of the PHS*
14 *Act with respect to global health, \$692,843,000, of which:*
15 *(1) \$128,921,000 shall remain available through September*
16 *30, 2024 for international HIV/AIDS; and (2)*
17 *\$293,200,000 shall remain available through September 30,*
18 *2025 for global public health protection: Provided, That*
19 *funds may be used for purchase and insurance of official*
20 *motor vehicles in foreign countries.*

21 *PUBLIC HEALTH PREPAREDNESS AND RESPONSE*

22 *For carrying out titles II, III, and XVII of the PHS*
23 *Act with respect to public health preparedness and response,*
24 *and for expenses necessary to support activities related to*
25 *countering potential biological, nuclear, radiological, and*

975

1 *chemical threats to civilian populations, \$883,200,000: Pro-*
2 *vided, That the Director of the Centers for Disease Control*
3 *and Prevention (referred to in this title as “CDC”) or the*
4 *Administrator of the Agency for Toxic Substances and Dis-*
5 *ease Registry may detail staff without reimbursement to*
6 *support an activation of the CDC Emergency Operations*
7 *Center, so long as the Director or Administrator, as appli-*
8 *cable, provides a notice to the Committees on Appropria-*
9 *tions of the House of Representatives and the Senate within*
10 *15 days of the use of this authority, a full report within*
11 *30 days after use of this authority which includes the num-*
12 *ber of staff and funding level broken down by the origi-*
13 *nating center and number of days detailed, and an update*
14 *of such report every 180 days until staff are no longer on*
15 *detail without reimbursement to the CDC Emergency Oper-*
16 *ations Center.*

17 *BUILDINGS AND FACILITIES*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For acquisition of real property, equipment, construc-*
20 *tion, installation, demolition, and renovation of facilities,*
21 *\$40,000,000, which shall remain available until September*
22 *30, 2027: Provided, That funds made available to this ac-*
23 *count in this or any prior Act that are available for the*
24 *acquisition of real property or for construction or improve-*
25 *ment of facilities shall be available to make improvements*

1 *on non-federally owned property, provided that any im-*
2 *provements that are not adjacent to federally owned prop-*
3 *erty do not exceed \$2,500,000, and that the primary benefit*
4 *of such improvements accrues to CDC: Provided further,*
5 *That funds previously set-aside by CDC for repair and up-*
6 *grade of the Lake Lynn Experimental Mine and Laboratory*
7 *shall be used to acquire a replacement mine safety research*
8 *facility: Provided further, That funds made available to this*
9 *account in this or any prior Act that are available for the*
10 *acquisition of real property or for construction or improve-*
11 *ment of facilities in conjunction with the new replacement*
12 *mine safety research facility shall be available to make im-*
13 *provements on non-federally owned property, provided that*
14 *any improvements that are not adjacent to federally owned*
15 *property do not exceed \$5,000,000: Provided further, That*
16 *in addition, the prior year unobligated balance of any*
17 *amounts assigned to former employees in accounts of CDC*
18 *made available for Individual Learning Accounts shall be*
19 *credited to and merged with the amounts made available*
20 *under this heading to support the replacement of the mine*
21 *safety research facility.*

22 *CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT*
23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For carrying out titles II, III, XVII and XIX, and*
25 *section 2821 of the PHS Act and for cross-cutting activities*

1 *and program support for activities funded in other appro-*
2 *priations included in this Act for the Centers for Disease*
3 *Control and Prevention, \$563,570,000, of which: (1)*
4 *\$350,000,000 shall remain available through September 30,*
5 *2024, for public health infrastructure and capacity; and (2)*
6 *\$50,000,000 shall remain available through September 30,*
7 *2024 for forecasting epidemics and outbreak analytics: Pro-*
8 *vided, That paragraphs (1) through (3) of subsection (b)*
9 *of section 2821 of the PHS Act shall not apply to funds*
10 *appropriated under this heading and in all other accounts*
11 *of the CDC: Provided further, That of the amounts made*
12 *available under this heading, \$35,000,000, to remain avail-*
13 *able until expended, shall be available to the Director of*
14 *the CDC for deposit in the Infectious Diseases Rapid Re-*
15 *sponse Reserve Fund established by section 231 of division*
16 *B of Public Law 115–245: Provided further, That funds ap-*
17 *propriated under this heading may be used to support a*
18 *contract for the operation and maintenance of an aircraft*
19 *in direct support of activities throughout CDC to ensure*
20 *the agency is prepared to address public health prepared-*
21 *ness emergencies: Provided further, That employees of CDC*
22 *or the Public Health Service, both civilian and commis-*
23 *sioned officers, detailed to States, municipalities, or other*
24 *organizations under authority of section 214 of the PHS*
25 *Act, or in overseas assignments, shall be treated as non-*

1 *Federal employees for reporting purposes only and shall not*
2 *be included within any personnel ceiling applicable to the*
3 *Agency, Service, or HHS during the period of detail or as-*
4 *signment: Provided further, That CDC may use up to*
5 *\$10,000 from amounts appropriated to CDC in this Act for*
6 *official reception and representation expenses when specifi-*
7 *cally approved by the Director of CDC: Provided further,*
8 *That in addition, such sums as may be derived from au-*
9 *thorized user fees, which shall be credited to the appropria-*
10 *tion charged with the cost thereof: Provided further, That*
11 *with respect to the previous proviso, authorized user fees*
12 *from the Vessel Sanitation Program and the Respirator*
13 *Certification Program shall be available through September*
14 *30, 2024.*

15 *NATIONAL INSTITUTES OF HEALTH*

16 *NATIONAL CANCER INSTITUTE*

17 *For carrying out section 301 and title IV of the PHS*
18 *Act with respect to cancer, \$7,104,159,000, of which up to*
19 *\$30,000,000 may be used for facilities repairs and improve-*
20 *ments at the National Cancer Institute—Frederick Feder-*
21 *ally Funded Research and Development Center in Fred-*
22 *erick, Maryland.*

979

1 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

2 *For carrying out section 301 and title IV of the PHS*
3 *Act with respect to cardiovascular, lung, and blood diseases,*
4 *and blood and blood products, \$3,982,345,000.*

5 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
6 RESEARCH

7 *For carrying out section 301 and title IV of the PHS*
8 *Act with respect to dental and craniofacial diseases,*
9 *\$520,163,000.*

10 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
11 KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, \$2,300,721,000.

15 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND
16 STROKE

17 *For carrying out section 301 and title IV of the PHS*
18 *Act with respect to neurological disorders and stroke,*
19 *\$2,588,925,000.*

20 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
21 DISEASES

22 *For carrying out section 301 and title IV of the PHS*
23 *Act with respect to allergy and infectious diseases,*
24 *\$6,562,279,000.*

980

1 *NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES*

2 *For carrying out section 301 and title IV of the PHS*
3 *Act with respect to general medical sciences,*
4 *\$3,239,679,000, of which \$1,412,482,000 shall be from funds*
5 *available under section 241 of the PHS Act: Provided, That*
6 *not less than \$425,956,000 is provided for the Institutional*
7 *Development Awards program.*

8 *EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD*
9 *HEALTH AND HUMAN DEVELOPMENT*

10 *For carrying out section 301 and title IV of the PHS*
11 *Act with respect to child health and human development,*
12 *\$1,749,078,000.*

13 *NATIONAL EYE INSTITUTE*

14 *For carrying out section 301 and title IV of the PHS*
15 *Act with respect to eye diseases and visual disorders,*
16 *\$896,549,000.*

17 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*
18 *SCIENCES*

19 *For carrying out section 301 and title IV of the PHS*
20 *Act with respect to environmental health sciences,*
21 *\$913,979,000.*

22 *NATIONAL INSTITUTE ON AGING*

23 *For carrying out section 301 and title IV of the PHS*
24 *Act with respect to aging, \$4,407,623,000.*

981

1 *NATIONAL INSTITUTE OF ARTHRITIS AND*
2 *MUSCULOSKELETAL AND SKIN DISEASES*

3 *For carrying out section 301 and title IV of the PHS*
4 *Act with respect to arthritis and musculoskeletal and skin*
5 *diseases, \$685,465,000.*

6 *NATIONAL INSTITUTE ON DEAFNESS AND OTHER*
7 *COMMUNICATION DISORDERS*

8 *For carrying out section 301 and title IV of the PHS*
9 *Act with respect to deafness and other communication dis-*
10 *orders, \$534,333,000.*

11 *NATIONAL INSTITUTE OF NURSING RESEARCH*

12 *For carrying out section 301 and title IV of the PHS*
13 *Act with respect to nursing research, \$197,693,000.*

14 *NATIONAL INSTITUTE ON ALCOHOL ABUSE AND*
15 *ALCOHOLISM*

16 *For carrying out section 301 and title IV of the PHS*
17 *Act with respect to alcohol abuse and alcoholism,*
18 *\$595,318,000.*

19 *NATIONAL INSTITUTE ON DRUG ABUSE*

20 *For carrying out section 301 and title IV of the PHS*
21 *Act with respect to drug abuse, \$1,662,695,000.*

22 *NATIONAL INSTITUTE OF MENTAL HEALTH*

23 *For carrying out section 301 and title IV of the PHS*
24 *Act with respect to mental health, \$2,112,843,000.*

982

1 *NATIONAL HUMAN GENOME RESEARCH INSTITUTE*

2 *For carrying out section 301 and title IV of the PHS*

3 *Act with respect to human genome research, \$663,200,000.*

4 *NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND*

5 *BIOENGINEERING*

6 *For carrying out section 301 and title IV of the PHS*

7 *Act with respect to biomedical imaging and bioengineering*

8 *research, \$440,627,000.*

9 *NATIONAL CENTER FOR COMPLEMENTARY AND*

10 *INTEGRATIVE HEALTH*

11 *For carrying out section 301 and title IV of the PHS*

12 *Act with respect to complementary and integrative health,*

13 *\$170,384,000.*

14 *NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH*

15 *DISPARITIES*

16 *For carrying out section 301 and title IV of the PHS*

17 *Act with respect to minority health and health disparities*

18 *research, \$524,395,000.*

19 *JOHN E. FOGARTY INTERNATIONAL CENTER*

20 *For carrying out the activities of the John E. Fogarty*

21 *International Center (described in subpart 2 of part E of*

22 *title IV of the PHS Act), \$95,162,000.*

23 *NATIONAL LIBRARY OF MEDICINE*

24 *For carrying out section 301 and title IV of the PHS*

25 *Act with respect to health information communications,*

983

1 \$497,548,000: *Provided, That of the amounts available for*
2 *improvement of information systems, \$4,000,000 shall be*
3 *available until September 30, 2024: Provided further, That*
4 *in fiscal year 2023, the National Library of Medicine may*
5 *enter into personal services contracts for the provision of*
6 *services in facilities owned, operated, or constructed under*
7 *the jurisdiction of the National Institutes of Health (re-*
8 *ferred to in this title as “NIH”).*

9 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
10 SCIENCES

11 *For carrying out section 301 and title IV of the PHS*
12 *Act with respect to translational sciences, \$923,323,000:*
13 *Provided, That up to \$70,000,000 shall be available to im-*
14 *plement section 480 of the PHS Act, relating to the Cures*
15 *Acceleration Network: Provided further, That at least*
16 *\$629,560,000 is provided to the Clinical and Translational*
17 *Sciences Awards program.*

18 OFFICE OF THE DIRECTOR
19 (INCLUDING TRANSFER OF FUNDS)

20 *For carrying out the responsibilities of the Office of*
21 *the Director, NIH, \$2,642,914,000: Provided, That funding*
22 *shall be available for the purchase of not to exceed 29 pas-*
23 *senger motor vehicles for replacement only: Provided fur-*
24 *ther, That all funds credited to the NIH Management Fund*
25 *shall remain available for one fiscal year after the fiscal*

1 *year in which they are deposited: Provided further, That*
2 *\$180,000,000 shall be for the Environmental Influences on*
3 *Child Health Outcomes study: Provided further, That*
4 *\$722,401,000 shall be available for the Common Fund es-*
5 *tablished under section 402A(c)(1) of the PHS Act: Pro-*
6 *vided further, That of the funds provided, \$10,000 shall be*
7 *for official reception and representation expenses when spe-*
8 *cifically approved by the Director of the NIH: Provided fur-*
9 *ther, That the Office of AIDS Research within the Office*
10 *of the Director of the NIH may spend up to \$8,000,000*
11 *to make grants for construction or renovation of facilities*
12 *as provided for in section 2354(a)(5)(B) of the PHS Act:*
13 *Provided further, That \$80,000,000 shall be used to carry*
14 *out section 404I of the PHS Act (42 U.S.C. 283K), relating*
15 *to biomedical and behavioral research facilities: Provided*
16 *further, That \$5,000,000 shall be transferred to and merged*
17 *with the appropriation for the “Office of Inspector General”*
18 *for oversight of grant programs and operations of the NIH,*
19 *including agency efforts to ensure the integrity of its grant*
20 *application evaluation and selection processes, and shall be*
21 *in addition to funds otherwise made available for oversight*
22 *of the NIH: Provided further, That the funds provided in*
23 *the previous proviso may be transferred from one specified*
24 *activity to another with 15 days prior approval of the Com-*
25 *mittees on Appropriations of the House of Representatives*

1 *and the Senate: Provided further, That the Inspector Gen-*
2 *eral shall consult with the Committees on Appropriations*
3 *of the House of Representatives and the Senate before sub-*
4 *mitting to the Committees an audit plan for fiscal years*
5 *2023 and 2024 no later than 30 days after the date of enact-*
6 *ment of this Act: Provided further, That amounts made*
7 *available under this heading are also available to establish,*
8 *operate, and support the Research Policy Board authorized*
9 *by section 2034(f) of the 21st Century Cures Act: Provided*
10 *further, That the funds made available under this heading*
11 *for the Office of Research on Women's Health shall also be*
12 *available for making grants to serve and promote the inter-*
13 *ests of women in research, and the Director of such Office*
14 *may, in making such grants, use the authorities available*
15 *to NIH Institutes and Centers.*

16 *In addition to other funds appropriated for the Com-*
17 *mon Fund established under section 402A(c) of the PHS*
18 *Act, \$12,600,000 is appropriated to the Common Fund*
19 *from the 10-year Pediatric Research Initiative Fund de-*
20 *scribed in section 9008 of the Internal Revenue Code of 1986*
21 *(26 U.S.C. 9008), for the purpose of carrying out section*
22 *402(b)(7)(B)(ii) of the PHS Act (relating to pediatric re-*
23 *search), as authorized in the Gabriella Miller Kids First*
24 *Research Act.*

1 *BUILDINGS AND FACILITIES*

2 *For the study of, construction of, demolition of, renova-*
3 *tion of, and acquisition of equipment for, facilities of or*
4 *used by NIH, including the acquisition of real property,*
5 *\$350,000,000, to remain available through September 30,*
6 *2027.*

7 *NIH INNOVATION ACCOUNT, CURES ACT*8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For necessary expenses to carry out the purposes de-*
10 *scribed in section 1001(b)(4) of the 21st Century Cures Act,*
11 *in addition to amounts available for such purposes in the*
12 *appropriations provided to the NIH in this Act,*
13 *\$1,085,000,000, to remain available until expended: Pro-*
14 *vided, That such amounts are appropriated pursuant to*
15 *section 1001(b)(3) of such Act, are to be derived from*
16 *amounts transferred under section 1001(b)(2)(A) of such*
17 *Act, and may be transferred by the Director of the National*
18 *Institutes of Health to other accounts of the National Insti-*
19 *tutes of Health solely for the purposes provided in such Act:*
20 *Provided further, That upon a determination by the Direc-*
21 *tor that funds transferred pursuant to the previous proviso*
22 *are not necessary for the purposes provided, such amounts*
23 *may be transferred back to the Account: Provided further,*
24 *That the transfer authority provided under this heading is*

987

1 *in addition to any other transfer authority provided by*
2 *law.*

3 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

4 *ADMINISTRATION*

5 *MENTAL HEALTH*

6 *For carrying out titles III, V, and XIX of the PHS*
7 *Act with respect to mental health, the Protection and Advo-*
8 *cacy for Individuals with Mental Illness Act, and the SUP-*
9 *PORT for Patients and Communities Act, \$2,693,507,000:*
10 *Provided, That of the funds made available under this head-*
11 *ing, \$93,887,000 shall be for the National Child Traumatic*
12 *Stress Initiative: Provided further, That notwithstanding*
13 *section 520A(f)(2) of the PHS Act, no funds appropriated*
14 *for carrying out section 520A shall be available for carrying*
15 *out section 1971 of the PHS Act: Provided further, That*
16 *in addition to amounts provided herein, \$21,039,000 shall*
17 *be available under section 241 of the PHS Act to carry out*
18 *subpart I of part B of title XIX of the PHS Act to fund*
19 *section 1920(b) technical assistance, national data, data*
20 *collection and evaluation activities, and further that the*
21 *total available under this Act for section 1920(b) activities*
22 *shall not exceed 5 percent of the amounts appropriated for*
23 *subpart I of part B of title XIX: Provided further, That*
24 *of the funds made available under this heading for subpart*
25 *I of part B of title XIX of the PHS Act, at least 5 percent*

1 *shall be available to support evidence-based crisis systems:*
2 *Provided further, That up to 10 percent of the amounts*
3 *made available to carry out the Children's Mental Health*
4 *Services program may be used to carry out demonstration*
5 *grants or contracts for early interventions with persons not*
6 *more than 25 years of age at clinical high risk of developing*
7 *a first episode of psychosis: Provided further, That section*
8 *520E(b)(2) of the PHS Act shall not apply to funds appro-*
9 *priated in this Act for fiscal year 2023: Provided further,*
10 *That \$385,000,000 shall be available until September 30,*
11 *2025 for grants to communities and community organiza-*
12 *tions who meet criteria for Certified Community Behavioral*
13 *Health Clinics pursuant to section 223(a) of Public Law*
14 *113–93: Provided further, That none of the funds provided*
15 *for section 1911 of the PHS Act shall be subject to section*
16 *241 of such Act: Provided further, That of the funds made*
17 *available under this heading, \$21,420,000 shall be to carry*
18 *out section 224 of the Protecting Access to Medicare Act*
19 *of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).*

20 *SUBSTANCE ABUSE TREATMENT*

21 *For carrying out titles III and V of the PHS Act with*
22 *respect to substance abuse treatment and title XIX of such*
23 *Act with respect to substance abuse treatment and preven-*
24 *tion, and the SUPPORT for Patients and Communities*
25 *Act, \$4,076,098,000: Provided, That \$1,575,000,000 shall be*

1 *for State Opioid Response Grants for carrying out activi-*
2 *ties pertaining to opioids and stimulants undertaken by the*
3 *State agency responsible for administering the substance*
4 *abuse prevention and treatment block grant under subpart*
5 *II of part B of title XIX of the PHS Act (42 U.S.C. 300x–*
6 *21 et seq.): Provided further, That of such amount*
7 *\$55,000,000 shall be made available to Indian Tribes or*
8 *tribal organizations: Provided further, That 15 percent of*
9 *the remaining amount shall be for the States with the high-*
10 *est mortality rate related to opioid use disorders: Provided*
11 *further, That in allocating the amount made available in*
12 *the preceding proviso, the Secretary shall ensure that the*
13 *formula avoids a significant cliff between States with simi-*
14 *lar overdose mortality rates to prevent unusually large*
15 *funding changes in States when compared to prior year al-*
16 *locations: Provided further, That of the amounts provided*
17 *for State Opioid Response Grants not more than 2 percent*
18 *shall be available for Federal administrative expenses,*
19 *training, technical assistance, and evaluation: Provided*
20 *further, That of the amount not reserved by the previous*
21 *four provisos, the Secretary shall make allocations to States,*
22 *territories, and the District of Columbia according to a for-*
23 *mula using national survey results that the Secretary deter-*
24 *mines are the most objective and reliable measure of drug*
25 *use and drug-related deaths: Provided further, That the Sec-*

990

1 *retary shall submit the formula methodology to the Commit-*
2 *tees on Appropriations of the House of Representatives and*
3 *the Senate not less than 21 days prior to publishing a*
4 *Funding Opportunity Announcement: Provided further,*
5 *That prevention and treatment activities funded through*
6 *such grants may include education, treatment (including*
7 *the provision of medication), behavioral health services for*
8 *individuals in treatment programs, referral to treatment*
9 *services, recovery support, and medical screening associated*
10 *with such treatment: Provided further, That each State, as*
11 *well as the District of Columbia, shall receive not less than*
12 *\$4,000,000: Provided further, That in addition to amounts*
13 *provided herein, the following amounts shall be available*
14 *under section 241 of the PHS Act: (1) \$79,200,000 to carry*
15 *out subpart II of part B of title XIX of the PHS Act to*
16 *fund section 1935(b) technical assistance, national data,*
17 *data collection and evaluation activities, and further that*
18 *the total available under this Act for section 1935(b) activi-*
19 *ties shall not exceed 5 percent of the amounts appropriated*
20 *for subpart II of part B of title XIX; and (2) \$2,000,000*
21 *to evaluate substance abuse treatment programs: Provided*
22 *further, That none of the funds provided for section 1921*
23 *of the PHS Act or State Opioid Response Grants shall be*
24 *subject to section 241 of such Act.*

991

1 *SUBSTANCE ABUSE PREVENTION*

2 *For carrying out titles III and V of the PHS Act with*
3 *respect to substance abuse prevention, \$236,879,000.*

4 *HEALTH SURVEILLANCE AND PROGRAM SUPPORT*

5 *For program support and cross-cutting activities that*
6 *supplement activities funded under the headings “Mental*
7 *Health”, “Substance Abuse Treatment”, and “Substance*
8 *Abuse Prevention” in carrying out titles III, V, and XIX*
9 *of the PHS Act and the Protection and Advocacy for Indi-*
10 *viduals with Mental Illness Act in the Substance Abuse and*
11 *Mental Health Services Administration, \$301,932,000: Pro-*
12 *vided, That of the amount made available under this head-*
13 *ing, \$160,777,000 shall be used for the projects, and in the*
14 *amounts, specified in the table titled “Community Project*
15 *Funding/Congressionally Directed Spending” included for*
16 *this division in the explanatory statement described in sec-*
17 *tion 4 (in the matter preceding division A of this consoli-*
18 *dated Act): Provided further, That none of the funds made*
19 *available for projects described in the preceding proviso*
20 *shall be subject to section 241 of the PHS Act or section*
21 *205 of this Act: Provided further, That in addition to*
22 *amounts provided herein, \$31,428,000 shall be available*
23 *under section 241 of the PHS Act to supplement funds*
24 *available to carry out national surveys on drug abuse and*
25 *mental health, to collect and analyze program data, and*

1 *to conduct public awareness and technical assistance activi-*
2 *ties: Provided further, That, in addition, fees may be col-*
3 *lected for the costs of publications, data, data tabulations,*
4 *and data analysis completed under title V of the PHS Act*
5 *and provided to a public or private entity upon request,*
6 *which shall be credited to this appropriation and shall re-*
7 *main available until expended for such purposes: Provided*
8 *further, That amounts made available in this Act for car-*
9 *rying out section 501(o) of the PHS Act shall remain avail-*
10 *able through September 30, 2024: Provided further, That*
11 *funds made available under this heading (other than*
12 *amounts specified in the first proviso under this heading)*
13 *may be used to supplement program support funding pro-*
14 *vided under the headings “Mental Health”, “Substance*
15 *Abuse Treatment”, and “Substance Abuse Prevention”.*

16 *AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

17 *HEALTHCARE RESEARCH AND QUALITY*

18 *For carrying out titles III and IX of the PHS Act,*
19 *part A of title XI of the Social Security Act, and section*
20 *1013 of the Medicare Prescription Drug, Improvement, and*
21 *Modernization Act of 2003, \$373,500,000: Provided, That*
22 *section 947(c) of the PHS Act shall not apply in fiscal year*
23 *2023: Provided further, That in addition, amounts received*
24 *from Freedom of Information Act fees, reimbursable and*
25 *interagency agreements, and the sale of data shall be cred-*

1 *ited to this appropriation and shall remain available until*
2 *September 30, 2024.*

3 *CENTERS FOR MEDICARE & MEDICAID SERVICES*

4 *GRANTS TO STATES FOR MEDICAID*

5 *For carrying out, except as otherwise provided, titles*
6 *XI and XIX of the Social Security Act, \$367,357,090,000,*
7 *to remain available until expended.*

8 *In addition, for carrying out such titles after May 31,*
9 *2023, for the last quarter of fiscal year 2023 for unantici-*
10 *pated costs incurred for the current fiscal year, such sums*
11 *as may be necessary, to remain available until expended.*

12 *In addition, for carrying out such titles for the first*
13 *quarter of fiscal year 2024, \$197,580,474,000, to remain*
14 *available until expended.*

15 *Payment under such title XIX may be made for any*
16 *quarter with respect to a State plan or plan amendment*
17 *in effect during such quarter, if submitted in or prior to*
18 *such quarter and approved in that or any subsequent quar-*
19 *ter.*

20 *PAYMENTS TO THE HEALTH CARE TRUST FUNDS*

21 *For payment to the Federal Hospital Insurance Trust*
22 *Fund and the Federal Supplementary Medical Insurance*
23 *Trust Fund, as provided under sections 217(g), 1844, and*
24 *1860D–16 of the Social Security Act, sections 103(c) and*
25 *111(d) of the Social Security Amendments of 1965, section*

994

1 278(d)(3) of Public Law 97–248, and for administrative
2 expenses incurred pursuant to section 201(g) of the Social
3 Security Act, \$548,130,000,000.

4 In addition, for making matching payments under sec-
5 tion 1844 and benefit payments under section 1860D–16
6 of the Social Security Act that were not anticipated in
7 budget estimates, such sums as may be necessary.

8 PROGRAM MANAGEMENT

9 For carrying out, except as otherwise provided, titles
10 XI, XVIII, XIX, and XXI of the Social Security Act, titles
11 XIII and XXVII of the PHS Act, the Clinical Laboratory
12 Improvement Amendments of 1988, and other responsibil-
13 ities of the Centers for Medicare & Medicaid Services, not
14 to exceed \$3,669,744,000 to be transferred from the Federal
15 Hospital Insurance Trust Fund and the Federal Supple-
16 mentary Medical Insurance Trust Fund, as authorized by
17 section 201(g) of the Social Security Act; together with all
18 funds collected in accordance with section 353 of the PHS
19 Act and section 1857(e)(2) of the Social Security Act, funds
20 retained by the Secretary pursuant to section 1893(h) of
21 the Social Security Act, and such sums as may be collected
22 from authorized user fees and the sale of data, which shall
23 be credited to this account and remain available until ex-
24 pended: Provided, That all funds derived in accordance
25 with 31 U.S.C. 9701 from organizations established under

1 *title XIII of the PHS Act shall be credited to and available*
2 *for carrying out the purposes of this appropriation: Pro-*
3 *vided further, That the Secretary is directed to collect fees*
4 *in fiscal year 2023 from Medicare Advantage organizations*
5 *pursuant to section 1857(e)(2) of the Social Security Act*
6 *and from eligible organizations with risk-sharing contracts*
7 *under section 1876 of that Act pursuant to section*
8 *1876(k)(4)(D) of that Act: Provided further, That of the*
9 *amount made available under this heading, \$397,334,000*
10 *shall remain available until September 30, 2024, and shall*
11 *be available for the Survey and Certification Program: Pro-*
12 *vided further, That amounts available under this heading*
13 *to support quality improvement organizations (as defined*
14 *in section 1152 of the Social Security Act) shall not exceed*
15 *the amount specifically provided for such purpose under*
16 *this heading in division H of the Consolidated Appropria-*
17 *tions Act, 2018 (Public Law 115–141).*

18 *HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT*

19 *In addition to amounts otherwise available for pro-*
20 *gram integrity and program management, \$893,000,000, to*
21 *remain available through September 30, 2024, to be trans-*
22 *ferred from the Federal Hospital Insurance Trust Fund and*
23 *the Federal Supplementary Medical Insurance Trust Fund,*
24 *as authorized by section 201(g) of the Social Security Act,*
25 *of which \$665,648,000 shall be for the Centers for Medicare*

1 & Medicaid Services program integrity activities, of which
2 \$105,145,000 shall be for the Department of Health and
3 Human Services Office of Inspector General to carry out
4 fraud and abuse activities authorized by section 1817(k)(3)
5 of such Act, and of which \$122,207,000 shall be for the De-
6 partment of Justice to carry out fraud and abuse activities
7 authorized by section 1817(k)(3) of such Act: Provided,
8 That the report required by section 1817(k)(5) of the Social
9 Security Act for fiscal year 2023 shall include measures of
10 the operational efficiency and impact on fraud, waste, and
11 abuse in the Medicare, Medicaid, and CHIP programs for
12 the funds provided by this appropriation: Provided further,
13 That of the amount provided under this heading,
14 \$317,000,000 is provided to meet the terms of a concurrent
15 resolution on the budget in the Senate, and \$576,000,000
16 is additional new budget authority specified for purposes
17 of a concurrent resolution on the budget in the Senate and
18 section 1(h) of H. Res. 1151 (117th Congress), as engrossed
19 in the House of Representatives on June 8, 2022 for addi-
20 tional health care fraud and abuse control activities: Pro-
21 vided further, That the Secretary shall provide not less than
22 \$35,000,000 from amounts made available under this head-
23 ing and amounts made available for fiscal year 2023 under
24 section 1817(k)(3)(A) of the Social Security Act for the Sen-

1 *ior Medicare Patrol program to combat health care fraud*
2 *and abuse.*

3 *ADMINISTRATION FOR CHILDREN AND FAMILIES*

4 *PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT*

5 *AND FAMILY SUPPORT PROGRAMS*

6 *For carrying out, except as otherwise provided, titles*
7 *I, IV–D, X, XI, XIV, and XVI of the Social Security Act*
8 *and the Act of July 5, 1960, \$2,883,000,000, to remain*
9 *available until expended; and for such purposes for the first*
10 *quarter of fiscal year 2024, \$1,300,000,000, to remain*
11 *available until expended.*

12 *For carrying out, after May 31 of the current fiscal*
13 *year, except as otherwise provided, titles I, IV–D, X, XI,*
14 *XIV, and XVI of the Social Security Act and the Act of*
15 *July 5, 1960, for the last 3 months of the current fiscal*
16 *year for unanticipated costs, incurred for the current fiscal*
17 *year, such sums as may be necessary.*

18 *LOW INCOME HOME ENERGY ASSISTANCE*

19 *For making payments under subsections (b) and (d)*
20 *of section 2602 of the Low-Income Home Energy Assistance*
21 *Act of 1981 (42 U.S.C. 8621 et seq.), \$1,500,000,000: Pro-*
22 *vided, That notwithstanding section 2609A(a) of such Act,*
23 *not more than \$9,600,000 may be reserved by the Secretary*
24 *for technical assistance, training, and monitoring of pro-*
25 *gram activities for compliance with internal controls, poli-*

1 *cies and procedures, and to supplement funding otherwise*
2 *available for necessary administrative expenses to carry out*
3 *such Act, and the Secretary may, in addition to the au-*
4 *thorities provided in section 2609A(a)(1), use such funds*
5 *through contracts with private entities that do not qualify*
6 *as nonprofit organizations: Provided further, That all but*
7 *\$884,848,000 of the amount appropriated under this head-*
8 *ing in this Act and in the second paragraph under this*
9 *heading in the Disaster Relief Supplemental Appropria-*
10 *tions Act, 2023 shall be allocated as though the total appro-*
11 *priation for such payments for fiscal year 2023 was less*
12 *than \$1,975,000,000: Provided further, That, after applying*
13 *all applicable provisions of section 2604 of such Act and*
14 *the previous proviso, each State or territory that would oth-*
15 *erwise receive an allocation, from the amount appropriated*
16 *under this heading in this Act together with the amount*
17 *appropriated in the second paragraph under this heading*
18 *in the Disaster Relief Supplemental Appropriations Act,*
19 *2023, that is less than 97 percent of the amount that it*
20 *received under this heading for fiscal year 2022 from*
21 *amounts appropriated in Public Law 117–103 shall have*
22 *its allocation increased to that 97 percent level, with the*
23 *portions of other States’ and territories’ allocations that*
24 *would exceed 100 percent of the amounts they respectively*

999

1 *received in such fashion for fiscal year 2022 being ratably*
2 *reduced.*

3 *REFUGEE AND ENTRANT ASSISTANCE*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For necessary expenses for refugee and entrant assist-*
6 *ance activities authorized by section 414 of the Immigration*
7 *and Nationality Act and section 501 of the Refugee Edu-*
8 *cation Assistance Act of 1980, and for carrying out section*
9 *462 of the Homeland Security Act of 2002, section 235 of*
10 *the William Wilberforce Trafficking Victims Protection Re-*
11 *authorization Act of 2008, the Trafficking Victims Protec-*
12 *tion Act of 2000 (“TVPA”), and the Torture Victims Relief*
13 *Act of 1998, \$6,427,214,000, of which \$6,377,459,000 shall*
14 *remain available through September 30, 2025 for carrying*
15 *out such sections 414, 501, 462, and 235: Provided, That*
16 *amounts available under this heading to carry out the*
17 *TVPA shall also be available for research and evaluation*
18 *with respect to activities under such Act: Provided further,*
19 *That the limitation in section 205 of this Act regarding*
20 *transfers increasing any appropriation shall apply to*
21 *transfers to appropriations under this heading by sub-*
22 *stituting “15 percent” for “3 percent”: Provided further,*
23 *That the contribution of funds requirement under section*
24 *235(c)(6)(C)(iii) of the William Wilberforce Trafficking*
25 *Victims Protection Reauthorization Act of 2008 shall not*

1000

1 *apply to funds made available under this heading: Provided*
2 *further, That for any month in fiscal year 2023 that the*
3 *number of unaccompanied children referred to the Depart-*
4 *ment of Health and Human Services pursuant to section*
5 *462 of the Homeland Security Act of 2002 and section 235*
6 *of the William Wilberforce Trafficking Victims Protection*
7 *Reauthorization Act of 2008 exceeds 13,000, as determined*
8 *by the Secretary of Health and Human Services, an addi-*
9 *tional \$27,000,000, to remain available until September 30,*
10 *2024, shall be made available for obligation for every 500*
11 *unaccompanied children above that level (including a pro*
12 *rata amount for any increment less than 500), for carrying*
13 *out such sections 462 and 235.*

14 *PAYMENTS TO STATES FOR THE CHILD CARE AND*
15 *DEVELOPMENT BLOCK GRANT*

16 *For carrying out the Child Care and Development*
17 *Block Grant Act of 1990 (“CCDBG Act”), \$8,021,387,000*
18 *shall be used to supplement, not supplant State general rev-*
19 *enue funds for child care assistance for low-income families:*
20 *Provided, That technical assistance under section*
21 *658I(a)(3) of such Act may be provided directly, or through*
22 *the use of contracts, grants, cooperative agreements, or*
23 *interagency agreements: Provided further, That all funds*
24 *made available to carry out section 418 of the Social Secu-*
25 *rity Act (42 U.S.C. 618), including funds appropriated for*

1001

1 *that purpose in such section 418 or any other provision*
2 *of law, shall be subject to the reservation of funds authority*
3 *in paragraphs (4) and (5) of section 658O(a) of the CCDBG*
4 *Act: Provided further, That in addition to the amounts re-*
5 *quired to be reserved by the Secretary under section*
6 *658O(a)(2)(A) of such Act, \$214,960,000 shall be for Indian*
7 *tribes and tribal organizations: Provided further, That of*
8 *the amounts made available under this heading, the Sec-*
9 *retary may reserve up to 0.5 percent for Federal adminis-*
10 *trative expenses.*

11 *SOCIAL SERVICES BLOCK GRANT*

12 *For making grants to States pursuant to section 2002*
13 *of the Social Security Act, \$1,700,000,000: Provided, That*
14 *notwithstanding subparagraph (B) of section 404(d)(2) of*
15 *such Act, the applicable percent specified under such sub-*
16 *paragraph for a State to carry out State programs pursu-*
17 *ant to title XX–A of such Act shall be 10 percent.*

18 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

19 *For carrying out, except as otherwise provided, the*
20 *Runaway and Homeless Youth Act, the Head Start Act, the*
21 *Every Student Succeeds Act, the Child Abuse Prevention*
22 *and Treatment Act, sections 303 and 313 of the Family*
23 *Violence Prevention and Services Act, the Native American*
24 *Programs Act of 1974, title II of the Child Abuse Prevention*
25 *and Treatment and Adoption Reform Act of 1978 (adoption*

1002

1 *opportunities), part B–1 of title IV and sections 429, 473A,*
2 *477(i), 1110, 1114A, and 1115 of the Social Security Act,*
3 *and the Community Services Block Grant Act (“CSBG*
4 *Act”); and for necessary administrative expenses to carry*
5 *out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social*
6 *Security Act, the Act of July 5, 1960, and the Low-Income*
7 *Home Energy Assistance Act of 1981, \$14,618,437,000, of*
8 *which \$75,000,000, to remain available through September*
9 *30, 2024, shall be for grants to States for adoption and legal*
10 *guardianship incentive payments, as defined by section*
11 *473A of the Social Security Act and may be made for adop-*
12 *tions and legal guardianships completed before September*
13 *30, 2023: Provided, That \$11,996,820,000 shall be for mak-*
14 *ing payments under the Head Start Act, including for*
15 *Early Head Start–Child Care Partnerships, and, of which,*
16 *notwithstanding section 640 of such Act:*

17 (1) *\$596,000,000 shall be available for a cost of*
18 *living adjustment, and with respect to any continuing*
19 *appropriations act, funding available for a cost of liv-*
20 *ing adjustment shall not be construed as an authority*
21 *or condition under this Act;*

22 (2) *\$25,000,000 shall be available for allocation*
23 *by the Secretary to supplement activities described in*
24 *paragraphs (7)(B) and (9) of section 641(c) of the*
25 *Head Start Act under the Designation Renewal Sys-*

1003

1 *tem, established under the authority of sections*
2 *641(c)(7), 645A(b)(12), and 645A(d) of such Act, and*
3 *such funds shall not be included in the calculation of*
4 *“base grant” in subsequent fiscal years, as such term*
5 *is used in section 640(a)(7)(A) of such Act;*

6 *(3) \$262,000,000 shall be available for quality*
7 *improvement consistent with section 640(a)(5) of such*
8 *Act except that any amount of the funds may be used*
9 *on any of the activities in such section, of which not*
10 *less than \$13,000,000 shall be available to migrant*
11 *and seasonal Head Start programs for such activities,*
12 *in addition to funds made available for migrant and*
13 *seasonal Head Start programs under any other provi-*
14 *sion of section 640(a) of such Act;*

15 *(4) \$100,000,000, in addition to funds otherwise*
16 *available for such purposes under section 640 of the*
17 *Head Start Act, shall be available through September*
18 *30, 2024, for awards to eligible entities for Head*
19 *Start and Early Head Start programs and to entities*
20 *defined as eligible under section 645A(d) of such Act*
21 *for high quality infant and toddler care through*
22 *Early Head Start–Child Care Partnerships, and for*
23 *training and technical assistance for such activities:*
24 *Provided, That of the funds made available in this*
25 *paragraph, up to \$21,000,000 shall be available to the*

1004

1 *Secretary for the administrative costs of carrying out*
2 *this paragraph;*

3 (5) *\$8,000,000 shall be available for the Tribal*
4 *Colleges and Universities Head Start Partnership*
5 *Program consistent with section 648(g) of such Act;*
6 *and*

7 (6) *\$21,000,000 shall be available to supplement*
8 *funding otherwise available for research, evaluation,*
9 *and Federal administrative costs:*

10 *Provided further, That the Secretary may reduce the res-*
11 *ervation of funds under section 640(a)(2)(C) of such Act*
12 *in lieu of reducing the reservation of funds under sections*
13 *640(a)(2)(B), 640(a)(2)(D), and 640(a)(2)(E) of such Act:*
14 *Provided further, That \$315,000,000 shall be available until*
15 *December 31, 2023 for carrying out sections 9212 and 9213*
16 *of the Every Student Succeeds Act: Provided further, That*
17 *up to 3 percent of the funds in the preceding proviso shall*
18 *be available for technical assistance and evaluation related*
19 *to grants awarded under such section 9212: Provided fur-*
20 *ther, That \$804,383,000 shall be for making payments*
21 *under the CSBG Act: Provided further, That for services*
22 *furnished under the CSBG Act with funds made available*
23 *for such purpose in this fiscal year and in fiscal year 2022,*
24 *States may apply the last sentence of section 673(2) of the*
25 *CSBG Act by substituting “200 percent” for “125 percent”:*

1005

1 *Provided further, That \$34,383,000 shall be for section 680*
2 *of the CSBG Act, of which not less than \$22,383,000 shall*
3 *be for section 680(a)(2) and not less than \$12,000,000 shall*
4 *be for section 680(a)(3)(B) of such Act: Provided further,*
5 *That, notwithstanding section 675C(a)(3) of the CSBG Act,*
6 *to the extent Community Services Block Grant funds are*
7 *distributed as grant funds by a State to an eligible entity*
8 *as provided under such Act, and have not been expended*
9 *by such entity, they shall remain with such entity for carry-*
10 *over into the next fiscal year for expenditure by such entity*
11 *consistent with program purposes: Provided further, That*
12 *the Secretary shall establish procedures regarding the dis-*
13 *position of intangible assets and program income that per-*
14 *mit such assets acquired with, and program income derived*
15 *from, grant funds authorized under section 680 of the*
16 *CSBG Act to become the sole property of such grantees after*
17 *a period of not more than 12 years after the end of the*
18 *grant period for any activity consistent with section*
19 *680(a)(2)(A) of the CSBG Act: Provided further, That in-*
20 *tangible assets in the form of loans, equity investments and*
21 *other debt instruments, and program income may be used*
22 *by grantees for any eligible purpose consistent with section*
23 *680(a)(2)(A) of the CSBG Act: Provided further, That these*
24 *procedures shall apply to such grant funds made available*
25 *after November 29, 1999: Provided further, That funds ap-*

1006

1 *propriated for section 680(a)(2) of the CSBG Act shall be*
2 *available for financing construction and rehabilitation and*
3 *loans or investments in private business enterprises owned*
4 *by community development corporations: Provided further,*
5 *That \$240,000,000 shall be for carrying out section 303(a)*
6 *of the Family Violence Prevention and Services Act, of*
7 *which \$7,000,000 shall be allocated notwithstanding section*
8 *303(a)(2) of such Act for carrying out section 309 of such*
9 *Act: Provided further, That the percentages specified in sec-*
10 *tion 112(a)(2) of the Child Abuse Prevention and Treat-*
11 *ment Act shall not apply to funds appropriated under this*
12 *heading: Provided further, That \$1,864,000 shall be for a*
13 *human services case management system for federally de-*
14 *clared disasters, to include a comprehensive national case*
15 *management contract and Federal costs of administering*
16 *the system: Provided further, That up to \$2,000,000 shall*
17 *be for improving the Public Assistance Reporting Informa-*
18 *tion System, including grants to States to support data col-*
19 *lection for a study of the system's effectiveness: Provided*
20 *further, That \$107,848,000 shall be used for the projects,*
21 *and in the amounts, specified in the table titled "Commu-*
22 *nity Project Funding/Congressionally Directed Spending"*
23 *included for this division in the explanatory statement de-*
24 *scribed in section 4 (in the matter preceding division A of*
25 *this consolidated Act): Provided further, That none of the*

1007

1 *funds made available for projects described in the preceding*
2 *proviso shall be subject to section 241 of the PHS Act or*
3 *section 205 of this Act.*

4 *PROMOTING SAFE AND STABLE FAMILIES*

5 *For carrying out, except as otherwise provided, section*
6 *436 of the Social Security Act, \$345,000,000 and, for car-*
7 *rying out, except as otherwise provided, section 437 of such*
8 *Act, \$86,515,000: Provided, That of the funds available to*
9 *carry out section 437, \$59,765,000 shall be allocated con-*
10 *sistent with subsections (b) through (d) of such section: Pro-*
11 *vided further, That of the funds available to carry out sec-*
12 *tion 437, to assist in meeting the requirements described*
13 *in section 471(e)(4)(C), \$20,000,000 shall be for grants to*
14 *each State, territory, and Indian tribe operating title IV–*
15 *E plans for developing, enhancing, or evaluating kinship*
16 *navigator programs, as described in section 427(a)(1) of*
17 *such Act and \$6,750,000, in addition to funds otherwise*
18 *appropriated in section 476 for such purposes, shall be for*
19 *the Family First Clearinghouse and to support evaluation*
20 *and technical assistance relating to the evaluation of child*
21 *and family services: Provided further, That section*
22 *437(b)(1) shall be applied to amounts in the previous pro-*
23 *viso by substituting “5 percent” for “3.3 percent”, and not-*
24 *withstanding section 436(b)(1), such reserved amounts may*
25 *be used for identifying, establishing, and disseminating*

1008

1 *practices to meet the criteria specified in section*
2 *471(e)(4)(C): Provided further, That the reservation in sec-*
3 *tion 437(b)(2) and the limitations in section 437(d) shall*
4 *not apply to funds specified in the second proviso: Provided*
5 *further, That the minimum grant award for kinship navi-*
6 *gator programs in the case of States and territories shall*
7 *be \$200,000, and, in the case of tribes, shall be \$25,000.*

8 *PAYMENTS FOR FOSTER CARE AND PERMANENCY*

9 *For carrying out, except as otherwise provided, title*
10 *IV–E of the Social Security Act, \$7,606,000,000.*

11 *For carrying out, except as otherwise provided, title*
12 *IV–E of the Social Security Act, for the first quarter of fis-*
13 *cal year 2024, \$3,200,000,000.*

14 *For carrying out, after May 31 of the current fiscal*
15 *year, except as otherwise provided, section 474 of title IV–*
16 *E of the Social Security Act, for the last 3 months of the*
17 *current fiscal year for unanticipated costs, incurred for the*
18 *current fiscal year, such sums as may be necessary.*

19 *ADMINISTRATION FOR COMMUNITY LIVING*20 *AGING AND DISABILITY SERVICES PROGRAMS*21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For carrying out, to the extent not otherwise provided,*
23 *the Older Americans Act of 1965 (“OAA”), the RAISE*
24 *Family Caregivers Act, the Supporting Grandparents Rais-*
25 *ing Grandchildren Act, titles III and XXIX of the PHS*

1009

1 *Act, sections 1252 and 1253 of the PHS Act, section 119*
2 *of the Medicare Improvements for Patients and Providers*
3 *Act of 2008, title XX-B of the Social Security Act, the De-*
4 *velopmental Disabilities Assistance and Bill of Rights Act*
5 *of 2000, parts 2 and 5 of subtitle D of title II of the Help*
6 *America Vote Act of 2002, the Assistive Technology Act of*
7 *1998, titles II and VII (and section 14 with respect to such*
8 *titles) of the Rehabilitation Act of 1973, and for Depart-*
9 *ment-wide coordination of policy and program activities*
10 *that assist individuals with disabilities, \$2,482,545,000, to-*
11 *gether with \$55,242,000 to be transferred from the Federal*
12 *Hospital Insurance Trust Fund and the Federal Supple-*
13 *mentary Medical Insurance Trust Fund to carry out section*
14 *4360 of the Omnibus Budget Reconciliation Act of 1990:*
15 *Provided, That of amounts made available under this head-*
16 *ing to carry out sections 311, 331, and 336 of the OAA,*
17 *up to one percent of such amounts shall be available for*
18 *developing and implementing evidence-based practices for*
19 *enhancing senior nutrition, including medically-tailored*
20 *meals: Provided further, That notwithstanding any other*
21 *provision of this Act, funds made available under this head-*
22 *ing to carry out section 311 of the OAA may be transferred*
23 *to the Secretary of Agriculture in accordance with such sec-*
24 *tion: Provided further, That up to 5 percent of the funds*
25 *provided for adult protective services grants under section*

1010

1 *2042 of title XX of the Social Security Act may be used*
2 *to make grants to Tribes and tribal organizations: Provided*
3 *further, That \$2,000,000 shall be for competitive grants to*
4 *support alternative financing programs that provide for the*
5 *purchase of assistive technology devices, such as a low-inter-*
6 *est loan fund; an interest buy-down program; a revolving*
7 *loan fund; a loan guarantee; or an insurance program: Pro-*
8 *vided further, That applicants shall provide an assurance*
9 *that, and information describing the manner in which, the*
10 *alternative financing program will expand and emphasize*
11 *consumer choice and control: Provided further, That State*
12 *agencies and community-based disability organizations*
13 *that are directed by and operated for individuals with dis-*
14 *abilities shall be eligible to compete: Provided further, That*
15 *none of the funds made available under this heading may*
16 *be used by an eligible system (as defined in section 102 of*
17 *the Protection and Advocacy for Individuals with Mental*
18 *Illness Act (42 U.S.C. 10802)) to continue to pursue any*
19 *legal action in a Federal or State court on behalf of an*
20 *individual or group of individuals with a developmental*
21 *disability (as defined in section 102(8)(A) of the Develop-*
22 *mental Disabilities and Assistance and Bill of Rights Act*
23 *of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to a*
24 *mental impairment (or a combination of mental and phys-*
25 *ical impairments), that has as the requested remedy the clo-*

1011

1 *sure of State operated intermediate care facilities for people*
2 *with intellectual or developmental disabilities, unless rea-*
3 *sonable public notice of the action has been provided to such*
4 *individuals (or, in the case of mental incapacitation, the*
5 *legal guardians who have been specifically awarded author-*
6 *ity by the courts to make healthcare and residential deci-*
7 *sions on behalf of such individuals) who are affected by such*
8 *action, within 90 days of instituting such legal action,*
9 *which informs such individuals (or such legal guardians)*
10 *of their legal rights and how to exercise such rights con-*
11 *sistent with current Federal Rules of Civil Procedure: Pro-*
12 *vided further, That the limitations in the immediately pre-*
13 *ceding proviso shall not apply in the case of an individual*
14 *who is neither competent to consent nor has a legal guard-*
15 *ian, nor shall the proviso apply in the case of individuals*
16 *who are a ward of the State or subject to public guardian-*
17 *ship: Provided further, That of the amount made available*
18 *under this heading, \$41,644,000 shall be used for the*
19 *projects, and in the amounts, specified in the table titled*
20 *“Community Project Funding/Congressionally Directed*
21 *Spending” included for this division in the explanatory*
22 *statement described in section 4 (in the matter preceding*
23 *division A of this consolidated Act): Provided further, That*
24 *none of the funds made available for projects described in*

1012

1 *the preceding proviso shall be subject to section 241 of the*
2 *PHS Act or section 205 of this Act.*

3 *OFFICE OF THE SECRETARY*

4 *GENERAL DEPARTMENTAL MANAGEMENT*

5 *For necessary expenses, not otherwise provided, for*
6 *general departmental management, including hire of six*
7 *passenger motor vehicles, and for carrying out titles III,*
8 *XVII, XXI, and section 229 of the PHS Act, the United*
9 *States-Mexico Border Health Commission Act, and research*
10 *studies under section 1110 of the Social Security Act,*
11 *\$537,144,000, together with \$64,828,000 from the amounts*
12 *available under section 241 of the PHS Act to carry out*
13 *national health or human services research and evaluation*
14 *activities: Provided, That of this amount, \$60,000,000 shall*
15 *be for minority AIDS prevention and treatment activities:*
16 *Provided further, That of the funds made available under*
17 *this heading, \$101,000,000 shall be for making competitive*
18 *contracts and grants to public and private entities to fund*
19 *medically accurate and age appropriate programs that re-*
20 *duce teen pregnancy and for the Federal costs associated*
21 *with administering and evaluating such contracts and*
22 *grants, of which not more than 10 percent of the available*
23 *funds shall be for training and technical assistance, evalua-*
24 *tion, outreach, and additional program support activities,*
25 *and of the remaining amount 75 percent shall be for repli-*

1013

1 cating programs that have been proven effective through rig-
2 orous evaluation to reduce teenage pregnancy, behavioral
3 risk factors underlying teenage pregnancy, or other associ-
4 ated risk factors, and 25 percent shall be available for re-
5 search and demonstration grants to develop, replicate, re-
6 fine, and test additional models and innovative strategies
7 for preventing teenage pregnancy: Provided further, That
8 of the amounts provided under this heading from amounts
9 available under section 241 of the PHS Act, \$6,800,000
10 shall be available to carry out evaluations (including longi-
11 tudinal evaluations) of teenage pregnancy prevention ap-
12 proaches: Provided further, That of the funds made avail-
13 able under this heading, \$35,000,000 shall be for making
14 competitive grants which exclusively implement education
15 in sexual risk avoidance (defined as voluntarily refraining
16 from non-marital sexual activity): Provided further, That
17 funding for such competitive grants for sexual risk avoid-
18 ance shall use medically accurate information referenced to
19 peer-reviewed publications by educational, scientific, gov-
20 ernmental, or health organizations; implement an evidence-
21 based approach integrating research findings with practical
22 implementation that aligns with the needs and desired out-
23 comes for the intended audience; and teach the benefits asso-
24 ciated with self-regulation, success sequencing for poverty
25 prevention, healthy relationships, goal setting, and resisting

1014

1 *sexual coercion, dating violence, and other youth risk behav-*
2 *iors such as underage drinking or illicit drug use without*
3 *normalizing teen sexual activity: Provided further, That no*
4 *more than 10 percent of the funding for such competitive*
5 *grants for sexual risk avoidance shall be available for tech-*
6 *nical assistance and administrative costs of such programs:*
7 *Provided further, That funds provided in this Act for em-*
8 *bryo adoption activities may be used to provide to individ-*
9 *uals adopting embryos, through grants and other mecha-*
10 *nisms, medical and administrative services deemed nec-*
11 *essary for such adoptions: Provided further, That such serv-*
12 *ices shall be provided consistent with 42 CFR 59.5(a)(4):*
13 *Provided further, That of the funds made available under*
14 *this heading, \$5,000,000 shall be for carrying out prize*
15 *competitions sponsored by the Office of the Secretary to ac-*
16 *celerate innovation in the prevention, diagnosis, and treat-*
17 *ment of kidney diseases (as authorized by section 24 of the*
18 *Stevenson-Wydler Technology Innovation Act of 1980 (15*
19 *U.S.C. 3719)).*

20 *MEDICARE HEARINGS AND APPEALS*

21 *For expenses necessary for Medicare hearings and ap-*
22 *peals in the Office of the Secretary, \$196,000,000 shall re-*
23 *main available until September 30, 2024, to be transferred*
24 *in appropriate part from the Federal Hospital Insurance*

1015

1 *Trust Fund and the Federal Supplementary Medical Insur-*
2 *ance Trust Fund.*

3 *OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH*
4 *INFORMATION TECHNOLOGY*

5 *For expenses necessary for the Office of the National*
6 *Coordinator for Health Information Technology, including*
7 *grants, contracts, and cooperative agreements for the devel-*
8 *opment and advancement of interoperable health informa-*
9 *tion technology, \$66,238,000 shall be from amounts made*
10 *available under section 241 of the PHS Act.*

11 *OFFICE OF INSPECTOR GENERAL*

12 *For expenses necessary for the Office of Inspector Gen-*
13 *eral, including the hire of passenger motor vehicles for in-*
14 *vestigations, in carrying out the provisions of the Inspector*
15 *General Act of 1978, \$87,000,000: Provided, That of such*
16 *amount, necessary sums shall be available for providing*
17 *protective services to the Secretary and investigating non-*
18 *payment of child support cases for which non-payment is*
19 *a Federal offense under 18 U.S.C. 228: Provided further,*
20 *That of the amount appropriated under this heading, nec-*
21 *essary sums shall be available for carrying out activities*
22 *authorized under section 3022 of the PHS Act (42 U.S.C.*
23 *300jj–52).*

1016

1 *OFFICE FOR CIVIL RIGHTS*

2 *For expenses necessary for the Office for Civil Rights,*
3 *\$39,798,000.*

4 *RETIREMENT PAY AND MEDICAL BENEFITS FOR*
5 *COMMISSIONED OFFICERS*

6 *For retirement pay and medical benefits of Public*
7 *Health Service Commissioned Officers as authorized by law,*
8 *for payments under the Retired Serviceman's Family Pro-*
9 *tection Plan and Survivor Benefit Plan, and for medical*
10 *care of dependents and retired personnel under the Depend-*
11 *ents' Medical Care Act, such amounts as may be required*
12 *during the current fiscal year.*

13 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*

14 *For expenses necessary to support activities related to*
15 *countering potential biological, nuclear, radiological, chem-*
16 *ical, and cybersecurity threats to civilian populations, and*
17 *for other public health emergencies, \$1,647,569,000, of*
18 *which \$950,000,000 shall remain available through Sep-*
19 *tember 30, 2024, for expenses necessary to support advanced*
20 *research and development pursuant to section 319L of the*
21 *PHS Act and other administrative expenses of the Bio-*
22 *medical Advanced Research and Development Authority:*
23 *Provided, That funds provided under this heading for the*
24 *purpose of acquisition of security countermeasures shall be*
25 *in addition to any other funds available for such purpose:*

1017

1 *Provided further, That products purchased with funds pro-*
2 *vided under this heading may, at the discretion of the Sec-*
3 *retary, be deposited in the Strategic National Stockpile pur-*
4 *suant to section 319F–2 of the PHS Act: Provided further,*
5 *That \$5,000,000 of the amounts made available to support*
6 *emergency operations shall remain available through Sep-*
7 *tember 30, 2025: Provided further, That \$75,000,000 of the*
8 *amounts made available to support coordination of the de-*
9 *velopment, production, and distribution of vaccines, thera-*
10 *peutics, and other medical countermeasures shall remain*
11 *available through September 30, 2024.*

12 *For expenses necessary for procuring security counter-*
13 *measures (as defined in section 319F–2(c)(1)(B) of the PHS*
14 *Act), \$820,000,000, to remain available until expended.*

15 *For expenses necessary to carry out section 319F–2(a)*
16 *of the PHS Act, \$965,000,000, to remain available until*
17 *expended.*

18 *For an additional amount for expenses necessary to*
19 *prepare for or respond to an influenza pandemic,*
20 *\$335,000,000; of which \$300,000,000 shall be available*
21 *until expended, for activities including the development and*
22 *purchase of vaccine, antivirals, necessary medical supplies,*
23 *diagnostics, and other surveillance tools: Provided, That*
24 *notwithstanding section 496(b) of the PHS Act, funds may*
25 *be used for the construction or renovation of privately*

1018

1 *owned facilities for the production of pandemic influenza*
2 *vaccines and other biologics, if the Secretary finds such con-*
3 *struction or renovation necessary to secure sufficient sup-*
4 *plies of such vaccines or biologics.*

5 *ADVANCED RESEARCH PROJECTS AGENCY FOR HEALTH*
6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For carrying out section 301 and title IV of the PHS*
8 *Act with respect to advanced research projects for health,*
9 *\$1,500,000,000, to remain available through September 30,*
10 *2025: Provided, That the President shall appoint in the De-*
11 *partment of Health and Human Services a director of ad-*
12 *vanced research projects for health (Director): Provided fur-*
13 *ther, That funds may be used to make or rescind appoint-*
14 *ments of scientific, medical, and professional personnel*
15 *without regard to any provision in title 5 governing ap-*
16 *pointments under the civil service laws: Provided further,*
17 *That funds may be used to fix the compensation of such*
18 *personnel at a rate to be determined by the Director, up*
19 *to the amount of annual compensation (excluding expenses)*
20 *specified in section 102 of title 3, United States Code: Pro-*
21 *vided further, That the Director may use funds made avail-*
22 *able under this heading to make awards in the form of*
23 *grants, contracts, cooperative agreements, and cash prizes,*
24 *and enter into other transactions (as defined in section*
25 *319L(a)(3) of the PHS Act): Provided further, That activi-*

1019

1 *ties supported with funds provided under this heading shall*
2 *not be subject to the requirements of sections*
3 *406(a)(3)(A)(ii) or 492 of the PHS Act: Provided further,*
4 *That the Secretary may transfer the Advanced Research*
5 *Projects Agency for Health, including the functions, per-*
6 *sonnel, missions, activities, authorities, and funds, within*
7 *30 days of enactment of this Act to any agency or office*
8 *of the Department of Health and Human Services, includ-*
9 *ing the National Institutes of Health: Provided further,*
10 *That the Committees on Appropriations of the House of*
11 *Representatives and the Senate shall be notified at least 15*
12 *days in advance of any transfer pursuant to the preceding*
13 *proviso.*

14 *GENERAL PROVISIONS*

15 *SEC. 201. Funds appropriated in this title shall be*
16 *available for not to exceed \$50,000 for official reception and*
17 *representation expenses when specifically approved by the*
18 *Secretary.*

19 *SEC. 202. None of the funds appropriated in this title*
20 *shall be used to pay the salary of an individual, through*
21 *a grant or other extramural mechanism, at a rate in excess*
22 *of Executive Level II: Provided, That none of the funds ap-*
23 *propriated in this title shall be used to prevent the NIH*
24 *from paying up to 100 percent of the salary of an indi-*
25 *vidual at this rate.*

1020

1 *SEC. 203. None of the funds appropriated in this Act*
2 *may be expended pursuant to section 241 of the PHS Act,*
3 *except for funds specifically provided for in this Act, or for*
4 *other taps and assessments made by any office located in*
5 *HHS, prior to the preparation and submission of a report*
6 *by the Secretary to the Committees on Appropriations of*
7 *the House of Representatives and the Senate detailing the*
8 *planned uses of such funds.*

9 *SEC. 204. Notwithstanding section 241(a) of the PHS*
10 *Act, such portion as the Secretary shall determine, but not*
11 *more than 2.5 percent, of any amounts appropriated for*
12 *programs authorized under such Act shall be made available*
13 *for the evaluation (directly, or by grants or contracts) and*
14 *the implementation and effectiveness of programs funded in*
15 *this title.*

16 *(TRANSFER OF FUNDS)*

17 SEC. 205. Not to exceed 1 percent of any discretionary
18 funds (pursuant to the Balanced Budget and Emergency
19 Deficit Control Act of 1985) which are appropriated for the
20 current fiscal year for HHS in this Act may be transferred
21 between appropriations, but no such appropriation shall be
22 increased by more than 3 percent by any such transfer: Pro-
23 vided, That the transfer authority granted by this section
24 shall not be used to create any new program or to fund
25 any project or activity for which no funds are provided in

1021

1 *this Act: Provided further, That the Committees on Appro-*
2 *priations of the House of Representatives and the Senate*
3 *are notified at least 15 days in advance of any transfer.*

4 *SEC. 206. In lieu of the timeframe specified in section*
5 *338E(c)(2) of the PHS Act, terminations described in such*
6 *section may occur up to 60 days after the effective date of*
7 *a contract awarded in fiscal year 2023 under section 338B*
8 *of such Act, or at any time if the individual who has been*
9 *awarded such contract has not received funds due under the*
10 *contract.*

11 *SEC. 207. None of the funds appropriated in this Act*
12 *may be made available to any entity under title X of the*
13 *PHS Act unless the applicant for the award certifies to the*
14 *Secretary that it encourages family participation in the de-*
15 *cision of minors to seek family planning services and that*
16 *it provides counseling to minors on how to resist attempts*
17 *to coerce minors into engaging in sexual activities.*

18 *SEC. 208. Notwithstanding any other provision of law,*
19 *no provider of services under title X of the PHS Act shall*
20 *be exempt from any State law requiring notification or the*
21 *reporting of child abuse, child molestation, sexual abuse,*
22 *rape, or incest.*

23 *SEC. 209. None of the funds appropriated by this Act*
24 *(including funds appropriated to any trust fund) may be*
25 *used to carry out the Medicare Advantage program if the*

1022

1 *Secretary denies participation in such program to an other-*
2 *wise eligible entity (including a Provider Sponsored Orga-*
3 *nization) because the entity informs the Secretary that it*
4 *will not provide, pay for, provide coverage of, or provide*
5 *referrals for abortions: Provided, That the Secretary shall*
6 *make appropriate prospective adjustments to the capitation*
7 *payment to such an entity (based on an actuarially sound*
8 *estimate of the expected costs of providing the service to such*
9 *entity's enrollees): Provided further, That nothing in this*
10 *section shall be construed to change the Medicare program's*
11 *coverage for such services and a Medicare Advantage orga-*
12 *nization described in this section shall be responsible for*
13 *informing enrollees where to obtain information about all*
14 *Medicare covered services.*

15 *SEC. 210. None of the funds made available in this*
16 *title may be used, in whole or in part, to advocate or pro-*
17 *mote gun control.*

18 *SEC. 211. The Secretary shall make available through*
19 *assignment not more than 60 employees of the Public*
20 *Health Service to assist in child survival activities and to*
21 *work in AIDS programs through and with funds provided*
22 *by the Agency for International Development, the United*
23 *Nations International Children's Emergency Fund or the*
24 *World Health Organization.*

1023

1 *SEC. 212. In order for HHS to carry out international*
2 *health activities, including HIV/AIDS and other infectious*
3 *disease, chronic and environmental disease, and other*
4 *health activities abroad during fiscal year 2023:*

5 *(1) The Secretary may exercise authority equiva-*
6 *lent to that available to the Secretary of State in sec-*
7 *tion 2(c) of the State Department Basic Authorities*
8 *Act of 1956. The Secretary shall consult with the Sec-*
9 *retary of State and relevant Chief of Mission to en-*
10 *sure that the authority provided in this section is ex-*
11 *ercised in a manner consistent with section 207 of the*
12 *Foreign Service Act of 1980 and other applicable stat-*
13 *utes administered by the Department of State.*

14 *(2) The Secretary is authorized to provide such*
15 *funds by advance or reimbursement to the Secretary*
16 *of State as may be necessary to pay the costs of ac-*
17 *quisition, lease, alteration, renovation, and manage-*
18 *ment of facilities outside of the United States for the*
19 *use of HHS. The Department of State shall cooperate*
20 *fully with the Secretary to ensure that HHS has se-*
21 *cure, safe, functional facilities that comply with ap-*
22 *plicable regulation governing location, setback, and*
23 *other facilities requirements and serve the purposes*
24 *established by this Act. The Secretary is authorized,*
25 *in consultation with the Secretary of State, through*

1024

1 *grant or cooperative agreement, to make available to*
2 *public or nonprofit private institutions or agencies in*
3 *participating foreign countries, funds to acquire,*
4 *lease, alter, or renovate facilities in those countries as*
5 *necessary to conduct programs of assistance for inter-*
6 *national health activities, including activities relating*
7 *to HIV/AIDS and other infectious diseases, chronic*
8 *and environmental diseases, and other health activi-*
9 *ties abroad.*

10 *(3) The Secretary is authorized to provide to*
11 *personnel appointed or assigned by the Secretary to*
12 *serve abroad, allowances and benefits similar to those*
13 *provided under chapter 9 of title I of the Foreign*
14 *Service Act of 1980, and 22 U.S.C. 4081 through*
15 *4086 and subject to such regulations prescribed by the*
16 *Secretary. The Secretary is further authorized to pro-*
17 *vide locality-based comparability payments (stated as*
18 *a percentage) up to the amount of the locality-based*
19 *comparability payment (stated as a percentage) that*
20 *would be payable to such personnel under section*
21 *5304 of title 5, United States Code if such personnel's*
22 *official duty station were in the District of Columbia.*
23 *Leaves of absence for personnel under this subsection*
24 *shall be on the same basis as that provided under sub-*
25 *chapter I of chapter 63 of title 5, United States Code,*

1025

1 *or section 903 of the Foreign Service Act of 1980, to*
2 *individuals serving in the Foreign Service.*

3 *(TRANSFER OF FUNDS)*

4 *SEC. 213. The Director of the NIH, jointly with the*
5 *Director of the Office of AIDS Research, may transfer up*
6 *to 3 percent among institutes and centers from the total*
7 *amounts identified by these two Directors as funding for*
8 *research pertaining to the human immunodeficiency virus:*
9 *Provided, That the Committees on Appropriations of the*
10 *House of Representatives and the Senate are notified at*
11 *least 15 days in advance of any transfer.*

12 *(TRANSFER OF FUNDS)*

13 *SEC. 214. Of the amounts made available in this Act*
14 *for NIH, the amount for research related to the human im-*
15 *munodeficiency virus, as jointly determined by the Director*
16 *of NIH and the Director of the Office of AIDS Research,*
17 *shall be made available to the “Office of AIDS Research”*
18 *account. The Director of the Office of AIDS Research shall*
19 *transfer from such account amounts necessary to carry out*
20 *section 2353(d)(3) of the PHS Act.*

21 *SEC. 215. (a) AUTHORITY.—Notwithstanding any*
22 *other provision of law, the Director of NIH (“Director”)*
23 *may use funds authorized under section 402(b)(12) of the*
24 *PHS Act to enter into transactions (other than contracts,*
25 *cooperative agreements, or grants) to carry out research*

1026

1 *identified pursuant to or research and activities described*
2 *in such section 402(b)(12).*

3 (b) *PEER REVIEW.*—*In entering into transactions*
4 *under subsection (a), the Director may utilize such peer re-*
5 *view procedures (including consultation with appropriate*
6 *scientific experts) as the Director determines to be appro-*
7 *priate to obtain assessments of scientific and technical*
8 *merit. Such procedures shall apply to such transactions in*
9 *lieu of the peer review and advisory council review proce-*
10 *dures that would otherwise be required under sections*
11 *301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and*
12 *494 of the PHS Act.*

13 *SEC. 216. Not to exceed \$100,000,000 of funds appro-*
14 *priated by this Act to the institutes and centers of the Na-*
15 *tional Institutes of Health may be used for alteration, re-*
16 *pair, or improvement of facilities, as necessary for the prop-*
17 *er and efficient conduct of the activities authorized herein,*
18 *at not to exceed \$5,000,000 per project.*

19 *(TRANSFER OF FUNDS)*

20 *SEC. 217. Of the amounts made available for NIH, 1*
21 *percent of the amount made available for National Research*
22 *Service Awards (“NRSA”) shall be made available to the*
23 *Administrator of the Health Resources and Services Admin-*
24 *istration to make NRSA awards for research in primary*
25 *medical care to individuals affiliated with entities who have*

1027

1 *received grants or contracts under sections 736, 739, or 747*
2 *of the PHS Act, and 1 percent of the amount made avail-*
3 *able for NRSA shall be made available to the Director of*
4 *the Agency for Healthcare Research and Quality to make*
5 *NRSA awards for health service research.*

6 *SEC. 218. (a) The Biomedical Advanced Research and*
7 *Development Authority (“BARDA”) may enter into a con-*
8 *tract, for more than one but no more than 10 program*
9 *years, for purchase of research services or of security coun-*
10 *termeasures, as that term is defined in section 319F–*
11 *2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)),*
12 *if—*

13 *(1) funds are available and obligated—*

14 *(A) for the full period of the contract or for*
15 *the first fiscal year in which the contract is in*
16 *effect; and*

17 *(B) for the estimated costs associated with*
18 *a necessary termination of the contract; and*

19 *(2) the Secretary determines that a multi-year*
20 *contract will serve the best interests of the Federal*
21 *Government by encouraging full and open competi-*
22 *tion or promoting economy in administration, per-*
23 *formance, and operation of BARDA’s programs.*

24 *(b) A contract entered into under this section—*

1028

1 (1) shall include a termination clause as de-
2 scribed by subsection (c) of section 3903 of title 41,
3 United States Code; and

4 (2) shall be subject to the congressional notice re-
5 quirement stated in subsection (d) of such section.

6 SEC. 219. (a) The Secretary shall publish in the fiscal
7 year 2024 budget justification and on Departmental Web
8 sites information concerning the employment of full-time
9 equivalent Federal employees or contractors for the purposes
10 of implementing, administering, enforcing, or otherwise
11 carrying out the provisions of the ACA, and the amend-
12 ments made by that Act, in the proposed fiscal year and
13 each fiscal year since the enactment of the ACA.

14 (b) With respect to employees or contractors supported
15 by all funds appropriated for purposes of carrying out the
16 ACA (and the amendments made by that Act), the Secretary
17 shall include, at a minimum, the following information:

18 (1) For each such fiscal year, the section of such
19 Act under which such funds were appropriated, a
20 statement indicating the program, project, or activity
21 receiving such funds, the Federal operating division
22 or office that administers such program, and the
23 amount of funding received in discretionary or man-
24 datory appropriations.

1029

1 (2) *For each such fiscal year, the number of full-*
2 *time equivalent employees or contracted employees as-*
3 *signed to each authorized and funded provision de-*
4 *tailed in accordance with paragraph (1).*

5 (c) *In carrying out this section, the Secretary may ex-*
6 *clude from the report employees or contractors who—*

7 (1) *are supported through appropriations en-*
8 *acted in laws other than the ACA and work on pro-*
9 *grams that existed prior to the passage of the ACA;*

10 (2) *spend less than 50 percent of their time on*
11 *activities funded by or newly authorized in the ACA;*
12 *or*

13 (3) *work on contracts for which FTE reporting*
14 *is not a requirement of their contract, such as fixed-*
15 *price contracts.*

16 *SEC. 220. The Secretary shall publish, as part of the*
17 *fiscal year 2024 budget of the President submitted under*
18 *section 1105(a) of title 31, United States Code, information*
19 *that details the uses of all funds used by the Centers for*
20 *Medicare & Medicaid Services specifically for Health Insur-*
21 *ance Exchanges for each fiscal year since the enactment of*
22 *the ACA and the proposed uses for such funds for fiscal year*
23 *2024. Such information shall include, for each such fiscal*
24 *year, the amount of funds used for each activity specified*
25 *under the heading “Health Insurance Exchange Trans-*

1030

1 *parenity” in the explanatory statement described in section*
2 *4 (in the matter preceding division A of this consolidated*
3 *Act).*

4 *SEC. 221. None of the funds made available by this*
5 *Act from the Federal Hospital Insurance Trust Fund or*
6 *the Federal Supplemental Medical Insurance Trust Fund,*
7 *or transferred from other accounts funded by this Act to*
8 *the “Centers for Medicare & Medicaid Services—Program*
9 *Management” account, may be used for payments under*
10 *section 1342(b)(1) of Public Law 111–148 (relating to risk*
11 *corridors).*

12 *(TRANSFER OF FUNDS)*

13 *SEC. 222. (a) Within 45 days of enactment of this Act,*
14 *the Secretary shall transfer funds appropriated under sec-*
15 *tion 4002 of the ACA to the accounts specified, in the*
16 *amounts specified, and for the activities specified under the*
17 *heading “Prevention and Public Health Fund” in the ex-*
18 *planatory statement described in section 4 (in the matter*
19 *preceding division A of this consolidated Act).*

20 *(b) Notwithstanding section 4002(c) of the ACA, the*
21 *Secretary may not further transfer these amounts.*

22 *(c) Funds transferred for activities authorized under*
23 *section 2821 of the PHS Act shall be made available with-*
24 *out reference to section 2821(b) of such Act.*

1031

1 *SEC. 223. Effective during the period beginning on No-*
2 *vember 1, 2015 and ending January 1, 2025, any provision*
3 *of law that refers (including through cross-reference to an-*
4 *other provision of law) to the current recommendations of*
5 *the United States Preventive Services Task Force with re-*
6 *spect to breast cancer screening, mammography, and pre-*
7 *vention shall be administered by the Secretary involved as*
8 *if—*

9 *(1) such reference to such current recommenda-*
10 *tions were a reference to the recommendations of such*
11 *Task Force with respect to breast cancer screening,*
12 *mammography, and prevention last issued before*
13 *2009; and*

14 *(2) such recommendations last issued before 2009*
15 *applied to any screening mammography modality*
16 *under section 1861(jj) of the Social Security Act (42*
17 *U.S.C. 1395x(jj)).*

18 *SEC. 224. In making Federal financial assistance, the*
19 *provisions relating to indirect costs in part 75 of title 45,*
20 *Code of Federal Regulations, including with respect to the*
21 *approval of deviations from negotiated rates, shall continue*
22 *to apply to the National Institutes of Health to the same*
23 *extent and in the same manner as such provisions were ap-*
24 *plied in the third quarter of fiscal year 2017. None of the*
25 *funds appropriated in this or prior Acts or otherwise made*

1032

1 *available to the Department of Health and Human Services*
2 *or to any department or agency may be used to develop*
3 *or implement a modified approach to such provisions, or*
4 *to intentionally or substantially expand the fiscal effect of*
5 *the approval of such deviations from negotiated rates be-*
6 *yond the proportional effect of such approvals in such quar-*
7 *ter.*

8 (TRANSFER OF FUNDS)

9 SEC. 225. *The NIH Director may transfer funds for*
10 *opioid addiction, opioid alternatives, stimulant misuse and*
11 *addiction, pain management, and addiction treatment to*
12 *other Institutes and Centers of the NIH to be used for the*
13 *same purpose 15 days after notifying the Committees on*
14 *Appropriations of the House of Representatives and the*
15 *Senate: Provided, That the transfer authority provided in*
16 *the previous proviso is in addition to any other transfer*
17 *authority provided by law.*

18 SEC. 226. (a) *The Secretary shall provide to the Com-*
19 *mittees on Appropriations of the House of Representatives*
20 *and the Senate:*

21 (1) *Detailed monthly enrollment figures from the*
22 *Exchanges established under the Patient Protection*
23 *and Affordable Care Act of 2010 pertaining to enroll-*
24 *ments during the open enrollment period; and*

1033

1 (2) *Notification of any new or competitive grant*
2 *awards, including supplements, authorized under sec-*
3 *tion 330 of the Public Health Service Act.*

4 (b) *The Committees on Appropriations of the House*
5 *and Senate must be notified at least 2 business days in*
6 *advance of any public release of enrollment information or*
7 *the award of such grants.*

8 SEC. 227. *In addition to the amounts otherwise avail-*
9 *able for “Centers for Medicare & Medicaid Services, Pro-*
10 *gram Management”, the Secretary of Health and Human*
11 *Services may transfer up to \$455,000,000 to such account*
12 *from the Federal Hospital Insurance Trust Fund and the*
13 *Federal Supplementary Medical Insurance Trust Fund to*
14 *support program management activity related to the Medi-*
15 *care Program: Provided, That except for the foregoing pur-*
16 *pose, such funds may not be used to support any provision*
17 *of Public Law 111–148 or Public Law 111–152 (or any*
18 *amendment made by either such Public Law) or to supplant*
19 *any other amounts within such account.*

20 SEC. 228. *The Department of Health and Human*
21 *Services shall provide the Committees on Appropriations of*
22 *the House of Representatives and Senate a biannual report*
23 *30 days after enactment of this Act on staffing described*
24 *in the explanatory statement described in section 4 (in the*
25 *matter preceding division A of this consolidated Act).*

1034

1 *SEC. 229. Funds appropriated in this Act that are*
2 *available for salaries and expenses of employees of the De-*
3 *partment of Health and Human Services shall also be*
4 *available to pay travel and related expenses of such an em-*
5 *ployee or of a member of his or her family, when such em-*
6 *ployee is assigned to duty, in the United States or in a*
7 *U.S. territory, during a period and in a location that are*
8 *the subject of a determination of a public health emergency*
9 *under section 319 of the Public Health Service Act and such*
10 *travel is necessary to obtain medical care for an illness,*
11 *injury, or medical condition that cannot be adequately ad-*
12 *ressed in that location at that time. For purposes of this*
13 *section, the term “U.S. territory” means Guam, the Com-*
14 *monwealth of Puerto Rico, the Northern Mariana Islands,*
15 *the Virgin Islands, American Samoa, or the Trust Territory*
16 *of the Pacific Islands.*

17 *SEC. 230. The Department of Health and Human*
18 *Services may accept donations from the private sector, non-*
19 *governmental organizations, and other groups independent*
20 *of the Federal Government for the care of unaccompanied*
21 *alien children (as defined in section 462(g)(2) of the Home-*
22 *land Security Act of 2002 (6 U.S.C. 279(g)(2))) in the care*
23 *of the Office of Refugee Resettlement of the Administration*
24 *for Children and Families, including medical goods and*
25 *services, which may include early childhood developmental*

1035

1 screenings, school supplies, toys, clothing, and any other
2 items intended to promote the wellbeing of such children.

3 SEC. 231. None of the funds made available in this
4 Act under the heading “Department of Health and Human
5 Services—Administration for Children and Families—Ref-
6 ugee and Entrant Assistance” may be obligated to a grantee
7 or contractor to house unaccompanied alien children (as
8 such term is defined in section 462(g)(2) of the Homeland
9 Security Act of 2002 (6 U.S.C. 279(g)(2))) in any facility
10 that is not State-licensed for the care of unaccompanied
11 alien children, except in the case that the Secretary deter-
12 mines that housing unaccompanied alien children in such
13 a facility is necessary on a temporary basis due to an influx
14 of such children or an emergency, provided that—

15 (1) the terms of the grant or contract for the op-
16 erations of any such facility that remains in oper-
17 ation for more than six consecutive months shall re-
18 quire compliance with—

19 (A) the same requirements as licensed place-
20 ments, as listed in Exhibit 1 of the Flores Settle-
21 ment Agreement that the Secretary determines
22 are applicable to non-State licensed facilities;
23 and

24 (B) staffing ratios of one (1) on-duty Youth
25 Care Worker for every eight (8) children or youth

1036

1 *during waking hours, one (1) on-duty Youth*
2 *Care Worker for every sixteen (16) children or*
3 *youth during sleeping hours, and clinician ratios*
4 *to children (including mental health providers)*
5 *as required in grantee cooperative agreements;*

6 *(2) the Secretary may grant a 60-day waiver for*
7 *a contractor's or grantee's non-compliance with para-*
8 *graph (1) if the Secretary certifies and provides a re-*
9 *port to Congress on the contractor's or grantee's good-*
10 *faith efforts and progress towards compliance;*

11 *(3) not more than four consecutive waivers under*
12 *paragraph (2) may be granted to a contractor or*
13 *grantee with respect to a specific facility;*

14 *(4) ORR shall ensure full adherence to the moni-*
15 *toring requirements set forth in section 5.5 of its Poli-*
16 *cies and Procedures Guide as of May 15, 2019;*

17 *(5) for any such unlicensed facility in operation*
18 *for more than three consecutive months, ORR shall*
19 *conduct a minimum of one comprehensive monitoring*
20 *visit during the first three months of operation, with*
21 *quarterly monitoring visits thereafter; and*

22 *(6) not later than 60 days after the date of en-*
23 *actment of this Act, ORR shall brief the Committees*
24 *on Appropriations of the House of Representatives*
25 *and the Senate outlining the requirements of ORR for*

1037

1 *influx facilities including any requirement listed in*
2 *paragraph (1)(A) that the Secretary has determined*
3 *are not applicable to non-State licensed facilities.*

4 *SEC. 232. In addition to the existing Congressional no-*
5 *tification for formal site assessments of potential influx fa-*
6 *cilities, the Secretary shall notify the Committees on Appro-*
7 *priations of the House of Representatives and the Senate*
8 *at least 15 days before operationalizing an unlicensed facil-*
9 *ity, and shall (1) specify whether the facility is hard-sided*
10 *or soft-sided, and (2) provide analysis that indicates that,*
11 *in the absence of the influx facility, the likely outcome is*
12 *that unaccompanied alien children will remain in the cus-*
13 *tody of the Department of Homeland Security for longer*
14 *than 72 hours or that unaccompanied alien children will*
15 *be otherwise placed in danger. Within 60 days of bringing*
16 *such a facility online, and monthly thereafter, the Secretary*
17 *shall provide to the Committees on Appropriations of the*
18 *House of Representatives and the Senate a report detailing*
19 *the total number of children in care at the facility, the aver-*
20 *age length of stay and average length of care of children*
21 *at the facility, and, for any child that has been at the facil-*
22 *ity for more than 60 days, their length of stay and reason*
23 *for delay in release.*

24 *SEC. 233. None of the funds made available in this*
25 *Act may be used to prevent a United States Senator or*

1038

1 *Member of the House of Representatives from entering, for*
2 *the purpose of conducting oversight, any facility in the*
3 *United States used for the purpose of maintaining custody*
4 *of, or otherwise housing, unaccompanied alien children (as*
5 *defined in section 462(g)(2) of the Homeland Security Act*
6 *of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator*
7 *or Member has coordinated the oversight visit with the Of-*
8 *fice of Refugee Resettlement not less than two business days*
9 *in advance to ensure that such visit would not interfere*
10 *with the operations (including child welfare and child safe-*
11 *ty operations) of such facility.*

12 *SEC. 234. Not later than 14 days after the date of en-*
13 *actment of this Act, and monthly thereafter, the Secretary*
14 *shall submit to the Committees on Appropriations of the*
15 *House of Representatives and the Senate, and make pub-*
16 *licly available online, a report with respect to children who*
17 *were separated from their parents or legal guardians by the*
18 *Department of Homeland Security (DHS) (regardless of*
19 *whether or not such separation was pursuant to an option*
20 *selected by the children, parents, or guardians), subse-*
21 *quently classified as unaccompanied alien children, and*
22 *transferred to the care and custody of ORR during the pre-*
23 *vious month. Each report shall contain the following infor-*
24 *mation:*

1039

(1) the number and ages of children so separated subsequent to apprehension at or between ports of entry, to be reported by sector where separation occurred; and

(2) the documented cause of separation, as reported by DHS when each child was referred.

7 *SEC. 235. Funds appropriated in this Act that are*
8 *available for salaries and expenses of employees of the Cen-*
9 *ters for Disease Control and Prevention shall also be avail-*
10 *able for the primary and secondary schooling of eligible de-*
11 *pendents of personnel stationed in a U.S. territory as de-*
12 *finied in section 229 of this Act at costs not in excess of*
13 *those paid for or reimbursed by the Department of Defense.*

14 *(RESCISSION)*

SEC. 236. Of the unobligated balances in the “Non-recurring Expenses Fund” established in section 223 of division G of Public Law 110–161, \$650,000,000 are hereby rescinded not later than September 30, 2023.

SEC. 237. The Secretary of Health and Human Services may waive penalties and administrative requirements in title XXVI of the Public Health Service Act for awards under such title from amounts provided under the heading “Department of Health and Human Services—Health Resources and Services Administration” in this or any other

1040

- 1 *appropriations Act for this fiscal year, including amounts*
- 2 *made available to such heading by transfer.*
- 3 *This title may be cited as the “Department of Health*
- 4 *and Human Services Appropriations Act, 2023”.*

1041

1 *TITLE III*2 *DEPARTMENT OF EDUCATION*3 *EDUCATION FOR THE DISADVANTAGED*

4 *For carrying out title I and subpart 2 of part B of*
5 *title II of the Elementary and Secondary Education Act*
6 *of 1965 (referred to in this Act as “ESEA”) and section*
7 *418A of the Higher Education Act of 1965 (referred to in*
8 *this Act as “HEA”), \$19,087,790,000, of which*
9 *\$8,159,490,000 shall become available on July 1, 2023, and*
10 *shall remain available through September 30, 2024, and of*
11 *which \$10,841,177,000 shall become available on October 1,*
12 *2023, and shall remain available through September 30,*
13 *2024, for academic year 2023–2024: Provided, That*
14 *\$6,459,401,000 shall be for basic grants under section 1124*
15 *of the ESEA: Provided further, That up to \$5,000,000 of*
16 *these funds shall be available to the Secretary of Education*
17 *(referred to in this title as “Secretary”) on October 1, 2022,*
18 *to obtain annually updated local educational agency-level*
19 *census poverty data from the Bureau of the Census: Pro-*
20 *vided further, That \$1,362,301,000 shall be for concentra-*
21 *tion grants under section 1124A of the ESEA: Provided fur-*
22 *ther, That \$5,282,550,000 shall be for targeted grants under*
23 *section 1125 of the ESEA: Provided further, That*
24 *\$5,282,550,000 shall be for education finance incentive*
25 *grants under section 1125A of the ESEA: Provided further,*

1042

1 *That \$224,000,000 shall be for carrying out subpart 2 of*
2 *part B of title II: Provided further, That \$52,123,000 shall*
3 *be for carrying out section 418A of the HEA.*

4 *IMPACT AID*

5 *For carrying out programs of financial assistance to*
6 *federally affected schools authorized by title VII of the*
7 *ESEA, \$1,618,112,000, of which \$1,468,242,000 shall be for*
8 *basic support payments under section 7003(b), \$48,316,000*
9 *shall be for payments for children with disabilities under*
10 *section 7003(d), \$18,406,000, to remain available through*
11 *September 30, 2024, shall be for construction under section*
12 *7007(b), \$78,313,000 shall be for Federal property pay-*
13 *ments under section 7002, and \$4,835,000, to remain avail-*
14 *able until expended, shall be for facilities maintenance*
15 *under section 7008: Provided, That for purposes of com-*
16 *puting the amount of a payment for an eligible local edu-*
17 *cational agency under section 7003(a) for school year 2022–*
18 *2023, children enrolled in a school of such agency that*
19 *would otherwise be eligible for payment under section*
20 *7003(a)(1)(B) of such Act, but due to the deployment of both*
21 *parents or legal guardians, or a parent or legal guardian*
22 *having sole custody of such children, or due to the death*
23 *of a military parent or legal guardian while on active duty*
24 *(so long as such children reside on Federal property as de-*
25 *scribed in section 7003(a)(1)(B)), are no longer eligible*

1043

1 *under such section, shall be considered as eligible students*
2 *under such section, provided such students remain in aver-*
3 *age daily attendance at a school in the same local edu-*
4 *cational agency they attended prior to their change in eligi-*
5 *bility status.*

6 *SCHOOL IMPROVEMENT PROGRAMS*

7 *For carrying out school improvement activities author-*
8 *ized by part B of title I, part A of title II, subpart 1 of*
9 *part A of title IV, part B of title IV, part B of title V,*
10 *and parts B and C of title VI of the ESEA; the McKinney-*
11 *Vento Homeless Assistance Act; section 203 of the Edu-*
12 *cational Technical Assistance Act of 2002; the Compact of*
13 *Free Association Amendments Act of 2003; and the Civil*
14 *Rights Act of 1964, \$5,810,642,000, of which*
15 *\$3,952,312,000 shall become available on July 1, 2023, and*
16 *remain available through September 30, 2024, and of which*
17 *\$1,681,441,000 shall become available on October 1, 2023,*
18 *and shall remain available through September 30, 2024, for*
19 *academic year 2023–2024: Provided, That \$390,000,000*
20 *shall be for part B of title I: Provided further, That*
21 *\$1,329,673,000 shall be for part B of title IV: Provided fur-*
22 *ther, That \$45,897,000 shall be for part B of title VI, which*
23 *may be used for construction, renovation, and moderniza-*
24 *tion of any public elementary school, secondary school, or*
25 *structure related to a public elementary school or secondary*

1044

1 *school that serves a predominantly Native Hawaiian stu-*
2 *dent body, and that the 5 percent limitation in section*
3 *6205(b) of the ESEA on the use of funds for administrative*
4 *purposes shall apply only to direct administrative costs:*
5 *Provided further, That \$44,953,000 shall be for part C of*
6 *title VI, which shall be awarded on a competitive basis, and*
7 *may be used for construction, and that the 5 percent limita-*
8 *tion in section 6305 of the ESEA on the use of funds for*
9 *administrative purposes shall apply only to direct adminis-*
10 *trative costs: Provided further, That \$55,000,000 shall be*
11 *available to carry out section 203 of the Educational Tech-*
12 *nical Assistance Act of 2002 and the Secretary shall make*
13 *such arrangements as determined to be necessary to ensure*
14 *that the Bureau of Indian Education has access to services*
15 *provided under this section: Provided further, That*
16 *\$24,464,000 shall be available to carry out the Supple-*
17 *mental Education Grants program for the Federated States*
18 *of Micronesia and the Republic of the Marshall Islands:*
19 *Provided further, That the Secretary may reserve up to 5*
20 *percent of the amount referred to in the previous proviso*
21 *to provide technical assistance in the implementation of*
22 *these grants: Provided further, That \$215,000,000 shall be*
23 *for part B of title V: Provided further, That \$1,380,000,000*
24 *shall be available for grants under subpart 1 of part A of*
25 *title IV.*

1045

1 *INDIAN EDUCATION*

2 *For expenses necessary to carry out, to the extent not*
3 *otherwise provided, title VI, part A of the ESEA,*
4 *\$194,746,000, of which \$72,000,000 shall be for subpart 2*
5 *of part A of title VI and \$12,365,000 shall be for subpart*
6 *3 of part A of title VI: Provided, That the 5 percent limita-*
7 *tion in sections 6115(d), 6121(e), and 6133(g) of the ESEA*
8 *on the use of funds for administrative purposes shall apply*
9 *only to direct administrative costs: Provided further, That*
10 *grants awarded under sections 6132 and 6133 of the ESEA*
11 *with funds provided under this heading may be for a period*
12 *of up to 5 years.*

13 *INNOVATION AND IMPROVEMENT*

14 *For carrying out activities authorized by subparts 1,*
15 *3 and 4 of part B of title II, and parts C, D, and E and*
16 *subparts 1 and 4 of part F of title IV of the ESEA,*
17 *\$1,253,000,000: Provided, That \$286,000,000 shall be for*
18 *subparts 1, 3 and 4 of part B of title II and shall be made*
19 *available without regard to sections 2201, 2231(b) and*
20 *2241: Provided further, That \$683,000,000 shall be for parts*
21 *C, D, and E and subpart 4 of part F of title IV, and shall*
22 *be made available without regard to sections 4311, 4409(a),*
23 *and 4601 of the ESEA: Provided further, That section*
24 *4303(d)(3)(A)(i) shall not apply to the funds available for*
25 *part C of title IV: Provided further, That of the funds avail-*

1046

1 *able for part C of title IV, the Secretary shall use not less*
2 *than \$60,000,000 to carry out section 4304, of which not*
3 *more than \$10,000,000 shall be available to carry out sec-*
4 *tion 4304(k), \$140,000,000, to remain available through*
5 *March 31, 2024, to carry out section 4305(b), and not more*
6 *than \$16,000,000 to carry out the activities in section*
7 *4305(a)(3): Provided further, That notwithstanding section*
8 *4601(b), \$284,000,000 shall be available through December*
9 *31, 2023 for subpart 1 of part F of title IV: Provided fur-*
10 *ther, That of the funds available for subpart 4 of part F*
11 *of title IV, not less than \$8,000,000 shall be used for con-*
12 *tinuation grants for eligible national nonprofit organiza-*
13 *tions, as described in the Applications for New Awards; As-*
14 *sistance for Arts Education Program published in the Fed-*
15 *eral Register on May 31, 2022, for activities described*
16 *under section 4642(a)(1)(C).*

17 *SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

18 *For carrying out activities authorized by subparts 2*
19 *and 3 of part F of title IV of the ESEA, \$457,000,000, to*
20 *remain available through December 31, 2023: Provided,*
21 *That \$216,000,000 shall be available for section 4631, of*
22 *which up to \$5,000,000, to remain available until expended,*
23 *shall be for the Project School Emergency Response to Vio-*
24 *lence (Project SERV) program: Provided further, That*

1047

1 \$150,000,000 shall be available for section 4625: Provided
2 further, That \$91,000,000 shall be for section 4624.

3 *ENGLISH LANGUAGE ACQUISITION*

4 *For carrying out part A of title III of the ESEA,*
5 *\$890,000,000, which shall become available on July 1, 2023,*
6 *and shall remain available through September 30, 2024, ex-*
7 *cept that 6.5 percent of such amount shall be available on*
8 *October 1, 2022, and shall remain available through Sep-*
9 *tember 30, 2024, to carry out activities under section*
10 *3111(c)(1)(C).*

11 *SPECIAL EDUCATION*

12 *For carrying out the Individuals with Disabilities*
13 *Education Act (IDEA) and the Special Olympics Sport*
14 *and Empowerment Act of 2004, \$15,453,264,000, of which*
15 *\$5,870,321,000 shall become available on July 1, 2023, and*
16 *shall remain available through September 30, 2024, and of*
17 *which \$9,283,383,000 shall become available on October 1,*
18 *2023, and shall remain available through September 30,*
19 *2024, for academic year 2023–2024: Provided, That the*
20 *amount for section 611(b)(2) of the IDEA shall be equal*
21 *to the lesser of the amount available for that activity during*
22 *fiscal year 2022, increased by the amount of inflation as*
23 *specified in section 619(d)(2)(B) of the IDEA, or the per-*
24 *cent change in the funds appropriated under section 611(i)*
25 *of the IDEA, but not less than the amount for that activity*

1 *during fiscal year 2022: Provided further, That the Sec-*
2 *retary shall, without regard to section 611(d) of the IDEA,*
3 *distribute to all other States (as that term is defined in*
4 *section 611(g)(2)), subject to the third proviso, any amount*
5 *by which a State's allocation under section 611, from funds*
6 *appropriated under this heading, is reduced under section*
7 *612(a)(18)(B), according to the following: 85 percent on the*
8 *basis of the States' relative populations of children aged 3*
9 *through 21 who are of the same age as children with disabil-*
10 *ities for whom the State ensures the availability of a free*
11 *appropriate public education under this part, and 15 per-*
12 *cent to States on the basis of the States' relative populations*
13 *of those children who are living in poverty: Provided fur-*
14 *ther, That the Secretary may not distribute any funds*
15 *under the previous proviso to any State whose reduction*
16 *in allocation from funds appropriated under this heading*
17 *made funds available for such a distribution: Provided fur-*
18 *ther, That the States shall allocate such funds distributed*
19 *under the second proviso to local educational agencies in*
20 *accordance with section 611(f): Provided further, That the*
21 *amount by which a State's allocation under section 611(d)*
22 *of the IDEA is reduced under section 612(a)(18)(B) and*
23 *the amounts distributed to States under the previous pro-*
24 *visos in fiscal year 2012 or any subsequent year shall not*
25 *be considered in calculating the awards under section*

1049

1 611(d) for fiscal year 2013 or for any subsequent fiscal
2 years: Provided further, That, notwithstanding the provi-
3 sion in section 612(a)(18)(B) regarding the fiscal year in
4 which a State's allocation under section 611(d) is reduced
5 for failure to comply with the requirement of section
6 612(a)(18)(A), the Secretary may apply the reduction spec-
7 ified in section 612(a)(18)(B) over a period of consecutive
8 fiscal years, not to exceed 5, until the entire reduction is
9 applied: Provided further, That the Secretary may, in any
10 fiscal year in which a State's allocation under section 611
11 is reduced in accordance with section 612(a)(18)(B), reduce
12 the amount a State may reserve under section 611(e)(1) by
13 an amount that bears the same relation to the maximum
14 amount described in that paragraph as the reduction under
15 section 612(a)(18)(B) bears to the total allocation the State
16 would have received in that fiscal year under section 611(d)
17 in the absence of the reduction: Provided further, That the
18 Secretary shall either reduce the allocation of funds under
19 section 611 for any fiscal year following the fiscal year for
20 which the State fails to comply with the requirement of sec-
21 tion 612(a)(18)(A) as authorized by section 612(a)(18)(B),
22 or seek to recover funds under section 452 of the General
23 Education Provisions Act (20 U.S.C. 1234a): Provided fur-
24 ther, That the funds reserved under 611(c) of the IDEA may
25 be used to provide technical assistance to States to improve

1050

1 *the capacity of the States to meet the data collection re-*
2 *quirements of sections 616 and 618 and to administer and*
3 *carry out other services and activities to improve data col-*
4 *lection, coordination, quality, and use under parts B and*
5 *C of the IDEA: Provided further, That the Secretary may*
6 *use funds made available for the State Personnel Develop-*
7 *ment Grants program under part D, subpart 1 of IDEA*
8 *to evaluate program performance under such subpart: Pro-*
9 *vided further, That States may use funds reserved for other*
10 *State-level activities under sections 611(e)(2) and 619(f) of*
11 *the IDEA to make subgrants to local educational agencies,*
12 *institutions of higher education, other public agencies, and*
13 *private non-profit organizations to carry out activities au-*
14 *thorized by those sections: Provided further, That, notwith-*
15 *standing section 643(e)(2)(A) of the IDEA, if 5 or fewer*
16 *States apply for grants pursuant to section 643(e) of such*
17 *Act, the Secretary shall provide a grant to each State in*
18 *an amount equal to the maximum amount described in sec-*
19 *tion 643(e)(2)(B) of such Act: Provided further, That if*
20 *more than 5 States apply for grants pursuant to section*
21 *643(e) of the IDEA, the Secretary shall award funds to*
22 *those States on the basis of the States' relative populations*
23 *of infants and toddlers except that no such State shall re-*
24 *ceive a grant in excess of the amount described in section*
25 *643(e)(2)(B) of such Act: Provided further, That States may*

1051

1 *use funds allotted under section 643(c) of the IDEA to make*
2 *subgrants to local educational agencies, institutions of high-*
3 *er education, other public agencies, and private non-profit*
4 *organizations to carry out activities authorized by section*
5 *638 of IDEA: Provided further, That, notwithstanding sec-*
6 *tion 638 of the IDEA, a State may use funds it receives*
7 *under section 633 of the IDEA to offer continued early*
8 *intervention services to a child who previously received serv-*
9 *ices under part C of the IDEA from age 3 until the begin-*
10 *ning of the school year following the child's third birthday*
11 *with parental consent and without regard to the procedures*
12 *in section 635(c) of the IDEA.*

*REHABILITATION SERVICES**(INCLUDING TRANSFER OF FUNDS)*

15 *For carrying out, to the extent not otherwise provided,*
16 *the Rehabilitation Act of 1973 and the Helen Keller Na-*
17 *tional Center Act, \$4,092,906,000, of which \$3,949,707,000*
18 *shall be for grants for vocational rehabilitation services*
19 *under title I of the Rehabilitation Act: Provided, That the*
20 *Secretary may use amounts provided in this Act, and unob-*
21 *ligated balances from title III of the Departments of Labor,*
22 *Health and Human Services, and Education, and Related*
23 *Agencies Appropriations Act, 2022, (division H of Public*
24 *Law 117–103), that remain available subsequent to the re-*
25 *allotment of funds to States pursuant to section 110(b) of*

1052

1 *the Rehabilitation Act for innovative activities aimed at in-*
2 *creasing competitive integrated employment as defined in*
3 *section 7 of such Act for youth and other individuals with*
4 *disabilities, including related Federal administrative ex-*
5 *penses, and for improving monitoring and oversight of*
6 *grants for vocational rehabilitation services under title I*
7 *of the Rehabilitation Act, including information technology*
8 *modernization: Provided further, That up to 15 percent of*
9 *the amounts available subsequent to reallocation for the ac-*
10 *tivities described in the first proviso from funds provided*
11 *under this paragraph in this Act, may be used for evalua-*
12 *tion and technical assistance related to such activities: Pro-*
13 *vided further, That States may award subgrants for a por-*
14 *tion of the funds to other public and private, nonprofit enti-*
15 *ties: Provided further, That any funds provided in this Act*
16 *and made available subsequent to reallocation for the pur-*
17 *poses described in the first proviso shall remain available*
18 *until September 30, 2024: Provided further, That the Sec-*
19 *retary may transfer funds provided in this Act and made*
20 *available subsequent to the reallocation of funds to States*
21 *pursuant to section 110(b) of the Rehabilitation Act to “In-*
22 *stitute of Education Sciences” for the evaluation of out-*
23 *comes for students receiving services and supports under*
24 *IDEA and under title I, section 504 of title V, and title*
25 *VI of the Rehabilitation Act: Provided further, That the*

1053

1 *transfer authority in the preceding proviso is in addition*
2 *to any other transfer authority in this Act.*

3 *SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES*4 *AMERICAN PRINTING HOUSE FOR THE BLIND*

5 *For carrying out the Act to Promote the Education*
6 *of the Blind of March 3, 1879, \$43,431,000.*

7 *NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

8 *For the National Technical Institute for the Deaf*
9 *under titles I and II of the Education of the Deaf Act of*
10 *1986, \$92,500,000: Provided, That from the total amount*
11 *available, the Institute may at its discretion use funds for*
12 *the endowment program as authorized under section 207*
13 *of such Act.*

14 *GALLAUDET UNIVERSITY*

15 *For the Kendall Demonstration Elementary School,*
16 *the Model Secondary School for the Deaf, and the partial*
17 *support of Gallaudet University under titles I and II of*
18 *the Education of the Deaf Act of 1986, \$165,361,000, of*
19 *which up to \$15,000,000, to remain available until ex-*
20 *pended, shall be for construction, as defined by section*
21 *201(2) of such Act: Provided, That from the total amount*
22 *available, the University may at its discretion use funds*
23 *for the endowment program as authorized under section 207*
24 *of such Act.*

1054

1 *CAREER, TECHNICAL, AND ADULT EDUCATION*

2 *For carrying out, to the extent not otherwise provided,*
3 *the Carl D. Perkins Career and Technical Education Act*
4 *of 2006 (“Perkins Act”) and the Adult Education and Fam-*
5 *ily Literacy Act (“AEFLA”), \$2,191,436,000, of which*
6 *\$1,400,436,000 shall become available on July 1, 2023, and*
7 *shall remain available through September 30, 2024, and of*
8 *which \$791,000,000 shall become available on October 1,*
9 *2023, and shall remain available through September 30,*
10 *2024: Provided, That \$25,000,000 shall be available for in-*
11 *novation and modernization grants under such section*
12 *114(e) of the Perkins Act: Provided further, That of the*
13 *amounts made available for AEFLA, \$13,712,000 shall be*
14 *for national leadership activities under section 242.*

15 *STUDENT FINANCIAL ASSISTANCE*

16 *For carrying out subparts 1, 3, and 10 of part A, and*
17 *part C of title IV of the HEA, \$24,615,352,000 which shall*
18 *remain available through September 30, 2024.*

19 *The maximum Pell Grant for which a student shall*
20 *be eligible during award year 2023–2024 shall be \$6,335.*

21 *STUDENT AID ADMINISTRATION*

22 *For Federal administrative expenses to carry out part*
23 *D of title I, and subparts 1, 3, 9, and 10 of part A, and*
24 *parts B, C, D, and E of title IV of the HEA, and subpart*
25 *1 of part A of title VII of the Public Health Service Act,*

1055

1 \$2,033,943,000, to remain available through September 30,
2 2024: Provided, That the Secretary shall allocate new stu-
3 dent loan borrower accounts to eligible student loan
4 servicers on the basis of their past performance compared
5 to all loan servicers utilizing established common metrics,
6 and on the basis of the capacity of each servicer to process
7 new and existing accounts: Provided further, That for stu-
8 dent loan contracts awarded prior to October 1, 2017, the
9 Secretary shall allow student loan borrowers who are con-
10 solidating Federal student loans to select from any student
11 loan servicer to service their new consolidated student loan:
12 Provided further, That in order to promote accountability
13 and high-quality service to borrowers, the Secretary shall
14 not award funding for any contract solicitation for a new
15 Federal student loan servicing environment, including the
16 solicitation for the Federal Student Aid (FSA) Next Gen-
17 eration Processing and Servicing Environment, unless such
18 an environment provides for the participation of multiple
19 student loan servicers that contract directly with the De-
20 partment of Education to manage a unique portfolio of bor-
21 rower accounts and the full life-cycle of loans from disburse-
22 ment to pay-off with certain limited exceptions, and allo-
23 cates student loan borrower accounts to eligible student loan
24 servicers based on performance: Provided further, That the
25 Department shall re-allocate accounts from servicers for re-

1056

1 *curing non-compliance with FSA guidelines, contractual*
2 *requirements, and applicable laws, including for failure to*
3 *sufficiently inform borrowers of available repayment op-*
4 *tions: Provided further, That such servicers shall be evalu-*
5 *ated based on their ability to meet contract requirements*
6 *(including an understanding of Federal and State law), fu-*
7 *ture performance on the contracts, and history of compli-*
8 *ance with applicable consumer protections laws: Provided*
9 *further, That to the extent FSA permits student loan serv-*
10 *icing subcontracting, FSA shall hold prime contractors ac-*
11 *countable for meeting the requirements of the contract, and*
12 *the performance and expectations of subcontractors shall be*
13 *accounted for in the prime contract and in the overall per-*
14 *formance of the prime contractor: Provided further, That*
15 *FSA shall ensure that the Next Generation Processing and*
16 *Servicing Environment, or any new Federal loan servicing*
17 *environment, incentivize more support to borrowers at risk*
18 *of delinquency or default: Provided further, That FSA shall*
19 *ensure that in such environment contractors have the capac-*
20 *ity to meet and are held accountable for performance on*
21 *service levels; are held accountable for and have a history*
22 *of compliance with applicable consumer protection laws;*
23 *and have relevant experience and demonstrated effective-*
24 *ness: Provided further, That the Secretary shall provide*
25 *quarterly briefings to the Committees on Appropriations*

1057

1 *and Education and Labor of the House of Representatives*
2 *and the Committees on Appropriations and Health, Edu-*
3 *cation, Labor, and Pensions of the Senate on general*
4 *progress related to solicitations for Federal student loan*
5 *servicing contracts: Provided further, That FSA shall*
6 *strengthen transparency through expanded publication of*
7 *aggregate data on student loan and servicer performance:*
8 *Provided further, That not later than 60 days after enact-*
9 *ment of this Act, FSA shall provide to the Committees on*
10 *Appropriations of the House of Representatives and the*
11 *Senate a detailed spend plan of anticipated uses of funds*
12 *made available in this account for fiscal year 2023 and pro-*
13 *vide quarterly updates on this plan (including contracts*
14 *awarded, change orders, bonuses paid to staff, reorganiza-*
15 *tion costs, and any other activity carried out using*
16 *amounts provided under this heading for fiscal year 2023):*
17 *Provided further, That the FSA Next Generation Processing*
18 *and Servicing Environment, or any new Federal student*
19 *loan servicing environment, shall include accountability*
20 *measures that account for the performance of the portfolio*
21 *and contractor compliance with FSA guidelines: Provided*
22 *further, That notwithstanding the requirements of the Fed-*
23 *eral Property and Administration Services Act of 1949, 41*
24 *U.S.C. 3101 et seq., as amended; parts 6, 16, and 37 of*
25 *title 48, Code of Federal Regulations; or any other procure-*

1058

1 *ment limitation on the period of performance, the Secretary*
2 *may extend the period of performance for any contract*
3 *under section 456 of the HEA for servicing activities for*
4 *up to one year from the current date of expiration.*

5 *HIGHER EDUCATION*

6 *For carrying out, to the extent not otherwise provided,*
7 *titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mu-*
8 *tual Educational and Cultural Exchange Act of 1961, and*
9 *section 117 of the Perkins Act, \$3,526,037,000, of which*
10 *\$184,000,000 shall remain available through December 31,*
11 *2023: Provided, That notwithstanding any other provision*
12 *of law, funds made available in this Act to carry out title*
13 *VI of the HEA and section 102(b)(6) of the Mutual Edu-*
14 *cational and Cultural Exchange Act of 1961 may be used*
15 *to support visits and study in foreign countries by individ-*
16 *uals who are participating in advanced foreign language*
17 *training and international studies in areas that are vital*
18 *to United States national security and who plan to apply*
19 *their language skills and knowledge of these countries in*
20 *the fields of government, the professions, or international*
21 *development: Provided further, That of the funds referred*
22 *to in the preceding proviso up to 1 percent may be used*
23 *for program evaluation, national outreach, and informa-*
24 *tion dissemination activities: Provided further, That up to*
25 *1.5 percent of the funds made available under chapter 2*

1059

1 *of subpart 2 of part A of title IV of the HEA may be used*
2 *for evaluation: Provided further, That section 313(d) of the*
3 *HEA shall not apply to an institution of higher education*
4 *that is eligible to receive funding under section 318 of the*
5 *HEA: Provided further, That amounts made available for*
6 *carrying out section 419N of the HEA may be awarded not-*
7 *withstanding the limitations in section 419N(b)(2) of the*
8 *HEA: Provided further, That of the amounts made avail-*
9 *able under this heading, \$429,587,000 shall be used for the*
10 *projects, and in the amounts, specified in the table titled*
11 *“Community Project Funding/Congressionally Directed*
12 *Spending” included for this division in the explanatory*
13 *statement described in section 4 (in the matter preceding*
14 *division A of this consolidated Act): Provided further, That*
15 *none of the funds made available for projects described in*
16 *the preceding proviso shall be subject to section 302 of this*
17 *Act.*

18 *HOWARD UNIVERSITY*

19 *For partial support of Howard University,*
20 *\$354,018,000, of which not less than \$3,405,000 shall be for*
21 *a matching endowment grant pursuant to the Howard Uni-*
22 *versity Endowment Act and shall remain available until*
23 *expended.*

1060

1 *COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS*
2 *PROGRAM*

3 *For Federal administrative expenses to carry out ac-*
4 *tivities related to existing facility loans pursuant to section*
5 *121 of the HEA, \$298,000.*

6 *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL*
7 *FINANCING PROGRAM ACCOUNT*

8 *For the cost of guaranteed loans, \$20,150,000, as au-*
9 *thorized pursuant to part D of title III of the HEA, which*
10 *shall remain available through September 30, 2024: Pro-*
11 *vided, That such costs, including the cost of modifying such*
12 *loans, shall be as defined in section 502 of the Congressional*
13 *Budget Act of 1974: Provided further, That these funds are*
14 *available to subsidize total loan principal, any part of*
15 *which is to be guaranteed, not to exceed \$752,065,725: Pro-*
16 *vided further, That these funds may be used to support*
17 *loans to public and private Historically Black Colleges and*
18 *Universities without regard to the limitations within sec-*
19 *tion 344(a) of the HEA.*

20 *In addition, for administrative expenses to carry out*
21 *the Historically Black College and University Capital Fi-*
22 *nanancing Program entered into pursuant to part D of title*
23 *III of the HEA, \$528,000.*

1061

1 *INSTITUTE OF EDUCATION SCIENCES*

2 *For necessary expenses for the Institute of Education*
3 *Sciences as authorized by section 208 of the Department*
4 *of Education Organization Act and carrying out activities*
5 *authorized by the National Assessment of Educational*
6 *Progress Authorization Act, section 208 of the Educational*
7 *Technical Assistance Act of 2002, and section 664 of the*
8 *Individuals with Disabilities Education Act, \$807,605,000,*
9 *which shall remain available through September 30, 2024:*
10 *Provided, That funds available to carry out section 208 of*
11 *the Educational Technical Assistance Act may be used to*
12 *link Statewide elementary and secondary data systems with*
13 *early childhood, postsecondary, and workforce data systems,*
14 *or to further develop such systems: Provided further, That*
15 *up to \$6,000,000 of the funds available to carry out section*
16 *208 of the Educational Technical Assistance Act may be*
17 *used for awards to public or private organizations or agen-*
18 *cies to support activities to improve data coordination,*
19 *quality, and use at the local, State, and national levels.*

20 *DEPARTMENTAL MANAGEMENT*21 *PROGRAM ADMINISTRATION*

22 *For carrying out, to the extent not otherwise provided,*
23 *the Department of Education Organization Act, including*
24 *rental of conference rooms in the District of Columbia and*
25 *hire of three passenger motor vehicles, \$426,907,000, of*

1062

1 *which up to \$7,000,000, to remain available until expended,*
2 *shall be available for relocation expenses, and for the ren-*
3 *ovation and repair of leased buildings: Provided, That, not-*
4 *withstanding any other provision of law, none of the funds*
5 *provided by this Act or provided by previous Appropria-*
6 *tions Acts to the Department of Education available for ob-*
7 *ligation or expenditure in the current fiscal year may be*
8 *used for any activity relating to implementing a reorga-*
9 *nization that decentralizes, reduces the staffing level, or al-*
10 *ters the responsibilities, structure, authority, or*
11 *functionality of the Budget Service of the Department of*
12 *Education, relative to the organization and operation of the*
13 *Budget Service as in effect on January 1, 2018.*

14 *OFFICE FOR CIVIL RIGHTS*

15 *For expenses necessary for the Office for Civil Rights,*
16 *as authorized by section 203 of the Department of Edu-*
17 *cation Organization Act, \$140,000,000.*

18 *OFFICE OF INSPECTOR GENERAL*

19 *For expenses necessary for the Office of Inspector Gen-*
20 *eral, as authorized by section 212 of the Department of*
21 *Education Organization Act, \$67,500,000, of which*
22 *\$3,000,000 shall remain available until expended.*

1063

1 *GENERAL PROVISIONS*

2 *SEC. 301. No funds appropriated in this Act may be*
3 *used to prevent the implementation of programs of vol-*
4 *untary prayer and meditation in the public schools.*

5 *(TRANSFER OF FUNDS)*

6 *SEC. 302. Not to exceed 1 percent of any discretionary*
7 *funds (pursuant to the Balanced Budget and Emergency*
8 *Deficit Control Act of 1985) which are appropriated for the*
9 *Department of Education in this Act may be transferred*
10 *between appropriations, but no such appropriation shall be*
11 *increased by more than 3 percent by any such transfer: Pro-*
12 *vided, That the transfer authority granted by this section*
13 *shall not be used to create any new program or to fund*
14 *any project or activity for which no funds are provided in*
15 *this Act: Provided further, That the Committees on Appro-*
16 *priations of the House of Representatives and the Senate*
17 *are notified at least 15 days in advance of any transfer.*

18 *SEC. 303. Funds appropriated in this Act and consoli-*
19 *dated for evaluation purposes under section 8601(c) of the*
20 *ESEA shall be available from July 1, 2023, through Sep-*
21 *tember 30, 2024.*

22 *SEC. 304. (a) An institution of higher education that*
23 *maintains an endowment fund supported with funds appro-*
24 *priated for title III or V of the HEA for fiscal year 2023*
25 *may use the income from that fund to award scholarships*

1064

1 *to students, subject to the limitation in section*
2 *331(c)(3)(B)(i) of the HEA. The use of such income for such*
3 *purposes, prior to the enactment of this Act, shall be consid-*
4 *ered to have been an allowable use of that income, subject*
5 *to that limitation.*

6 *(b) Subsection (a) shall be in effect until titles III and*
7 *V of the HEA are reauthorized.*

8 *SEC. 305. Section 114(f) of the HEA (20 U.S.C.*
9 *1011c(f)) shall be applied by substituting “2023” for*
10 *“2021”.*

11 *SEC. 306. Section 458(a)(4) of the HEA (20 U.S.C.*
12 *1087h(a)) shall be applied by substituting “2023” for*
13 *“2021”.*

14 *SEC. 307. Funds appropriated in this Act under the*
15 *heading “Student Aid Administration” may be available*
16 *for payments for student loan servicing to an institution*
17 *of higher education that services outstanding Federal Per-*
18 *kins Loans under part E of title IV of the Higher Education*
19 *Act of 1965 (20 U.S.C. 1087aa et seq.).*

20 *(RESCISSION)*

21 *SEC. 308. Of the amounts appropriated under section*
22 *401(b)(7)(A)(iv)(XI) of the Higher Education Act of 1965*
23 *(20 U.S.C. 1070a(b)(7)(A)(iv)(XI)) for fiscal year 2023,*
24 *\$75,000,000 are hereby rescinded.*

1065

1 *SEC. 309. Of the amounts made available in this title*
2 *under the heading “Student Aid Administration”,*
3 *\$2,300,000 shall be used by the Secretary of Education to*
4 *conduct outreach to borrowers of loans made under part D*
5 *of title IV of the Higher Education Act of 1965 who may*
6 *intend to qualify for loan cancellation under section 455(m)*
7 *of such Act (20 U.S.C. 1087e(m)), to ensure that borrowers*
8 *are meeting the terms and conditions of such loan cancella-*
9 *tion: Provided, That the Secretary shall specifically conduct*
10 *outreach to assist borrowers who would qualify for loan can-*
11 *cellation under section 455(m) of such Act except that the*
12 *borrower has made some, or all, of the 120 required pay-*
13 *ments under a repayment plan that is not described under*
14 *section 455(m)(A) of such Act, to encourage borrowers to*
15 *enroll in a qualifying repayment plan: Provided further,*
16 *That the Secretary shall also communicate to all Direct*
17 *Loan borrowers the full requirements of section 455(m) of*
18 *such Act and improve the filing of employment certification*
19 *by providing improved outreach and information such as*
20 *outbound calls, electronic communications, ensuring promi-*
21 *nent access to program requirements and benefits on each*
22 *servicer’s website, and creating an option for all borrowers*
23 *to complete the entire payment certification process elec-*
24 *tronically and on a centralized website.*

1066

1 *SEC. 310. The Secretary may reserve not more than*
2 *0.5 percent from any amount made available in this Act*
3 *for an HEA program, except for any amounts made avail-*
4 *able for subpart 1 of part A of title IV of the HEA, to carry*
5 *out rigorous and independent evaluations and to collect and*
6 *analyze outcome data for any program authorized by the*
7 *HEA: Provided, That no funds made available in this Act*
8 *for the “Student Aid Administration” account shall be sub-*
9 *ject to the reservation under this section: Provided further,*
10 *That any funds reserved under this section shall be avail-*
11 *able through September 30, 2025: Provided further, That*
12 *if, under any other provision of law, funds are authorized*
13 *to be reserved or used for evaluation activities with respect*
14 *to a program or project, the Secretary may also reserve*
15 *funds for such program or project for the purposes described*
16 *in this section so long as the total reservation of funds for*
17 *such program or project does not exceed any statutory lim-*
18 *its on such reservations: Provided further, That not later*
19 *than 30 days prior to the initial obligation of funds re-*
20 *served under this section, the Secretary shall submit to the*
21 *Committees on Appropriations of the Senate and the House*
22 *of Representatives, the Committee on Health, Education,*
23 *Labor and Pensions of the Senate, and the Committee on*
24 *Education and Labor of the House of Representatives a*
25 *plan that identifies the source and amount of funds reserved*

1067

1 *under this section, the impact on program grantees if funds*
2 *are withheld for the purposes of this section, and the activi-*
3 *ties to be carried out with such funds.*

4 *SEC. 311. In addition to amounts otherwise appro-*
5 *priated by this Act under the heading “Innovation and Im-*
6 *provement” for purposes authorized by the Elementary and*
7 *Secondary Education Act of 1965, there are hereby appro-*
8 *priated an additional \$200,443,000 which shall be used for*
9 *the projects, and in the amounts, specified in the table titled*
10 *“Community Project Funding/Congressionally Directed*
11 *Spending” included for this division in the explanatory*
12 *statement described in section 4 (in the matter preceding*
13 *division A of this consolidated Act): Provided, That none*
14 *of the funds made available for such projects shall be subject*
15 *to section 302 of this Act.*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *SEC. 312. Of the amounts appropriated in this Act for*
18 *“Institute of Education Sciences”, \$19,000,000 shall be*
19 *available for the Secretary of Education (“the Secretary”)*
20 *to provide support services to the Institute of Education*
21 *Sciences (including, but not limited to information tech-*
22 *nology services, lease or procurement of office space, human*
23 *resource services, financial management services, financial*
24 *systems support, budget formulation and execution, legal*
25 *counsel, equal employment opportunity services, physical*

1068

1 *security, facilities management, acquisition and contract*
2 *management, grants administration and policy, and enter-*
3 *prise risk management): Provided, That the Secretary shall*
4 *calculate the actual amounts obligated and expended for*
5 *such support services by using a standard Department of*
6 *Education methodology for allocating the cost of all such*
7 *support services: Provided further, That the Secretary may*
8 *transfer any amounts available for IES support services in*
9 *excess of actual amounts needed for IES support services,*
10 *as so calculated, to the “Program Administration” account*
11 *from the “Institute of Education Sciences” account: Pro-*
12 *vided further, That in order to address any shortfall be-*
13 *tween amounts available for IES support services and*
14 *amounts needed for IES support services, as so calculated,*
15 *the Secretary may transfer necessary amounts to the “Insti-*
16 *tute of Education Sciences” account from the “Program Ad-*
17 *ministration” account: Provided further, That the Commit-*
18 *tees on Appropriations of the House of Representatives and*
19 *the Senate are notified at least 14 days in advance of any*
20 *transfer made pursuant to this section.*

21 *SEC. 313. The Education Amendments Act of 1972 is*
22 *amended by striking section 802.*

23 *(RESCISSION)*

24 *SEC. 314. Of the unobligated balances available under*
25 *the heading “Student Financial Assistance” for carrying*

1069

- 1 *out subpart 1 of part A of title IV of the HEA, \$360,000,000*
2 *are hereby rescinded.*
3 *This title may be cited as the “Department of Edu-*
4 *cation Appropriations Act, 2023”.*

1070

1 *TITLE IV*2 *RELATED AGENCIES*3 *COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE*4 *BLIND OR SEVERELY DISABLED*5 *SALARIES AND EXPENSES*

6 *For expenses necessary for the Committee for Purchase*
7 *From People Who Are Blind or Severely Disabled (referred*
8 *to in this title as “the Committee”) established under sec-*
9 *tion 8502 of title 41, United States Code, \$13,124,000: Pro-*
10 *vided, That in order to authorize any central nonprofit*
11 *agency designated pursuant to section 8503(c) of title 41,*
12 *United States Code, to perform requirements of the Com-*
13 *mittee as prescribed under section 51–3.2 of title 41, Code*
14 *of Federal Regulations, the Committee shall enter into a*
15 *written agreement with any such central nonprofit agency:*
16 *Provided further, That such agreement shall contain such*
17 *auditing, oversight, and reporting provisions as necessary*
18 *to implement chapter 85 of title 41, United States Code:*
19 *Provided further, That such agreement shall include the ele-*
20 *ments listed under the heading “Committee For Purchase*
21 *From People Who Are Blind or Severely Disabled—Written*
22 *Agreement Elements” in the explanatory statement de-*
23 *scribed in section 4 of Public Law 114–113 (in the matter*
24 *preceding division A of that consolidated Act): Provided*
25 *further, That any such central nonprofit agency may not*

1071

1 *charge a fee under section 51–3.5 of title 41, Code of Federal*
2 *Regulations, prior to executing a written agreement with*
3 *the Committee: Provided further, That no less than*
4 *\$3,150,000 shall be available for the Office of Inspector Gen-*
5 *eral.*

6 *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*
7 *OPERATING EXPENSES*

8 *For necessary expenses for the Corporation for Na-*
9 *tional and Community Service (referred to in this title as*
10 *“CNCS”) to carry out the Domestic Volunteer Service Act*
11 *of 1973 (referred to in this title as “1973 Act”) and the*
12 *National and Community Service Act of 1990 (referred to*
13 *in this title as “1990 Act”), \$975,525,000, notwithstanding*
14 *sections 198B(b)(3), 198S(g), 501(a)(4)(C), and*
15 *501(a)(4)(F) of the 1990 Act: Provided, That of the amounts*
16 *provided under this heading: (1) up to 1 percent of program*
17 *grant funds may be used to defray the costs of conducting*
18 *grant application reviews, including the use of outside peer*
19 *reviewers and electronic management of the grants cycle;*
20 *(2) \$19,538,000 shall be available to provide assistance to*
21 *State commissions on national and community service,*
22 *under section 126(a) of the 1990 Act and notwithstanding*
23 *section 501(a)(5)(B) of the 1990 Act; (3) \$37,735,000 shall*
24 *be available to carry out subtitle E of the 1990 Act; and*
25 *(4) \$8,558,000 shall be available for expenses authorized*

1072

1 *under section 501(a)(4)(F) of the 1990 Act, which, notwith-*
2 *standing the provisions of section 198P shall be awarded*
3 *by CNCS on a competitive basis: Provided further, That*
4 *for the purposes of carrying out the 1990 Act, satisfying*
5 *the requirements in section 122(c)(1)(D) may include a de-*
6 *termination of need by the local community.*

7 *PAYMENT TO THE NATIONAL SERVICE TRUST*8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For payment to the National Service Trust established*
10 *under subtitle D of title I of the 1990 Act, \$230,000,000,*
11 *to remain available until expended: Provided, That CNCS*
12 *may transfer additional funds from the amount provided*
13 *within “Operating Expenses” allocated to grants under sub-*
14 *title C of title I of the 1990 Act to the National Service*
15 *Trust upon determination that such transfer is necessary*
16 *to support the activities of national service participants*
17 *and after notice is transmitted to the Committees on Appro-*
18 *priations of the House of Representatives and the Senate:*
19 *Provided further, That amounts appropriated for or trans-*
20 *ferred to the National Service Trust may be invested under*
21 *section 145(b) of the 1990 Act without regard to the require-*
22 *ment to apportion funds under 31 U.S.C. 1513(b).*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses of administration as provided*
25 *under section 501(a)(5) of the 1990 Act and under section*

1073

1 504(a) of the 1973 Act, including payment of salaries, au-
2 thorized travel, hire of passenger motor vehicles, the rental
3 of conference rooms in the District of Columbia, the employ-
4 ment of experts and consultants authorized under 5 U.S.C.
5 3109, and not to exceed \$2,500 for official reception and
6 representation expenses, \$99,686,000.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector Gen-
9 eral in carrying out the Inspector General Act of 1978,
10 \$7,595,000.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 401. CNCS shall make any significant changes
13 to program requirements, service delivery or policy only
14 through public notice and comment rulemaking. For fiscal
15 year 2023, during any grant selection process, an officer
16 or employee of CNCS shall not knowingly disclose any cov-
17 ered grant selection information regarding such selection,
18 directly or indirectly, to any person other than an officer
19 or employee of CNCS that is authorized by CNCS to receive
20 such information.

21 SEC. 402. AmeriCorps programs receiving grants
22 under the National Service Trust program shall meet an
23 overall minimum share requirement of 24 percent for the
24 first 3 years that they receive AmeriCorps funding, and
25 thereafter shall meet the overall minimum share require-

1074

1 *ment as provided in section 2521.60 of title 45, Code of*
2 *Federal Regulations, without regard to the operating costs*
3 *match requirement in section 121(e) or the member support*
4 *Federal share limitations in section 140 of the 1990 Act,*
5 *and subject to partial waiver consistent with section*
6 *2521.70 of title 45, Code of Federal Regulations.*

7 *SEC. 403. Donations made to CNCS under section 196*
8 *of the 1990 Act for the purposes of financing programs and*
9 *operations under titles I and II of the 1973 Act or subtitle*
10 *B, C, D, or E of title I of the 1990 Act shall be used to*
11 *supplement and not supplant current programs and oper-*
12 *ations.*

13 *SEC. 404. In addition to the requirements in section*
14 *146(a) of the 1990 Act, use of an educational award for*
15 *the purpose described in section 148(a)(4) shall be limited*
16 *to individuals who are veterans as defined under section*
17 *101 of the Act.*

18 *SEC. 405. For the purpose of carrying out section*
19 *189D of the 1990 Act—*

20 *(1) entities described in paragraph (a) of such*
21 *section shall be considered “qualified entities” under*
22 *section 3 of the National Child Protection Act of 1993*
23 *(“NCPA”);*

24 *(2) individuals described in such section shall be*
25 *considered “volunteers” under section 3 of NCPA; and*

1075

1 (3) *State Commissions on National and Commu-*
2 *nity Service established pursuant to section 178 of the*
3 *1990 Act, are authorized to receive criminal history*
4 *record information, consistent with Public Law 92–*
5 *544.*

6 *SEC. 406. Notwithstanding sections 139(b), 146 and*
7 *147 of the 1990 Act, an individual who successfully com-*
8 *pletes a term of service of not less than 1,200 hours during*
9 *a period of not more than one year may receive a national*
10 *service education award having a value of 70 percent of*
11 *the value of a national service education award determined*
12 *under section 147(a) of the Act.*

13 *SEC. 407. Section 148(f)(2)(A)(i) of the 1990 Act shall*
14 *be applied by substituting “an approved national service*
15 *position” for “a national service program that receives*
16 *grants under subtitle C”.*

17 *CORPORATION FOR PUBLIC BROADCASTING*

18 *For payment to the Corporation for Public Broad-*
19 *casting (“CPB”), as authorized by the Communications Act*
20 *of 1934, an amount which shall be available within limita-*
21 *tions specified by that Act, for the fiscal year 2025,*
22 *\$535,000,000: Provided, That none of the funds made avail-*
23 *able to CPB by this Act shall be used to pay for receptions,*
24 *parties, or similar forms of entertainment for Government*
25 *officials or employees: Provided further, That none of the*

1076

1 *funds made available to CPB by this Act shall be available*
2 *or used to aid or support any program or activity from*
3 *which any person is excluded, or is denied benefits, or is*
4 *discriminated against, on the basis of race, color, national*
5 *origin, religion, or sex: Provided further, That none of the*
6 *funds made available to CPB by this Act shall be used to*
7 *apply any political test or qualification in selecting, ap-*
8 *pointing, promoting, or taking any other personnel action*
9 *with respect to officers, agents, and employees of CPB.*

10 *In addition, for the costs associated with replacing and*
11 *upgrading the public broadcasting interconnection system*
12 *and other technologies and services that create infrastruc-*
13 *ture and efficiencies within the public media system,*
14 *\$60,000,000.*

15 *FEDERAL MEDIATION AND CONCILIATION SERVICE*

16 *SALARIES AND EXPENSES*

17 *For expenses necessary for the Federal Mediation and*
18 *Conciliation Service (“Service”) to carry out the functions*
19 *vested in it by the Labor-Management Relations Act, 1947,*
20 *including hire of passenger motor vehicles; for expenses nec-*
21 *essary for the Labor-Management Cooperation Act of 1978;*
22 *and for expenses necessary for the Service to carry out the*
23 *functions vested in it by the Civil Service Reform Act,*
24 *\$53,705,000: Provided, That notwithstanding 31 U.S.C.*
25 *3302, fees charged, up to full-cost recovery, for special train-*

1077

1 *ing activities and other conflict resolution services and tech-*
2 *nical assistance, including those provided to foreign govern-*
3 *ments and international organizations, and for arbitration*
4 *services shall be credited to and merged with this account,*
5 *and shall remain available until expended: Provided fur-*
6 *ther, That fees for arbitration services shall be available*
7 *only for education, training, and professional development*
8 *of the agency workforce: Provided further, That the Director*
9 *of the Service is authorized to accept and use on behalf of*
10 *the United States gifts of services and real, personal, or*
11 *other property in the aid of any projects or functions within*
12 *the Director's jurisdiction.*

13 *FEDERAL MINE SAFETY AND HEALTH REVIEW*

14 *COMMISSION*

15 *SALARIES AND EXPENSES*

16 *For expenses necessary for the Federal Mine Safety*
17 *and Health Review Commission, \$18,012,000.*

18 *INSTITUTE OF MUSEUM AND LIBRARY SERVICES*

19 *OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND*
20 *ADMINISTRATION*

21 *For carrying out the Museum and Library Services*
22 *Act of 1996 and the National Museum of African American*
23 *History and Culture Act, \$294,800,000.*

1078

1 *MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION*2 *SALARIES AND EXPENSES*

3 *For expenses necessary to carry out section 1900 of the*
4 *Social Security Act, \$9,405,000.*

5 *MEDICARE PAYMENT ADVISORY COMMISSION*6 *SALARIES AND EXPENSES*

7 *For expenses necessary to carry out section 1805 of the*
8 *Social Security Act, \$13,824,000, to be transferred to this*
9 *appropriation from the Federal Hospital Insurance Trust*
10 *Fund and the Federal Supplementary Medical Insurance*
11 *Trust Fund.*

12 *NATIONAL COUNCIL ON DISABILITY*13 *SALARIES AND EXPENSES*

14 *For expenses necessary for the National Council on*
15 *Disability as authorized by title IV of the Rehabilitation*
16 *Act of 1973, \$3,850,000.*

17 *NATIONAL LABOR RELATIONS BOARD*18 *SALARIES AND EXPENSES*

19 *For expenses necessary for the National Labor Rela-*
20 *tions Board to carry out the functions vested in it by the*
21 *Labor-Management Relations Act, 1947, and other laws,*
22 *\$299,224,000: Provided, That no part of this appropriation*
23 *shall be available to organize or assist in organizing agri-*
24 *cultural laborers or used in connection with investigations,*
25 *hearings, directives, or orders concerning bargaining units*

1079

1 *composed of agricultural laborers as referred to in section*
2 *2(3) of the Act of July 5, 1935, and as amended by the*
3 *Labor-Management Relations Act, 1947, and as defined in*
4 *section 3(f) of the Act of June 25, 1938, and including in*
5 *said definition employees engaged in the maintenance and*
6 *operation of ditches, canals, reservoirs, and waterways*
7 *when maintained or operated on a mutual, nonprofit basis*
8 *and at least 95 percent of the water stored or supplied there-*
9 *by is used for farming purposes.*

10 *ADMINISTRATIVE PROVISION*

11 *SEC. 408. None of the funds provided by this Act or*
12 *previous Acts making appropriations for the National*
13 *Labor Relations Board may be used to issue any new ad-*
14 *ministrative directive or regulation that would provide em-*
15 *ployees any means of voting through any electronic means*
16 *in an election to determine a representative for the purposes*
17 *of collective bargaining.*

18 *NATIONAL MEDIATION BOARD*19 *SALARIES AND EXPENSES*

20 *For expenses necessary to carry out the provisions of*
21 *the Railway Labor Act, including emergency boards ap-*
22 *pointed by the President, \$15,113,000.*

1080

1 *OCCUPATIONAL SAFETY AND HEALTH REVIEW*2 *COMMISSION*3 *SALARIES AND EXPENSES*

4 *For expenses necessary for the Occupational Safety*
5 *and Health Review Commission, \$15,449,000.*

6 *RAILROAD RETIREMENT BOARD*7 *DUAL BENEFITS PAYMENTS ACCOUNT*

8 *For payment to the Dual Benefits Payments Account,*
9 *authorized under section 15(d) of the Railroad Retirement*
10 *Act of 1974, \$9,000,000, which shall include amounts be-*
11 *coming available in fiscal year 2023 pursuant to section*
12 *224(c)(1)(B) of Public Law 98–76; and in addition, an*
13 *amount, not to exceed 2 percent of the amount provided*
14 *herein, shall be available proportional to the amount by*
15 *which the product of recipients and the average benefit re-*
16 *ceived exceeds the amount available for payment of vested*
17 *dual benefits: Provided, That the total amount provided*
18 *herein shall be credited in 12 approximately equal amounts*
19 *on the first day of each month in the fiscal year.*

20 *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT*21 *ACCOUNTS*

22 *For payment to the accounts established in the Treas-*
23 *ury for the payment of benefits under the Railroad Retire-*
24 *ment Act for interest earned on unnegotiated checks,*
25 *\$150,000, to remain available through September 30, 2024,*

1081

1 *which shall be the maximum amount available for payment*
2 *pursuant to section 417 of Public Law 98–76.*

3 *LIMITATION ON ADMINISTRATION*

4 *For necessary expenses for the Railroad Retirement*
5 *Board (“Board”) for administration of the Railroad Retire-*
6 *ment Act and the Railroad Unemployment Insurance Act,*
7 *\$128,000,000, to be derived in such amounts as determined*
8 *by the Board from the railroad retirement accounts and*
9 *from moneys credited to the railroad unemployment insur-*
10 *ance administration fund: Provided, That notwithstanding*
11 *section 7(b)(9) of the Railroad Retirement Act this limita-*
12 *tion may be used to hire attorneys only through the excepted*
13 *service: Provided further, That the previous proviso shall*
14 *not change the status under Federal employment laws of*
15 *any attorney hired by the Railroad Retirement Board prior*
16 *to January 1, 2013: Provided further, That notwith-*
17 *standing section 7(b)(9) of the Railroad Retirement Act,*
18 *this limitation may be used to hire students attending*
19 *qualifying educational institutions or individuals who have*
20 *recently completed qualifying educational programs using*
21 *current excepted hiring authorities established by the Office*
22 *of Personnel Management.*

23 *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

24 *For expenses necessary for the Office of Inspector Gen-*
25 *eral for audit, investigatory and review activities, as au-*

1082

1 *thorized by the Inspector General Act of 1978, not more*
2 *than \$14,000,000, to be derived from the railroad retire-*
3 *ment accounts and railroad unemployment insurance ac-*
4 *count.*

5 *SOCIAL SECURITY ADMINISTRATION*

6 *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

7 *For payment to the Federal Old-Age and Survivors In-*
8 *surance Trust Fund and the Federal Disability Insurance*
9 *Trust Fund, as provided under sections 201(m) and*
10 *1131(b)(2) of the Social Security Act, \$11,000,000.*

11 *SUPPLEMENTAL SECURITY INCOME PROGRAM*

12 *For carrying out titles XI and XVI of the Social Secu-*
13 *rity Act, section 401 of Public Law 92–603, section 212*
14 *of Public Law 93–66, as amended, and section 405 of Public*
15 *Law 95–216, including payment to the Social Security*
16 *trust funds for administrative expenses incurred pursuant*
17 *to section 201(g)(1) of the Social Security Act,*
18 *\$48,609,338,000, to remain available until expended: Pro-*
19 *vided, That any portion of the funds provided to a State*
20 *in the current fiscal year and not obligated by the State*
21 *during that year shall be returned to the Treasury: Pro-*
22 *vided further, That not more than \$86,000,000 shall be*
23 *available for research and demonstrations under sections*
24 *1110, 1115, and 1144 of the Social Security Act, and re-*
25 *main available through September 30, 2025.*

1083

1 *For making, after June 15 of the current fiscal year,*
2 *benefit payments to individuals under title XVI of the So-*
3 *cial Security Act, for unanticipated costs incurred for the*
4 *current fiscal year, such sums as may be necessary.*

5 *For making benefit payments under title XVI of the*
6 *Social Security Act for the first quarter of fiscal year 2024,*
7 *\$15,800,000,000, to remain available until expended.*

8 *LIMITATION ON ADMINISTRATIVE EXPENSES*
9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For necessary expenses, including the hire and pur-*
11 *chase of two passenger motor vehicles, and not to exceed*
12 *\$20,000 for official reception and representation expenses,*
13 *not more than \$13,985,978,000 may be expended, as author-*
14 *ized by section 201(g)(1) of the Social Security Act, from*
15 *any one or all of the trust funds referred to in such section:*
16 *Provided, That not less than \$2,700,000 shall be for the So-*
17 *cial Security Advisory Board: Provided further, That*
18 *\$55,000,000 shall remain available through September 30,*
19 *2024, for activities to address the disability hearings back-*
20 *log within the Office of Hearings Operations: Provided fur-*
21 *ther, That unobligated balances of funds provided under*
22 *this paragraph at the end of fiscal year 2023 not needed*
23 *for fiscal year 2023 shall remain available until expended*
24 *to invest in the Social Security Administration information*
25 *technology and telecommunications hardware and software*

1084

1 *infrastructure, including related equipment and non-pay-*
2 *roll administrative expenses associated solely with this in-*
3 *formation technology and telecommunications infrastruc-*
4 *ture: Provided further, That the Commissioner of Social Se-*
5 *curity shall notify the Committees on Appropriations of the*
6 *House of Representatives and the Senate prior to making*
7 *unobligated balances available under the authority in the*
8 *previous proviso: Provided further, That reimbursement to*
9 *the trust funds under this heading for expenditures for offi-*
10 *cial time for employees of the Social Security Administra-*
11 *tion pursuant to 5 U.S.C. 7131, and for facilities or support*
12 *services for labor organizations pursuant to policies, regula-*
13 *tions, or procedures referred to in section 7135(b) of such*
14 *title shall be made by the Secretary of the Treasury, with*
15 *interest, from amounts in the general fund not otherwise*
16 *appropriated, as soon as possible after such expenditures*
17 *are made.*

18 *Of the total amount made available in the first para-*
19 *graph under this heading, not more than \$1,784,000,000,*
20 *to remain available through March 31, 2024, is for the costs*
21 *associated with continuing disability reviews under titles*
22 *II and XVI of the Social Security Act, including work-re-*
23 *lated continuing disability reviews to determine whether*
24 *earnings derived from services demonstrate an individual's*
25 *ability to engage in substantial gainful activity, for the cost*

1085

1 *associated with conducting redeterminations of eligibility*
2 *under title XVI of the Social Security Act, for the cost of*
3 *co-operative disability investigation units, and for the cost*
4 *associated with the prosecution of fraud in the programs*
5 *and operations of the Social Security Administration by*
6 *Special Assistant United States Attorneys: Provided, That,*
7 *of such amount, \$273,000,000 is provided to meet the terms*
8 *of a concurrent resolution on the budget in the Senate, and*
9 *\$1,511,000,000 is additional new budget authority specified*
10 *for purposes of a concurrent resolution on the budget in the*
11 *Senate and section 1(i) of H. Res. 1151 (117th Congress),*
12 *as engrossed in the House of Representatives on June 8,*
13 *2022: Provided further, That, of the additional new budget*
14 *authority described in the preceding proviso, up to*
15 *\$15,100,000 may be transferred to the “Office of Inspector*
16 *General”, Social Security Administration, for the cost of*
17 *jointly operated co-operative disability investigation units:*
18 *Provided further, That such transfer authority is in addi-*
19 *tion to any other transfer authority provided by law: Pro-*
20 *vided further, That the Commissioner shall provide to the*
21 *Congress (at the conclusion of the fiscal year) a report on*
22 *the obligation and expenditure of these funds, similar to*
23 *the reports that were required by section 103(d)(2) of Public*
24 *Law 104–121 for fiscal years 1996 through 2002: Provided*
25 *further, That none of the funds described in this paragraph*

1086

1 *shall be available for transfer or reprogramming except as*
2 *specified in this paragraph.*

3 *In addition, \$140,000,000 to be derived from adminis-*
4 *tration fees in excess of \$5.00 per supplementary payment*
5 *collected pursuant to section 1616(d) of the Social Security*
6 *Act or section 212(b)(3) of Public Law 93-66, which shall*
7 *remain available until expended: Provided, That to the ex-*
8 *tent that the amounts collected pursuant to such sections*
9 *in fiscal year 2023 exceed \$140,000,000, the amounts shall*
10 *be available in fiscal year 2024 only to the extent provided*
11 *in advance in appropriations Acts.*

12 *In addition, up to \$1,000,000 to be derived from fees*
13 *collected pursuant to section 303(c) of the Social Security*
14 *Protection Act, which shall remain available until ex-*
15 *pended.*

16 *OFFICE OF INSPECTOR GENERAL*
17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For expenses necessary for the Office of Inspector Gen-*
19 *eral in carrying out the provisions of the Inspector General*
20 *Act of 1978, \$32,000,000, together with not to exceed*
21 *\$82,665,000, to be transferred and expended as authorized*
22 *by section 201(g)(1) of the Social Security Act from the*
23 *Federal Old-Age and Survivors Insurance Trust Fund and*
24 *the Federal Disability Insurance Trust Fund: Provided,*
25 *That \$2,000,000 shall remain available until expended for*

1087

1 *information technology modernization, including related*
2 *hardware and software infrastructure and equipment, and*
3 *for administrative expenses directly associated with infor-*
4 *mation technology modernization.*

5 *In addition, an amount not to exceed 3 percent of the*
6 *total provided in this appropriation may be transferred*
7 *from the “Limitation on Administrative Expenses”, Social*
8 *Security Administration, to be merged with this account,*
9 *to be available for the time and purposes for which this*
10 *account is available: Provided, That notice of such transfers*
11 *shall be transmitted promptly to the Committees on Appro-*
12 *priations of the House of Representatives and the Senate*
13 *at least 15 days in advance of any transfer.*

1088

1 *TITLE V*2 *GENERAL PROVISIONS*3 *(TRANSFER OF FUNDS)*

4 *SEC. 501. The Secretaries of Labor, Health and*
5 *Human Services, and Education are authorized to transfer*
6 *unexpended balances of prior appropriations to accounts*
7 *corresponding to current appropriations provided in this*
8 *Act. Such transferred balances shall be used for the same*
9 *purpose, and for the same periods of time, for which they*
10 *were originally appropriated.*

11 *SEC. 502. No part of any appropriation contained in*
12 *this Act shall remain available for obligation beyond the*
13 *current fiscal year unless expressly so provided herein.*

14 *SEC. 503. (a) No part of any appropriation contained*
15 *in this Act or transferred pursuant to section 4002 of Public*
16 *Law 111–148 shall be used, other than for normal and rec-*
17 *ognized executive-legislative relationships, for publicity or*
18 *propaganda purposes, for the preparation, distribution, or*
19 *use of any kit, pamphlet, booklet, publication, electronic*
20 *communication, radio, television, or video presentation de-*
21 *signed to support or defeat the enactment of legislation be-*
22 *fore the Congress or any State or local legislature or legisla-*
23 *tive body, except in presentation to the Congress or any*
24 *State or local legislature itself, or designed to support or*
25 *defeat any proposed or pending regulation, administrative*

1089

1 *action, or order issued by the executive branch of any State*
2 *or local government, except in presentation to the executive*
3 *branch of any State or local government itself.*

4 (b) *No part of any appropriation contained in this*
5 *Act or transferred pursuant to section 4002 of Public Law*
6 *111–148 shall be used to pay the salary or expenses of any*
7 *grant or contract recipient, or agent acting for such recipi-*
8 *ent, related to any activity designed to influence the enact-*
9 *ment of legislation, appropriations, regulation, administra-*
10 *tive action, or Executive order proposed or pending before*
11 *the Congress or any State government, State legislature or*
12 *local legislature or legislative body, other than for normal*
13 *and recognized executive-legislative relationships or partici-*
14 *pation by an agency or officer of a State, local or tribal*
15 *government in policymaking and administrative processes*
16 *within the executive branch of that government.*

17 (c) *The prohibitions in subsections (a) and (b) shall*
18 *include any activity to advocate or promote any proposed,*
19 *pending or future Federal, State or local tax increase, or*
20 *any proposed, pending, or future requirement or restriction*
21 *on any legal consumer product, including its sale or mar-*
22 *keting, including but not limited to the advocacy or pro-*
23 *motion of gun control.*

24 SEC. 504. *The Secretaries of Labor and Education are*
25 *authorized to make available not to exceed \$28,000 and*

1090

1 \$20,000, respectively, from funds available for salaries and
2 expenses under titles I and III, respectively, for official re-
3 ception and representation expenses; the Director of the
4 Federal Mediation and Conciliation Service is authorized
5 to make available for official reception and representation
6 expenses not to exceed \$5,000 from the funds available for
7 “Federal Mediation and Conciliation Service, Salaries and
8 Expenses”; and the Chairman of the National Mediation
9 Board is authorized to make available for official reception
10 and representation expenses not to exceed \$5,000 from funds
11 available for “National Mediation Board, Salaries and Ex-
12 penses”.

13 SEC. 505. When issuing statements, press releases, re-
14 quests for proposals, bid solicitations and other documents
15 describing projects or programs funded in whole or in part
16 with Federal money, all grantees receiving Federal funds
17 included in this Act, including but not limited to State and
18 local governments and recipients of Federal research grants,
19 shall clearly state—

20 (1) the percentage of the total costs of the pro-
21 gram or project which will be financed with Federal
22 money;

23 (2) the dollar amount of Federal funds for the
24 project or program; and

1091

1 (3) *percentage and dollar amount of the total*
2 *costs of the project or program that will be financed*
3 *by non-governmental sources.*

4 *SEC. 506. (a) None of the funds appropriated in this*
5 *Act, and none of the funds in any trust fund to which funds*
6 *are appropriated in this Act, shall be expended for any*
7 *abortion.*

8 *(b) None of the funds appropriated in this Act, and*
9 *none of the funds in any trust fund to which funds are*
10 *appropriated in this Act, shall be expended for health bene-*
11 *fits coverage that includes coverage of abortion.*

12 *(c) The term “health benefits coverage” means the*
13 *package of services covered by a managed care provider or*
14 *organization pursuant to a contract or other arrangement.*

15 *SEC. 507. (a) The limitations established in the pre-*
16 *ceding section shall not apply to an abortion—*

17 *(1) if the pregnancy is the result of an act of*
18 *rape or incest; or*

19 *(2) in the case where a woman suffers from a*
20 *physical disorder, physical injury, or physical illness,*
21 *including a life-endangering physical condition*
22 *caused by or arising from the pregnancy itself, that*
23 *would, as certified by a physician, place the woman*
24 *in danger of death unless an abortion is performed.*

1092

1 (b) *Nothing in the preceding section shall be construed*
2 *as prohibiting the expenditure by a State, locality, entity,*
3 *or private person of State, local, or private funds (other*
4 *than a State's or locality's contribution of Medicaid match-*
5 *ing funds).*

6 (c) *Nothing in the preceding section shall be construed*
7 *as restricting the ability of any managed care provider*
8 *from offering abortion coverage or the ability of a State or*
9 *locality to contract separately with such a provider for such*
10 *coverage with State funds (other than a State's or locality's*
11 *contribution of Medicaid matching funds).*

12 (d)(1) *None of the funds made available in this Act*
13 *may be made available to a Federal agency or program,*
14 *or to a State or local government, if such agency, program,*
15 *or government subjects any institutional or individual*
16 *health care entity to discrimination on the basis that the*
17 *health care entity does not provide, pay for, provide cov-*
18 *erage of, or refer for abortions.*

19 (2) *In this subsection, the term "health care entity"*
20 *includes an individual physician or other health care pro-*
21 *fessional, a hospital, a provider-sponsored organization, a*
22 *health maintenance organization, a health insurance plan,*
23 *or any other kind of health care facility, organization, or*
24 *plan.*

1093

1 *SEC. 508. (a) None of the funds made available in this*
2 *Act may be used for—*

3 *(1) the creation of a human embryo or embryos*
4 *for research purposes; or*

5 *(2) research in which a human embryo or em-*
6 *bryos are destroyed, discarded, or knowingly subjected*
7 *to risk of injury or death greater than that allowed*
8 *for research on fetuses in utero under 45 CFR*
9 *46.204(b) and section 498(b) of the Public Health*
10 *Service Act (42 U.S.C. 289g(b)).*

11 *(b) For purposes of this section, the term “human em-*
12 *bryo or embryos” includes any organism, not protected as*
13 *a human subject under 45 CFR 46 as of the date of the*
14 *enactment of this Act, that is derived by fertilization, par-*
15 *thenogenesis, cloning, or any other means from one or more*
16 *human gametes or human diploid cells.*

17 *SEC. 509. (a) None of the funds made available in this*
18 *Act may be used for any activity that promotes the legaliza-*
19 *tion of any drug or other substance included in schedule*
20 *I of the schedules of controlled substances established under*
21 *section 202 of the Controlled Substances Act except for nor-*
22 *mal and recognized executive-congressional communica-*
23 *tions.*

24 *(b) The limitation in subsection (a) shall not apply*
25 *when there is significant medical evidence of a therapeutic*

1094

1 *advantage to the use of such drug or other substance or that*
2 *federally sponsored clinical trials are being conducted to de-*
3 *termine therapeutic advantage.*

4 *SEC. 510. None of the funds made available in this*
5 *Act may be used to promulgate or adopt any final standard*
6 *under section 1173(b) of the Social Security Act providing*
7 *for, or providing for the assignment of, a unique health*
8 *identifier for an individual (except in an individual's ca-*
9 *capacity as an employer or a health care provider), until leg-*
10 *islation is enacted specifically approving the standard.*

11 *SEC. 511. None of the funds made available in this*
12 *Act may be obligated or expended to enter into or renew*
13 *a contract with an entity if—*

14 *(1) such entity is otherwise a contractor with the*
15 *United States and is subject to the requirement in 38*
16 *U.S.C. 4212(d) regarding submission of an annual*
17 *report to the Secretary of Labor concerning employ-*
18 *ment of certain veterans; and*

19 *(2) such entity has not submitted a report as re-*
20 *quired by that section for the most recent year for*
21 *which such requirement was applicable to such entity.*

22 *SEC. 512. None of the funds made available in this*
23 *Act may be transferred to any department, agency, or in-*
24 *strumentality of the United States Government, except pur-*

1095

1 *suant to a transfer made by, or transfer authority provided*
2 *in, this Act or any other appropriation Act.*

3 *SEC. 513. None of the funds made available by this*
4 *Act to carry out the Library Services and Technology Act*
5 *may be made available to any library covered by paragraph*
6 *(1) of section 224(f) of such Act, as amended by the Chil-*
7 *dren’s Internet Protection Act, unless such library has made*
8 *the certifications required by paragraph (4) of such section.*

9 *SEC. 514. (a) None of the funds provided under this*
10 *Act, or provided under previous appropriations Acts to the*
11 *agencies funded by this Act that remain available for obli-*
12 *gation or expenditure in fiscal year 2023, or provided from*
13 *any accounts in the Treasury of the United States derived*
14 *by the collection of fees available to the agencies funded by*
15 *this Act, shall be available for obligation or expenditure*
16 *through a reprogramming of funds that—*

- 17 *(1) creates new programs;*
18 *(2) eliminates a program, project, or activity;*
19 *(3) increases funds or personnel by any means*
20 *for any project or activity for which funds have been*
21 *denied or restricted;*
22 *(4) relocates an office or employees;*
23 *(5) reorganizes or renames offices;*
24 *(6) reorganizes programs or activities; or*

1096

1 (7) *contracts out or privatizes any functions or*
2 *activities presently performed by Federal employees;*
3 *unless the Committees on Appropriations of the House of*
4 *Representatives and the Senate are consulted 15 days in*
5 *advance of such reprogramming or of an announcement of*
6 *intent relating to such reprogramming, whichever occurs*
7 *earlier, and are notified in writing 10 days in advance of*
8 *such reprogramming.*

9 (b) *None of the funds provided under this Act, or pro-*
10 *vided under previous appropriations Acts to the agencies*
11 *funded by this Act that remain available for obligation or*
12 *expenditure in fiscal year 2023, or provided from any ac-*
13 *counts in the Treasury of the United States derived by the*
14 *collection of fees available to the agencies funded by this*
15 *Act, shall be available for obligation or expenditure through*
16 *a reprogramming of funds in excess of \$500,000 or 10 per-*
17 *cent, whichever is less, that—*

18 (1) *augments existing programs, projects (in-*
19 *cluding construction projects), or activities;*

20 (2) *reduces by 10 percent funding for any exist-*
21 *ing program, project, or activity, or numbers of per-*
22 *sonnel by 10 percent as approved by Congress; or*

23 (3) *results from any general savings from a re-*
24 *duction in personnel which would result in a change*

1097

1 *in existing programs, activities, or projects as ap-*
2 *proved by Congress;*
3 *unless the Committees on Appropriations of the House of*
4 *Representatives and the Senate are consulted 15 days in*
5 *advance of such reprogramming or of an announcement of*
6 *intent relating to such reprogramming, whichever occurs*
7 *earlier, and are notified in writing 10 days in advance of*
8 *such reprogramming.*

9 *SEC. 515. (a) None of the funds made available in this*
10 *Act may be used to request that a candidate for appoint-*
11 *ment to a Federal scientific advisory committee disclose the*
12 *political affiliation or voting history of the candidate or*
13 *the position that the candidate holds with respect to polit-*
14 *ical issues not directly related to and necessary for the work*
15 *of the committee involved.*

16 *(b) None of the funds made available in this Act may*
17 *be used to disseminate information that is deliberately false*
18 *or misleading.*

19 *SEC. 516. Within 45 days of enactment of this Act,*
20 *each department and related agency funded through this*
21 *Act shall submit an operating plan that details at the pro-*
22 *gram, project, and activity level any funding allocations*
23 *for fiscal year 2023 that are different than those specified*
24 *in this Act, the explanatory statement described in section*

1 4 (in the matter preceding division A of this consolidated
2 Act) or the fiscal year 2023 budget request.

3 SEC. 517. The Secretaries of Labor, Health and
4 Human Services, and Education shall each prepare and
5 submit to the Committees on Appropriations of the House
6 of Representatives and the Senate a report on the number
7 and amount of contracts, grants, and cooperative agree-
8 ments exceeding \$500,000, individually or in total for a
9 particular project, activity, or programmatic initiative, in
10 value and awarded by the Department on a non-competitive
11 basis during each quarter of fiscal year 2023, but not to
12 include grants awarded on a formula basis or directed by
13 law. Such report shall include the name of the contractor
14 or grantee, the amount of funding, the governmental pur-
15 pose, including a justification for issuing the award on a
16 non-competitive basis. Such report shall be transmitted to
17 the Committees within 30 days after the end of the quarter
18 for which the report is submitted.

19 SEC. 518. None of the funds appropriated in this Act
20 shall be expended or obligated by the Commissioner of So-
21 cial Security, for purposes of administering Social Security
22 benefit payments under title II of the Social Security Act,
23 to process any claim for credit for a quarter of coverage
24 based on work performed under a social security account
25 number that is not the claimant's number and the perform-

1099

1 *ance of such work under such number has formed the basis*
2 *for a conviction of the claimant of a violation of section*
3 *208(a)(6) or (7) of the Social Security Act.*

4 *SEC. 519. None of the funds appropriated by this Act*
5 *may be used by the Commissioner of Social Security or the*
6 *Social Security Administration to pay the compensation of*
7 *employees of the Social Security Administration to admin-*
8 *ister Social Security benefit payments, under any agree-*
9 *ment between the United States and Mexico establishing to-*
10 *talization arrangements between the social security system*
11 *established by title II of the Social Security Act and the*
12 *social security system of Mexico, which would not otherwise*
13 *be payable but for such agreement.*

14 *SEC. 520. (a) None of the funds made available in this*
15 *Act may be used to maintain or establish a computer net-*
16 *work unless such network blocks the viewing, downloading,*
17 *and exchanging of pornography.*

18 *(b) Nothing in subsection (a) shall limit the use of*
19 *funds necessary for any Federal, State, tribal, or local law*
20 *enforcement agency or any other entity carrying out crimi-*
21 *nal investigations, prosecution, or adjudication activities.*

22 *SEC. 521. For purposes of carrying out Executive*
23 *Order 13589, Office of Management and Budget Memo-*
24 *randum M-12-12 dated May 11, 2012, and requirements*

1100

1 *contained in the annual appropriations bills relating to*
2 *conference attendance and expenditures:*

3 *(1) the operating divisions of HHS shall be con-*
4 *sidered independent agencies; and*

5 *(2) attendance at and support for scientific con-*
6 *ferences shall be tabulated separately from and not*
7 *included in agency totals.*

8 *SEC. 522. Federal agencies funded under this Act shall*
9 *clearly state within the text, audio, or video used for adver-*
10 *tising or educational purposes, including emails or Internet*
11 *postings, that the communication is printed, published, or*
12 *produced and disseminated at United States taxpayer ex-*
13 *pense. The funds used by a Federal agency to carry out*
14 *this requirement shall be derived from amounts made avail-*
15 *able to the agency for advertising or other communications*
16 *regarding the programs and activities of the agency.*

17 *SEC. 523. (a) Federal agencies may use Federal discre-*
18 *tionary funds that are made available in this Act to carry*
19 *out up to 10 Performance Partnership Pilots. Such Pilots*
20 *shall be governed by the provisions of section 526 of division*
21 *H of Public Law 113–76, except that in carrying out such*
22 *Pilots section 526 shall be applied by substituting “Fiscal*
23 *Year 2023” for “Fiscal Year 2014” in the title of subsection*
24 *(b) and by substituting “September 30, 2027” for “Sep-*
25 *tember 30, 2018” each place it appears: Provided, That*

1101

1 *such pilots shall include communities that have experienced*
2 *civil unrest.*

3 **(b)** *In addition, Federal agencies may use Federal dis-*
4 *cretionary funds that are made available in this Act to par-*
5 *ticipate in Performance Partnership Pilots that are being*
6 *carried out pursuant to the authority provided by section*
7 *526 of division H of Public Law 113–76, section 524 of*
8 *division G of Public Law 113–235, section 525 of division*
9 *H of Public Law 114–113, section 525 of division H of Pub-*
10 *lic Law 115–31, section 525 of division H of Public Law*
11 *115–141, section 524 of division A of Public Law 116–94,*
12 *section 524 of division H of Public Law 116–260, and sec-*
13 *tion 523 of division H of Public Law 117–103.*

14 **(c)** *Pilot sites selected under authorities in this Act and*
15 *prior appropriations Acts may be granted by relevant agen-*
16 *cies up to an additional 5 years to operate under such au-*
17 *thorities.*

18 **SEC. 524.** *Not later than 30 days after the end of each*
19 *calendar quarter, beginning with the first month of fiscal*
20 *year 2023 the Departments of Labor, Health and Human*
21 *Services and Education and the Social Security Adminis-*
22 *tration shall provide the Committees on Appropriations of*
23 *the House of Representatives and Senate a report on the*
24 *status of balances of appropriations: Provided, That for bal-*
25 *ances that are unobligated and uncommitted, committed,*

1102

1 *and obligated but unexpended, the monthly reports shall*
2 *separately identify the amounts attributable to each source*
3 *year of appropriation (beginning with fiscal year 2012, or,*
4 *to the extent feasible, earlier fiscal years) from which bal-*
5 *ances were derived.*

6 *SEC. 525. The Departments of Labor, Health and*
7 *Human Services, and Education shall provide to the Com-*
8 *mittees on Appropriations of the House of Representatives*
9 *and the Senate a comprehensive list of any new or competi-*
10 *tive grant award notifications, including supplements,*
11 *issued at the discretion of such Departments not less than*
12 *3 full business days before any entity selected to receive a*
13 *grant award is announced by the Department or its offices*
14 *(other than emergency response grants at any time of the*
15 *year or for grant awards made during the last 10 business*
16 *days of the fiscal year, or if applicable, of the program*
17 *year).*

18 *SEC. 526. Notwithstanding any other provision of this*
19 *Act, no funds appropriated in this Act shall be used to pur-*
20 *chase sterile needles or syringes for the hypodermic injection*
21 *of any illegal drug: Provided, That such limitation does not*
22 *apply to the use of funds for elements of a program other*
23 *than making such purchases if the relevant State or local*
24 *health department, in consultation with the Centers for Dis-*
25 *ease Control and Prevention, determines that the State or*

1103

1 *local jurisdiction, as applicable, is experiencing, or is at*
2 *risk for, a significant increase in hepatitis infections or an*
3 *HIV outbreak due to injection drug use, and such program*
4 *is operating in accordance with State and local law.*

5 *SEC. 527. Each department and related agency funded*
6 *through this Act shall provide answers to questions sub-*
7 *mitted for the record by members of the Committee within*
8 *45 business days after receipt.*

9 *SEC. 528. Of amounts deposited in the Child Enroll-*
10 *ment Contingency Fund under section 2104(n)(2) of the So-*
11 *cial Security Act and the income derived from investment*
12 *of those funds pursuant to section 2104(n)(2)(C) of that Act,*
13 *\$14,628,000,000 shall not be available for obligation in this*
14 *fiscal year.*

15 *SEC. 529. (a) This section applies to: (1) the Adminis-*
16 *tration for Children and Families in the Department of*
17 *Health and Human Services; and (2) the Chief Evaluation*
18 *Office and the statistical-related cooperative and inter-*
19 *agency agreements and contracting activities of the Bureau*
20 *of Labor Statistics in the Department of Labor.*

21 *(b) Amounts made available under this Act which are*
22 *either appropriated, allocated, advanced on a reimbursable*
23 *basis, or transferred to the functions and organizations*
24 *identified in subsection (a) for research, evaluation, or sta-*
25 *tistical purposes shall be available for obligation through*

1104

1 *September 30, 2027: Provided, That when an office ref-*
2 *erenced in subsection (a) receives research and evaluation*
3 *funding from multiple appropriations, such offices may use*
4 *a single Treasury account for such activities, with funding*
5 *advanced on a reimbursable basis.*

6 *(c) Amounts referenced in subsection (b) that are unex-*
7 *pendent at the time of completion of a contract, grant, or*
8 *cooperative agreement may be deobligated and shall imme-*
9 *diately become available and may be reobligated in that fis-*
10 *cal year or the subsequent fiscal year for the research, eval-*
11 *uation, or statistical purposes for which such amounts are*
12 *available.*

13 *This division may be cited as the “Departments of*
14 *Labor, Health and Human Services, and Education, and*
15 *Related Agencies Appropriations Act, 2023”.*

1105

1 ***DIVISION I—LEGISLATIVE BRANCH***
2 ***APPROPRIATIONS ACT, 2023***

3 ***TITLE I***

4 ***LEGISLATIVE BRANCH***

5 ***SENATE***

6 ***EXPENSE ALLOWANCES***

7 *For expense allowances of the Vice President, \$20,000;*
8 *the President Pro Tempore of the Senate, \$40,000; Majority*
9 *Leader of the Senate, \$40,000; Minority Leader of the Sen-*
10 *ate, \$40,000; Majority Whip of the Senate, \$10,000; Minor-*
11 *ity Whip of the Senate, \$10,000; President Pro Tempore*
12 *Emeritus, \$15,000; Chairmen of the Majority and Minority*
13 *Conference Committees, \$5,000 for each Chairman; and*
14 *Chairmen of the Majority and Minority Policy Committees,*
15 *\$5,000 for each Chairman; in all, \$195,000.*

16 *For representation allowances of the Majority and Mi-*
17 *nority Leaders of the Senate, \$15,000 for each such Leader;*
18 *in all, \$30,000.*

19 ***SALARIES, OFFICERS AND EMPLOYEES***

20 *For compensation of officers, employees, and others as*
21 *authorized by law, including agency contributions,*
22 *\$258,677,000, which shall be paid from this appropriation*
23 *as follows:*

24 ***OFFICE OF THE VICE PRESIDENT***

25 *For the Office of the Vice President, \$2,907,000.*

1106

1 *OFFICE OF THE PRESIDENT PRO TEMPORE*2 *For the Office of the President Pro Tempore, \$832,000.*3 *OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS*4 *For the Office of the President Pro Tempore Emeritus,*
5 *\$359,000.*6 *OFFICES OF THE MAJORITY AND MINORITY LEADERS*7 *For Offices of the Majority and Minority Leaders,*
8 *\$6,196,000.*9 *OFFICES OF THE MAJORITY AND MINORITY WHIPS*10 *For Offices of the Majority and Minority Whips,*
11 *\$3,876,000.*12 *COMMITTEE ON APPROPRIATIONS*13 *For salaries of the Committee on Appropriations,*
14 *\$17,900,000.*15 *CONFERENCE COMMITTEES*16 *For the Conference of the Majority and the Conference*
17 *of the Minority, at rates of compensation to be fixed by the*
18 *Chairman of each such committee, \$1,891,000 for each such*
19 *committee; in all, \$3,782,000.*20 *OFFICES OF THE SECRETARIES OF THE CONFERENCE OF*
21 *THE MAJORITY AND THE CONFERENCE OF THE MINORITY*22 *For Offices of the Secretaries of the Conference of the*
23 *Majority and the Conference of the Minority, \$940,000.*

1107

1 *POLICY COMMITTEES*

2 *For salaries of the Majority Policy Committee and the*
3 *Minority Policy Committee, \$1,931,000 for each such com-*
4 *mittee; in all, \$3,862,000.*

5 *OFFICE OF THE CHAPLAIN*

6 *For Office of the Chaplain, \$598,000.*

7 *OFFICE OF THE SECRETARY*

8 *For Office of the Secretary, \$29,282,000.*

9 *OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER*

10 *For Office of the Sergeant at Arms and Doorkeeper,*
11 *\$108,929,000.*

12 *OFFICES OF THE SECRETARIES FOR THE MAJORITY AND*13 *MINORITY*

14 *For Offices of the Secretary for the Majority and the*
15 *Secretary for the Minority, \$2,126,000.*

16 *AGENCY CONTRIBUTIONS AND RELATED EXPENSES*

17 *For agency contributions for employee benefits, as au-*
18 *thorized by law, and related expenses, \$77,088,000.*

19 *OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE*

20 *For salaries and expenses of the Office of the Legisla-*
21 *tive Counsel of the Senate, \$8,150,000.*

22 *OFFICE OF SENATE LEGAL COUNSEL*

23 *For salaries and expenses of the Office of Senate Legal*
24 *Counsel, \$1,350,000.*

1108

1 *EXPENSE ALLOWANCES OF THE SECRETARY OF THE SEN-*
2 *ATE, SERGEANT AT ARMS AND DOORKEEPER OF THE*
3 *SENATE, AND SECRETARIES FOR THE MAJORITY AND*
4 *MINORITY OF THE SENATE*

5 *For expense allowances of the Secretary of the Senate,*
6 *\$7,500; Sergeant at Arms and Doorkeeper of the Senate,*
7 *\$7,500; Secretary for the Majority of the Senate, \$7,500;*
8 *Secretary for the Minority of the Senate, \$7,500; in all,*
9 *\$30,000.*

10 *CONTINGENT EXPENSES OF THE SENATE*

11 *INQUIRIES AND INVESTIGATIONS*

12 *For expenses of inquiries and investigations ordered*
13 *by the Senate, or conducted under paragraph 1 of rule*
14 *XXVI of the Standing Rules of the Senate, section 112 of*
15 *the Supplemental Appropriations and Rescission Act, 1980*
16 *(Public Law 96–304), and Senate Resolution 281, 96th*
17 *Congress, agreed to March 11, 1980, \$145,615,000, of which*
18 *\$14,561,500 shall remain available until September 30,*
19 *2025.*

20 *U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS*

21 *CONTROL*

22 *For expenses of the United States Senate Caucus on*
23 *International Narcotics Control, \$552,000.*

1109

1 *SECRETARY OF THE SENATE*

2 *For expenses of the Office of the Secretary of the Sen-*
3 *ate, \$17,515,000, of which \$13,254,193 shall remain avail-*
4 *able until September 30, 2027, and of which \$4,260,807*
5 *shall remain available until expended.*

6 *SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE*

7 *For expenses of the Office of the Sergeant at Arms and*
8 *Doorkeeper of the Senate, \$171,844,000, of which*
9 *\$160,144,000 shall remain available until September 30,*
10 *2027: Provided, That of the amount provided under this*
11 *heading, \$5,000,000 shall be for Senate hearing room audio-*
12 *visual equipment, to remain available until expended: Pro-*
13 *vided further, That of the amount provided under this head-*
14 *ing, \$2,500,000 shall be for a residential security system*
15 *program, to remain available until expended.*

16 *SERGEANT AT ARMS FELLOWSHIPS FUND*

17 *For expenses authorized by the Sergeant at Arms Fel-*
18 *lowships Fund established in section 102 of this Act,*
19 *\$6,277,000, to remain available until expended.*

20 *MISCELLANEOUS ITEMS*

21 *For miscellaneous items, \$27,814,000 which shall re-*
22 *main available until September 30, 2025.*

1110

1 *SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE*

2 *ACCOUNT*

3 *For Senators' Official Personnel and Office Expense*
4 *Account, \$512,000,000, of which \$20,128,950 shall remain*
5 *available until September 30, 2025, and of which*
6 *\$7,000,000 shall be allocated solely for the purpose of pro-*
7 *viding financial compensation to Senate interns.*

8 *OFFICIAL MAIL COSTS*

9 *For expenses necessary for official mail costs of the*
10 *Senate, \$300,000.*

11 *ADMINISTRATIVE PROVISIONS*

12 *REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL*
13 *PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE*
14 *USED FOR DEFICIT REDUCTION OR TO REDUCE THE*
15 *FEDERAL DEBT*

16 *SEC. 101. Notwithstanding any other provision of law,*
17 *any amounts appropriated under this Act under the head-*
18 *ing "SENATE" under the heading "CONTINGENT EX-*
19 *PENSES OF THE SENATE" under the heading "SENATORS'*
20 *OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT"*
21 *shall be available for obligation only during the fiscal year*
22 *or fiscal years for which such amounts are made available.*
23 *Any unexpended balances under such allowances remaining*
24 *after the end of the period of availability shall be returned*
25 *to the Treasury in accordance with the undesignated para-*

1111

1 *graph under the center heading “GENERAL PROVISION”*
2 *under chapter XI of the Third Supplemental Appropriation*
3 *Act, 1957 (2 U.S.C. 4107) and used for deficit reduction*
4 *(or, if there is no Federal budget deficit after all such pay-*
5 *ments have been made, for reducing the Federal debt, in*
6 *such manner as the Secretary of the Treasury considers ap-*
7 *propriate).*

8 *MCCAIN-MANSFIELD AND SFC SEAN COOLEY AND SPC*
9 *CHRISTOPHER HORTON CONGRESSIONAL GOLD STAR*
10 *FAMILY FELLOWSHIPS PROGRAMS*

11 *SEC. 102. (a) DEFINITIONS.—In this section—*

12 *(1) the term “appropriate committees of the Sen-*
13 *ate” means the Committee on Appropriations and the*
14 *Committee on Rules and Administration of the Sen-*
15 *ate;*

16 *(2) the term “Fellowships Programs” means the*
17 *SFC Sean Cooley and SPC Christopher Horton Con-*
18 *gressional Gold Star Family Fellowship Program*
19 *(commonly referred to as the “Green and Gold Con-*
20 *gressional Aide Program”)* *established under Senate*
21 *Resolution 442 (117th Congress), agreed to November*
22 *4, 2021, and the McCain-Mansfield Fellowship Pro-*
23 *gram established under Senate Resolution 443 (117th*
24 *Congress), agreed to November 4, 2021, or any suc-*
25 *cessor program to such programs;*

1112

1 (3) *the term “Fund” means the Sergeant at*
2 *Arms Fellowships Fund established under subsection*
3 *(b); and*

4 (4) *the term “Sergeant at Arms” means the Ser-*
5 *geant at Arms and Doorkeeper of the Senate.*

6 (b) *ESTABLISHMENT.—There is established under the*
7 *heading “CONTINGENT EXPENSES OF THE SENATE” an ac-*
8 *count to be known as the “SERGEANT AT ARMS FELLOW-*
9 *SHIPS FUND”.*

10 (c) *USE OF AMOUNTS.—*

11 (1) *IN GENERAL.—Amounts in the Fund shall be*
12 *available to the Sergeant at Arms for the costs of com-*
13 *pensation of fellows under the Fellowships Programs*
14 *and the administration of the Fellowships Programs,*
15 *except as provided in paragraph (2).*

16 (2) *AGENCY CONTRIBUTIONS.—Agency contribu-*
17 *tions for the Fellowships Programs shall be paid from*
18 *the appropriations account for “Salaries, Officers and*
19 *Employees” of the Senate.*

20 (d) *OVERSIGHT.—The Sergeant at Arms shall provide*
21 *to the appropriate committees of the Senate—*

22 (1) *a plan regarding the administration of the*
23 *Fund by the Sergeant at Arms prior to obligation of*
24 *any funds, to be updated and resubmitted following*
25 *any changes to the plan; and*

1113

(2) annual reports regarding the costs of the Fellowship Programs paid from the Fund.

3 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
4 *authorized to be appropriated to the Fund for fiscal year*
5 *2023, and each fiscal year thereafter, such sums as are nec-*
6 *essary for the compensation of fellows under the Fellowships*
7 *Programs during the fiscal year and for the administration*
8 *of the Fellowships Programs.*

9 (f) *EXCLUSION FOR PURPOSES OF STAFFING LIMITS*
10 *ON THE OFFICE OF THE SERGEANT AT ARMS.—The pay-*
11 *ment of compensation to any individual serving in a fellow-*
12 *ship under the Fellowships Programs by the Sergeant at*
13 *Arms shall not be included for purposes of any limitation*
14 *on staffing levels of the Office of the Sergeant at Arms.*

15 *SENATE DEMOCRATIC LEADERSHIP OFFICES FUNDING*16 *AUTHORITIES*

SEC. 103. (a) Section 104 of division I of the Consolidated Appropriations Act, 2021 (2 U.S.C. 6154 note) is amended—

(1) by striking “Office of the Assistant Leader”
each place it appears and inserting “office of the des-
ignated officer”;

23 (2) in subsection (a)—

1114

1 (A) in paragraph (2), by striking “means
2 the 117th Congress; and” and inserting “means
3 the 118th Congress;”;

4 (B) in paragraph (3), by striking “and end-
5 ing on January 3, 2023.” and inserting “and
6 ending on January 7, 2025; and”; and

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

8 “(4) the term ‘designated officer of the applicable
9 conference’ means the member of the leadership of the
10 applicable conference to whom the duties and authori-
11 ties of the Secretary of the applicable conference are
12 assigned under subsection (b).”;

13 (3) in subsection (b), in the matter preceding
14 paragraph (1), by striking “January 3, 2021, assign
15 to the Assistant Leader of the applicable conference”
16 and inserting “January 3, 2023, at the direction of
17 the Chair of the applicable conference, assign to a
18 member of the leadership of the applicable con-
19 ference”; and

20 (4) in subsection (c)(3), by striking “Assistant
21 Leader” and inserting “designated officer”.

22 (b) The amendments made by subsection (a) shall take
23 effect on January 3, 2023.

1115

1 *HOUSE OF REPRESENTATIVES*2 *SALARIES AND EXPENSES*

3 *For salaries and expenses of the House of Representa-*
4 *tives, \$1,847,571,000, as follows:*

5 *HOUSE LEADERSHIP OFFICES*

6 *For salaries and expenses, as authorized by law,*
7 *\$36,560,000, including: Office of the Speaker, \$10,499,000,*
8 *including \$35,000 for official expenses of the Speaker; Office*
9 *of the Majority Floor Leader, \$3,730,000, including \$15,000*
10 *for official expenses of the Majority Leader; Office of the*
11 *Minority Floor Leader, \$10,499,000, including \$17,500 for*
12 *official expenses of the Minority Leader; Office of the Major-*
13 *ity Whip, including the Chief Deputy Majority Whip,*
14 *\$3,099,000, including \$5,000 for official expenses of the Ma-*
15 *jority Whip; Office of the Minority Whip, including the*
16 *Chief Deputy Minority Whip, \$2,809,000, including \$5,000*
17 *for official expenses of the Minority Whip; Republican Con-*
18 *ference, \$2,962,000; Democratic Caucus, \$2,962,000: Pro-*
19 *vided, That such amount for salaries and expenses shall re-*
20 *main available from January 3, 2023 until January 2,*
21 *2024.*

1116

1 *MEMBERS' REPRESENTATIONAL ALLOWANCES*2 *INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES*3 *OF MEMBERS, AND OFFICIAL MAIL*

4 *For Members' representational allowances, including*
5 *Members' clerk hire, official expenses, and official mail,*
6 *\$810,000,000.*

7 *ALLOWANCE FOR COMPENSATION OF INTERNS IN MEMBER*8 *OFFICES*

9 *For the allowance established under section 120 of the*
10 *Legislative Branch Appropriations Act, 2019 (2 U.S.C.*
11 *5322a) for the compensation of interns who serve in the of-*
12 *fices of Members of the House of Representatives,*
13 *\$20,638,800, to remain available through January 2, 2024:*
14 *Provided, That notwithstanding section 120(b) of such Act,*
15 *an office of a Member of the House of Representatives may*
16 *use not more than \$46,800 of the allowance available under*
17 *this heading during legislative year 2023.*

18 *ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE*19 *LEADERSHIP OFFICES*

20 *For the allowance established under section 113 of the*
21 *Legislative Branch Appropriations Act, 2020 (2 U.S.C.*
22 *5106) for the compensation of interns who serve in House*
23 *leadership offices, \$586,000, to remain available through*
24 *January 2, 2024: Provided, That of the amount provided*
25 *under this heading, \$322,300 shall be available for the com-*

1117

1 *persation of interns who serve in House leadership offices*
2 *of the majority, to be allocated among such offices by the*
3 *Speaker of the House of Representatives, and \$263,700 shall*
4 *be available for the compensation of interns who serve in*
5 *House leadership offices of the minority, to be allocated*
6 *among such offices by the Minority Floor Leader.*

7 *ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE*8 *STANDING, SPECIAL AND SELECT COMMITTEE OFFICES*

9 *For the allowance established under section 113(a)(1)*
10 *of the Legislative Branch Appropriations Act, 2022 (Public*
11 *Law 117–103) for the compensation of interns who serve*
12 *in offices of standing, special, and select committees (other*
13 *than the Committee on Appropriations), \$2,600,000, to re-*
14 *main available through January 2, 2024: Provided, That*
15 *of the amount provided under this heading, \$1,300,000 shall*
16 *be available for the compensation of interns who serve in*
17 *offices of the majority, and \$1,300,000 shall be available*
18 *for the compensation of interns who serve in offices of the*
19 *minority, to be allocated among such offices by the Chair,*
20 *in consultation with the ranking minority member, of the*
21 *Committee on House Administration.*

22 *ALLOWANCE FOR COMPENSATION OF INTERNS IN HOUSE*23 *APPROPRIATIONS COMMITTEE OFFICES*

24 *For the allowance established under section 113(a)(2)*
25 *of the Legislative Branch Appropriations Act, 2022 (Public*

1118

1 *Law 117–103) for the compensation of interns who serve*
2 *in offices of the Committee on Appropriations, \$463,000:*
3 *Provided, That of the amount provided under this heading,*
4 *\$231,500 shall be available for the compensation of interns*
5 *who serve in offices of the majority, and \$231,500 shall be*
6 *available for the compensation of interns who serve in of-*
7 *fices of the minority, to be allocated among such offices by*
8 *the Chair, in consultation with the ranking minority mem-*
9 *ber, of the Committee on Appropriations.*

10 *COMMITTEE EMPLOYEES*

11 *STANDING COMMITTEES, SPECIAL AND SELECT*

12 *For salaries and expenses of standing committees, spe-*
13 *cial and select, authorized by House resolutions,*
14 *\$180,587,000: Provided, That such amount shall remain*
15 *available for such salaries and expenses until December 31,*
16 *2024, except that \$5,800,000 of such amount shall remain*
17 *available until expended for committee room upgrading.*

18 *COMMITTEE ON APPROPRIATIONS*

19 *For salaries and expenses of the Committee on Appro-*
20 *priations, \$31,294,000, including studies and examinations*
21 *of executive agencies and temporary personal services for*
22 *such committee, to be expended in accordance with section*
23 *202(b) of the Legislative Reorganization Act of 1946 and*
24 *to be available for reimbursement to agencies for services*

1119

1 *performed: Provided, That such amount shall remain avail-*
2 *able for such salaries and expenses until December 31, 2024.*

3 *SALARIES, OFFICERS AND EMPLOYEES*

4 *For compensation and expenses of officers and employ-*
5 *ees, as authorized by law, \$324,057,000, including: for sala-*
6 *ries and expenses of the Office of the Clerk, including the*
7 *positions of the Chaplain and the Historian, and including*
8 *not more than \$25,000 for official representation and recep-*
9 *tion expenses, of which not more than \$20,000 is for the*
10 *Family Room and not more than \$2,000 is for the Office*
11 *of the Chaplain, \$40,827,000, of which \$9,000,000 shall re-*
12 *main available until expended; for salaries and expenses*
13 *of the Office of the Sergeant at Arms, including the position*
14 *of Superintendent of Garages and the Office of Emergency*
15 *Management, and including not more than \$3,000 for offi-*
16 *cial representation and reception expenses, \$38,793,000, of*
17 *which \$22,232,000 shall remain available until expended;*
18 *for salaries and expenses of the Office of the Chief Adminis-*
19 *trative Officer including not more than \$3,000 for official*
20 *representation and reception expenses, \$211,572,000, of*
21 *which \$25,977,000 shall remain available until expended;*
22 *for salaries and expenses of the Office of Diversity and In-*
23 *clusion, \$3,500,000, of which \$1,000,000 shall remain*
24 *available until expended; for salaries and expenses of the*
25 *Office of the Whistleblower Ombuds, \$1,250,000; for salaries*

1120

1 *and expenses of the Office of the Inspector General,*
2 *\$5,138,000; for salaries and expenses of the Office of General*
3 *Counsel, \$1,912,000; for salaries and expenses of the Office*
4 *of the Parliamentarian, including the Parliamentarian,*
5 *\$2,000 for preparing the Digest of Rules, and not more than*
6 *\$1,000 for official representation and reception expenses,*
7 *\$2,184,000; for salaries and expenses of the Office of the*
8 *Law Revision Counsel of the House, \$3,746,000; for salaries*
9 *and expenses of the Office of the Legislative Counsel of the*
10 *House, \$13,457,000, of which \$2,000,000 shall remain*
11 *available until expended; for salaries and expenses of the*
12 *Office of Interparliamentary Affairs, \$934,000; for other*
13 *authorized employees, \$744,000: Provided, That of the*
14 *amount made available until expended under this heading*
15 *to the Office of the Sergeant at Arms, \$4,700,000 shall be*
16 *for activities associated with securing the permanent resi-*
17 *dences of Members of the House of Representatives in the*
18 *congressional districts the Members represent and securing*
19 *the temporary residences of Members in the District of Co-*
20 *lumbia, and may not be transferred or merged under sec-*
21 *tions 101(b) or 101(c)(2) of the Legislative Branch Appro-*
22 *priations Act, 1993 (2 U.S.C. 5507(b) and (c)(2)): Provided*
23 *further, That as used in the preceding proviso, the term*
24 *“Members of the House of Representatives” shall include a*
25 *Delegate or Resident Commissioner to the Congress.*

1121

1 *ALLOWANCES AND EXPENSES*

2 *For allowances and expenses as authorized by House*
3 *resolution or law, \$430,785,200, including: supplies, mate-*
4 *rials, administrative costs and Federal tort claims,*
5 *\$1,555,000; official mail for committees, leadership offices,*
6 *and administrative offices of the House, \$190,000; Govern-*
7 *ment contributions for health, retirement, Social Security,*
8 *contractor support for actuarial projections, and other ap-*
9 *plicable employee benefits, \$387,368,200, to remain avail-*
10 *able until March 31, 2024, except that \$37,000,000 of such*
11 *amount shall remain available until expended; salaries and*
12 *expenses for Business Continuity and Disaster Recovery,*
13 *\$22,841,000, of which \$6,776,000 shall remain available*
14 *until expended; transition activities for new members and*
15 *staff, \$5,895,000, to remain available until expended; Green*
16 *and Gold Congressional Aide Program, \$9,674,000, to re-*
17 *main available until expended; Office of Congressional Eth-*
18 *ics, \$1,762,000; and miscellaneous items including pur-*
19 *chase, exchange, maintenance, repair and operation of*
20 *House motor vehicles, interparliamentary receptions, and*
21 *gratuities to heirs of deceased employees of the House,*
22 *\$1,500,000.*

1122

1 *HOUSE OF REPRESENTATIVES MODERNIZATION*2 *INITIATIVES ACCOUNT*

3 *For the House of Representatives Modernization Ini-*
4 *tiatives Account established under section 115 of the Legis-*
5 *lative Branch Appropriations Act, 2021 (2 U.S.C. 5513),*
6 *\$10,000,000, to remain available until expended: Provided,*
7 *That disbursement from this account is subject to approval*
8 *of the Committee on Appropriations of the House of Rep-*
9 *resentatives: Provided further, That funds provided in this*
10 *account shall only be used for initiatives recommended by*
11 *the Select Committee on Modernization or approved by the*
12 *Committee on House Administration.*

13 *ADMINISTRATIVE PROVISIONS*

14 *REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENT-*
15 *TATIONAL ALLOWANCES TO BE USED FOR DEFICIT RE-*
16 *DUCTION OR TO REDUCE THE FEDERAL DEBT*

17 *SEC. 110. (a) Notwithstanding any other provision of*
18 *law, any amounts appropriated under this Act for*
19 *“HOUSE OF REPRESENTATIVES—SALARIES AND EX-*
20 *PENSES—MEMBERS’ REPRESENTATIONAL ALLOWANCES”*
21 *shall be available only for fiscal year 2023. Any amount*
22 *remaining after all payments are made under such allow-*
23 *ances for fiscal year 2023 shall be deposited in the Treasury*
24 *and used for deficit reduction (or, if there is no Federal*
25 *budget deficit after all such payments have been made, for*

1123

1 *reducing the Federal debt, in such manner as the Secretary*
2 *of the Treasury considers appropriate).*

3 *(b) The Committee on House Administration of the*
4 *House of Representatives shall have authority to prescribe*
5 *regulations to carry out this section.*

6 *(c) As used in this section, the term “Member of the*
7 *House of Representatives” means a Representative in, or*
8 *a Delegate or Resident Commissioner to, the Congress.*

9 *LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES*

10 *SEC. 111. None of the funds made available in this*
11 *Act may be used by the Chief Administrative Officer of the*
12 *House of Representatives to make any payments from any*
13 *Members’ Representational Allowance for the leasing of a*
14 *vehicle, excluding mobile district offices, in an aggregate*
15 *amount that exceeds \$1,000 for the vehicle in any month.*

16 *CYBERSECURITY ASSISTANCE FOR HOUSE OF*
17 *REPRESENTATIVES*

18 *SEC. 112. The head of any Federal entity that provides*
19 *assistance to the House of Representatives in the House’s*
20 *efforts to deter, prevent, mitigate, or remediate cybersecu-*
21 *rity risks to, and incidents involving, the information sys-*
22 *tems of the House shall take all necessary steps to ensure*
23 *the constitutional integrity of the separate branches of the*
24 *government at all stages of providing the assistance, includ-*

1 *ing applying minimization procedures to limit the spread*
2 *or sharing of privileged House and Member information.*

3 *HOUSE INTERN RESOURCE OFFICE*

4 *SEC. 113. (a) ESTABLISHMENT; COORDINATOR.—*

5 *(1) ESTABLISHMENT; COORDINATOR.—There is*
6 *established in the Office of the Chief Administrative*
7 *Officer of the House of Representatives the House In-*
8 *tern Resource Office (hereinafter referred to as the*
9 *“Office”).*

10 *(2) APPOINTMENT.—The Office shall be headed*
11 *by the House Intern Resource Coordinator (herein-*
12 *after referred to as the “Coordinator”), who shall be*
13 *employed by the Chief Administrative Officer in con-*
14 *sultation with the chair and ranking minority mem-*
15 *ber of the Committee on House Administration.*

16 *(b) DUTIES.—In consultation with the Office of Diver-*
17 *sity and Inclusion and such other offices as the Coordinator*
18 *considers appropriate, the Office shall—*

19 *(1) provide support services, such as accommoda-*
20 *tions, training, and professional development, to in-*
21 *terns of offices of the House of Representatives;*

22 *(2) serve as a center for resources and best prac-*
23 *tices for the recruitment, hiring, training, and use of*
24 *interns by offices of the House of Representatives; and*

1125

1 (3) *gather demographic and other data about in-*
2 *terns of offices of the House of Representatives.*

3 (c) *ADDRESSING INEQUITIES IN ACCESS TO INTERN-*
4 *SHIPS.—In carrying out its duties, the Office shall consider*
5 *inequities in access to internships in offices of the House*
6 *of Representatives, and shall consider the viability of estab-*
7 *lishing an intern stipend program for interns from under-*
8 *represented backgrounds, including those who attend His-*
9 *torically Black Colleges and Universities (HBCUs), Tribal*
10 *Colleges and Universities, Hispanic-Serving Institutions*
11 *(HSIs), and other Minority Serving Institutions described*
12 *in section 371(a) of the Higher Education Act of 1965 (20*
13 *U.S.C. 1067q(a)).*

14 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
15 *authorized to be appropriated for fiscal year 2023 and each*
16 *succeeding fiscal year such sums as may be necessary to*
17 *carry out this section.*

18 (e) *EFFECTIVE DATE.—This section shall apply with*
19 *respect to fiscal year 2023 and each succeeding fiscal year.*

20 *EDUCATIONAL ASSISTANCE AND PROFESSIONAL*
21 *DEVELOPMENT FOR HOUSE EMPLOYEES*

22 *SEC. 114. (a) EXPANSION OF STUDENT LOAN REPAY-*
23 *MENT PROGRAM TO COVER EDUCATIONAL ASSISTANCE AND*
24 *PROFESSIONAL DEVELOPMENT.—Section 105(a) of the Leg-*

1126

1 *islative Branch Appropriations Act, 2003 (2 U.S.C.*
2 *4536(a)) is amended to read as follows:*

3 “(a) *PROGRAM TO COVER STUDENT LOAN REPAY-*
4 *MENT, EDUCATIONAL ASSISTANCE, AND PROFESSIONAL DE-*
5 *VELOPMENT FOR HOUSE EMPLOYEES.—*

6 “(1) *ESTABLISHMENT.—The Chief Administra-*
7 *tive Officer shall establish a program under which an*
8 *employing office of the House of Representatives may*
9 *agree—*

10 “(A) *to repay (by direct payment on behalf*
11 *of the employee) any student loan previously*
12 *taken out by an employee of the office;*

13 “(B) *to make direct payments on behalf of*
14 *an employee of the office or to reimburse an em-*
15 *ployee of the office for expenses paid by the em-*
16 *ployee for the employee’s educational and profes-*
17 *sional development; and*

18 “(C) *to make direct payments on behalf of*
19 *an employee of the office or to reimburse an em-*
20 *ployee of the office for credentialing, professional*
21 *accreditation, professional licensure, and profes-*
22 *sional certification expenses paid by the em-*
23 *ployee.*

24 “(2) *EXCLUSION OF MEMBERS.—For purposes of*
25 *this section, a Member of the House of Representatives*

1127

1 *(including a Delegate or Resident Commissioner to*
2 *the Congress) shall not be considered to be an em-*
3 *ployee of the House of Representatives.”.*

4 ***(b) EFFECTIVE DATE.***—*The amendment made by sub-*
5 *section (a) shall apply with respect to payments made dur-*
6 *ing fiscal year 2023 or any succeeding fiscal year.*

7 ***HOUSE SERVICES REVOLVING FUND***

8 ***SEC. 115. (a) INCLUSION OF FUNDS RECEIVED FROM***
9 ***OPERATION OF DRY CLEANING AND LAUNDRY SERVICE.***—
10 *Section 105(a) of the Legislative Branch Appropriations*
11 *Act, 2005 (2 U.S.C. 5545(a)) is amended by adding at the*
12 *end the following new paragraphs:*

13 ***“(8) The operation of the House Dry Cleaning***
14 ***and Laundry Service.***

15 ***“(9) Other activities related to the operation of***
16 ***services offered by the House of Representatives, as***
17 ***approved by the Committee on Appropriations of the***
18 ***House of Representatives.”.***

19 ***(b) USE OF AMOUNTS SUBJECT TO NOTIFICATION***
20 ***PROVIDED TO COMMITTEE ON APPROPRIATIONS.***—*Section*
21 *105(b) of such Act (2 U.S.C. 5545(b)) is amended by strik-*
22 *ing “which is approved by” and inserting “upon notifica-*
23 *tion provided by the Chief Administrative Officer to”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply with respect to fiscal year 2023 and each*
3 *succeeding fiscal year.*

4 *CLARIFICATION OF USE OF CHILD CARE CENTER REVOLV-*
5 *ING FUND TO STAFF TRAINING CLASSES AND CON-*
6 *FERENCES*

7 *SEC. 116. (a) USE OF FUND.*—*Section 312(d)(3)(B)*
8 *of the Legislative Branch Appropriations Act, 1992 (2*
9 *U.S.C. 2062(d)(3)(B)) is amended by striking “The reim-*
10 *bursement of individuals employed by the center for the cost*
11 *of training classes and conferences” and inserting “The cost*
12 *of training classes and conferences for individuals employed*
13 *by the center”.*

14 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
15 *section (a) shall apply with respect to fiscal year 2023 and*
16 *each succeeding fiscal year.*

17 *AVAILABILITY OF AUTHORITY OF EXECUTIVE AGENCIES TO*
18 *USE APPROPRIATED AMOUNTS FOR CHILD CARE TO*
19 *HOUSE OF REPRESENTATIVES*

20 *SEC. 117. (a) AVAILABILITY OF AUTHORITY.*—*Section*
21 *590(g) of title 40, United States Code, is amended by add-*
22 *ing at the end the following new paragraph:*

23 “(6) *APPLICATION TO HOUSE OF REPRESENTA-*
24 *TIVES.*—*This subsection shall apply with respect to*

1129

1 *the House of Representatives in the same manner as*
2 *it applies to an Executive agency, except that—*

3 “(A) *the authority granted to the Office of*
4 *Personnel Management shall be exercised with*
5 *respect to the House of Representatives by the*
6 *Speaker of the House of Representatives in ac-*
7 *cordance with regulations promulgated by the*
8 *Committee on House Administration; and*

9 “(B) *amounts may be made available to*
10 *implement this subsection with respect to the*
11 *House of Representatives without advance notice*
12 *to the Committee on Appropriations of the Sen-*
13 *ate.”.*

14 (b) *EFFECTIVE DATE.—The amendments made by this*
15 *section shall apply with respect to fiscal year 2023 and each*
16 *succeeding fiscal year.*

17 **JOINT ITEMS**

18 *For Joint Committees, as follows:*

19 **JOINT ECONOMIC COMMITTEE**

20 *For salaries and expenses of the Joint Economic Com-*
21 *mittee, \$4,283,000, to be disbursed by the Secretary of the*
22 *Senate.*

1130

1 *JOINT COMMITTEE ON TAXATION*

2 *For salaries and expenses of the Joint Committee on*
3 *Taxation, \$12,948,000, to be disbursed by the Chief Admin-*
4 *istrative Officer of the House of Representatives.*

5 *For other joint items, as follows:*

6 *OFFICE OF THE ATTENDING PHYSICIAN*

7 *For medical supplies, equipment, and contingent ex-*
8 *penses of the emergency rooms, and for the Attending Physi-*
9 *cian and their assistants, including:*

10 *(1) an allowance of \$3,500 per month to the At-*
11 *tending Physician;*

12 *(2) an allowance of \$2,500 per month to the Sen-*
13 *ior Medical Officer;*

14 *(3) an allowance of \$900 per month each to three*
15 *medical officers while on duty in the Office of the At-*
16 *tending Physician;*

17 *(4) an allowance of \$900 per month to 2 assist-*
18 *ants and \$900 per month each not to exceed 11 assist-*
19 *ants on the basis heretofore provided for such assist-*
20 *ants; and*

21 *(5) \$2,880,000 for reimbursement to the Depart-*
22 *ment of the Navy for expenses incurred for staff and*
23 *equipment assigned to the Office of the Attending*
24 *Physician, which shall be advanced and credited to*
25 *the applicable appropriation or appropriations from*

1131

1 *which such salaries, allowances, and other expenses*
2 *are payable and shall be available for all the purposes*
3 *thereof, \$4,181,000, to be disbursed by the Chief Ad-*
4 *ministrative Officer of the House of Representatives.*

5 OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

6 SALARIES AND EXPENSES

7 *For salaries and expenses of the Office of Congressional*
8 *Accessibility Services, \$1,702,000, to be disbursed by the*
9 *Secretary of the Senate.*

10 CAPITOL POLICE

11 SALARIES

12 *For salaries of employees of the Capitol Police, includ-*
13 *ing overtime, hazardous duty pay, and Government con-*
14 *tributions for health, retirement, social security, profes-*
15 *sional liability insurance, and other applicable employee*
16 *benefits, \$541,730,000 of which overtime shall not exceed*
17 *\$64,912,000 unless the Committees on Appropriations of the*
18 *House and Senate are notified, to be disbursed by the Chief*
19 *of the Capitol Police or a duly authorized designee: Pro-*
20 *vided, That of the total amount appropriated, \$16,000,000*
21 *shall be available for retention bonuses: Provided further,*
22 *That of the total amount appropriated, \$3,450,000 is for*
23 *agreed upon protection activities for Members of Congress*
24 *and shall be available until September 30, 2024, with noti-*

1132

1 *fication to the Committees on Appropriations prior to the*
2 *obligation of funds.*

3 *GENERAL EXPENSES*

4 *For necessary expenses of the Capitol Police, including*
5 *motor vehicles, communications and other equipment, secu-*
6 *rity equipment and installation, uniforms, weapons, sup-*
7 *plies, materials, training, medical services, forensic services,*
8 *stenographic services, personal and professional services, the*
9 *employee assistance program, the awards program, postage,*
10 *communication services, travel advances, relocation of in-*
11 *structor and liaison personnel for the Federal Law Enforce-*
12 *ment Training Centers, and not more than \$5,000 to be*
13 *expended on the certification of the Chief of the Capitol Po-*
14 *lice in connection with official representation and reception*
15 *expenses, \$192,846,000, to be disbursed by the Chief of the*
16 *Capitol Police or a duly authorized designee, of which*
17 *\$6,028,000 shall be for agreed upon protection activities for*
18 *Members of Congress and shall be available until September*
19 *30, 2025: Provided, That amounts made available for the*
20 *Enhanced Member Protection Program may be obligated*
21 *and expended only upon approval of the Committees on Ap-*
22 *propriations: Provided further, That, notwithstanding any*
23 *other provision of law, the cost of basic training for the*
24 *Capitol Police at the Federal Law Enforcement Training*
25 *Centers for fiscal year 2023 shall be paid by the Secretary*

1133

1 *of Homeland Security from funds available to the Depart-*
2 *ment of Homeland Security.*

3 *ADMINISTRATIVE PROVISIONS*

4 *VOLUNTEER CHAPLAIN SERVICES*

5 *SEC. 120. (a) The Chief of the Capitol Police shall have*
6 *authority to accept unpaid religious chaplain services,*
7 *whereby volunteers from multiple faiths, authorized by their*
8 *respective religious endorsing agency or organization, may*
9 *advise, administer, and perform spiritual care and reli-*
10 *gious guidance for Capitol Police employees.*

11 *(b) Chaplains shall not be required to perform any*
12 *rite, ritual, or ceremony, and employees shall not be re-*
13 *quired to receive such rite, ritual, or ceremony, if doing so*
14 *would compromise the conscience, moral principles, or reli-*
15 *gious beliefs of such chaplain or employees or the chaplain's*
16 *endorsing agency or organization.*

17 *(c) EFFECTIVE DATE.—This section shall apply with*
18 *respect to fiscal year 2023 and each succeeding fiscal year.*

19 *SEC. 121. Notwithstanding any other provision of law*
20 *(except section 1341 of title 31, United States Code), here-*
21 *after, the United States Capitol Police shall perform a*
22 *threat assessment for former Speakers of the House of Rep-*
23 *resentatives, and if warranted, any such former Speaker*
24 *shall receive a United States Capitol Police protective detail*
25 *for a period of not more than one year beginning on the*

1134

1 *date they leave such office, except that such former Speaker*
2 *shall have the option to decline such protective detail at*
3 *any time: Provided, That at the conclusion of the one year*
4 *period, the United States Capitol Police shall perform a*
5 *threat assessment to determine whether extension of the pro-*
6 *TECTIVE detail is warranted: Provided further, That, the pro-*
7 *TECTIVE detail may be extended beyond the initial one year*
8 *period, with the concurrence of the relevant former Speaker,*
9 *if the United States Capitol Police determines that informa-*
10 *tion or conditions, including but not limited to violent*
11 *threats, warrant such protection: Provided further, That the*
12 *United States Capitol Police is authorized to enter into*
13 *Memoranda of Understanding with relevant state and local*
14 *law enforcement agencies, as needed, to carry out this sec-*
15 *tion.*

16 *OFFICE OF CONGRESSIONAL WORKPLACE*17 *RIGHTS*18 *SALARIES AND EXPENSES*

19 *For salaries and expenses necessary for the operation*
20 *of the Office of Congressional Workplace Rights, \$8,000,000,*
21 *of which \$2,500,000 shall remain available until September*
22 *30, 2024, and of which not more than \$1,000 may be ex-*
23 *pendent on the certification of the Executive Director in con-*
24 *nection with official representation and reception expenses.*

1135

1 *CONGRESSIONAL BUDGET OFFICE*2 *SALARIES AND EXPENSES*

3 *For salaries and expenses necessary for operation of*
4 *the Congressional Budget Office, including not more than*
5 *\$6,000 to be expended on the certification of the Director*
6 *of the Congressional Budget Office in connection with offi-*
7 *cial representation and reception expenses, \$63,237,000:*
8 *Provided, That the Director shall use not less than \$500,000*
9 *of the amount made available under this heading for (1)*
10 *improving technical systems, processes, and models for the*
11 *purpose of improving the transparency of estimates of budg-*
12 *etary effects to Members of Congress, employees of Members*
13 *of Congress, and the public, and (2) to increase the avail-*
14 *ability of models, economic assumptions, and data for Mem-*
15 *bers of Congress, employees of Members of Congress, and the*
16 *public.*

17 *ARCHITECT OF THE CAPITOL*18 *CAPITAL CONSTRUCTION AND OPERATIONS*

19 *For salaries for the Architect of the Capitol, and other*
20 *personal services, at rates of pay provided by law; for all*
21 *necessary expenses for surveys and studies, construction, op-*
22 *eration, and general and administrative support in connec-*
23 *tion with facilities and activities under the care of the Ar-*
24 *chitect of the Capitol including the Botanic Garden; elec-*
25 *trical substations of the Capitol, Senate and House office*

1136

1 *buildings, and other facilities under the jurisdiction of the*
2 *Architect of the Capitol; including furnishings and office*
3 *equipment; including not more than \$5,000 for official re-*
4 *ception and representation expenses, to be expended as the*
5 *Architect of the Capitol may approve; for purchase or ex-*
6 *change, maintenance, and operation of a passenger motor*
7 *vehicle, \$145,843,000: Provided, That none of the funds ap-*
8 *propriated or made available under this heading in this*
9 *Act or any other Act, including previous Acts, may be used*
10 *for a home-to-work vehicle for the Architect or a duly au-*
11 *thorized designee.*

12 *CAPITOL BUILDING*

13 *For all necessary expenses for the maintenance, care*
14 *and operation of the Capitol, \$80,589,000, of which*
15 *\$6,099,000 shall remain available until September 30,*
16 *2027, and of which \$42,785,000 shall remain available*
17 *until expended.*

18 *CAPITOL GROUNDS*

19 *For all necessary expenses for care and improvement*
20 *of grounds surrounding the Capitol, the Senate and House*
21 *office buildings, and the Capitol Power Plant, \$16,365,000,*
22 *of which \$2,000,000 shall remain available until September*
23 *30, 2027.*

1137

1 *SENATE OFFICE BUILDINGS*

2 *For all necessary expenses for the maintenance, care*
3 *and operation of Senate office buildings; and furniture and*
4 *furnishings to be expended under the control and super-*
5 *vision of the Architect of the Capitol, \$184,596,000, of which*
6 *\$66,000,000 shall remain available until September 30,*
7 *2027, and of which \$36,100,000 shall remain available*
8 *until expended.*

9 *HOUSE OFFICE BUILDINGS*10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For all necessary expenses for the maintenance, care*
12 *and operation of the House office buildings, \$126,279,000,*
13 *of which \$14,500,000 shall remain available until Sep-*
14 *tember 30, 2027, and of which \$40,600,000 shall remain*
15 *available until expended for the restoration and renovation*
16 *of the Cannon House Office Building: Provided, That of the*
17 *amount made available under this heading, \$4,000,000*
18 *shall be derived by transfer from the House Office Building*
19 *Fund established under section 176(d) of the Continuing*
20 *Appropriations Act, 2017 (2 U.S.C. 2001 note).*

21 *CAPITOL POWER PLANT*

22 *For all necessary expenses for the maintenance, care*
23 *and operation of the Capitol Power Plant; lighting, heating,*
24 *power (including the purchase of electrical energy) and*
25 *water and sewer services for the Capitol, Senate and House*

1138

1 *office buildings, Library of Congress buildings, and the*
2 *grounds about the same, Botanic Garden, Senate garage,*
3 *and air conditioning refrigeration not supplied from plants*
4 *in any of such buildings; heating the Government Pub-*
5 *lishing Office and Washington City Post Office, and heating*
6 *and chilled water for air conditioning for the Supreme*
7 *Court Building, the Union Station complex, the Thurgood*
8 *Marshall Federal Judiciary Building and the Folger Shake-*
9 *speare Library, expenses for which shall be advanced or re-*
10 *imbursed upon request of the Architect of the Capitol and*
11 *amounts so received shall be deposited into the Treasury*
12 *to the credit of this appropriation, \$166,951,000, of which*
13 *\$68,600,000 shall remain available until September 30,*
14 *2027: Provided, That not more than \$10,000,000 of the*
15 *funds credited or to be reimbursed to this appropriation*
16 *as herein provided shall be available for obligation during*
17 *fiscal year 2023.*

18 *LIBRARY BUILDINGS AND GROUNDS*

19 *For all necessary expenses for the mechanical and*
20 *structural maintenance, care and operation of the Library*
21 *buildings and grounds, \$144,220,000, of which*
22 *\$108,000,000 shall remain available until September 30,*
23 *2027.*

1139

1 *CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY*

2 *For all necessary expenses for the maintenance, care*
3 *and operation of buildings, grounds and security enhance-*
4 *ments of the United States Capitol Police, wherever located,*
5 *the Alternate Computing Facility, and Architect of the Cap-*
6 *itol security operations, \$402,907,000, of which*
7 *\$346,255,000 shall remain available until September 30,*
8 *2027: Provided, That of such amount, \$80,000,000 shall be*
9 *for design and construction of enhanced screening vestibules*
10 *at the north and south Capitol Building entrances: Pro-*
11 *vided further, That of such amount, \$238,455,000 shall be*
12 *for the Capitol Complex Security Program: Provided fur-*
13 *ther, That amounts made available for the Capitol Complex*
14 *Security Program may be obligated and expended only*
15 *upon approval of the Committees on Appropriations.*

16 *BOTANIC GARDEN*

17 *For all necessary expenses for the maintenance, care*
18 *and operation of the Botanic Garden and the nurseries,*
19 *buildings, grounds, and collections; and purchase and ex-*
20 *change, maintenance, repair, and operation of a passenger*
21 *motor vehicle; all under the direction of the Joint Com-*
22 *mittee on the Library, \$23,560,000, of which \$8,200,000*
23 *shall remain available until September 30, 2027: Provided,*
24 *That, of the amount made available under this heading, the*
25 *Architect of the Capitol may obligate and expend such sums*

1140

1 *as may be necessary for the maintenance, care and oper-*
2 *ation of the National Garden established under section*
3 *307E of the Legislative Branch Appropriations Act, 1989*
4 *(2 U.S.C. 2146), upon vouchers approved by the Architect*
5 *of the Capitol or a duly authorized designee.*

6 *CAPITOL VISITOR CENTER*

7 *For all necessary expenses for the operation of the Cap-*
8 *itol Visitor Center, \$27,692,000.*

9 *ADMINISTRATIVE PROVISIONS*

10 *NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR*
11 *OVER BUDGET*

12 *SEC. 130. None of the funds made available in this*
13 *Act for the Architect of the Capitol may be used to make*
14 *incentive or award payments to contractors for work on*
15 *contracts or programs for which the contractor is behind*
16 *schedule or over budget, unless the Architect of the Capitol,*
17 *or agency-employed designee, determines that any such de-*
18 *viations are due to unforeseeable events, government-driven*
19 *scope changes, or are not significant within the overall*
20 *scope of the project and/or program.*

21 *REAUTHORIZATION OF FALLEN HEROES FLAG ACT OF 2016*

22 *SEC. 131. Section 5 of the Fallen Heroes Flag Act of*
23 *2016 (2 U.S.C. 1881c) is amended by striking “through*
24 *2022” and inserting “through 2028”.*

1141

1 *LIBRARY OF CONGRESS*2 *SALARIES AND EXPENSES*

3 *For all necessary expenses of the Library of Congress*
4 *not otherwise provided for, including development and*
5 *maintenance of the Library's catalogs; custody and custo-*
6 *dial care of the Library buildings; information technology*
7 *services provided centrally; special clothing; cleaning, laun-*
8 *dering and repair of uniforms; preservation of motion pic-*
9 *tures in the custody of the Library; operation and mainte-*
10 *nance of the American Folklife Center in the Library; prep-*
11 *aration and distribution of catalog records and other publi-*
12 *cations of the Library; hire or purchase of one passenger*
13 *motor vehicle; and expenses of the Library of Congress Trust*
14 *Fund Board not properly chargeable to the income of any*
15 *trust fund held by the Board, \$582,529,000, and, in addi-*
16 *tion, amounts credited to this appropriation during fiscal*
17 *year 2023 under the Act of June 28, 1902 (chapter 1301;*
18 *32 Stat. 480; 2 U.S.C. 150), shall remain available until*
19 *expended: Provided, That the Library of Congress may not*
20 *obligate or expend any funds derived from collections under*
21 *the Act of June 28, 1902, in excess of the amount authorized*
22 *for obligation or expenditure in appropriations Acts: Pro-*
23 *vided further, That of the total amount appropriated, not*
24 *more than \$18,000 may be expended, on the certification*
25 *of the Librarian of Congress, in connection with official*

1142

1 *representation and reception expenses, including for the*
2 *Overseas Field Offices: Provided further, That of the total*
3 *amount appropriated, \$12,245,000 shall remain available*
4 *until expended for the Teaching with Primary Sources pro-*
5 *gram: Provided further, That of the total amount appro-*
6 *priated, \$1,459,000 shall remain available until expended*
7 *for upgrade of the Legislative Branch Financial Manage-*
8 *ment System: Provided further, That of the total amount*
9 *appropriated, \$250,000 shall remain available until ex-*
10 *pended for the Surplus Books Program to promote the pro-*
11 *gram and facilitate a greater number of donations to eligi-*
12 *ble entities across the United States: Provided further, That*
13 *of the total amount appropriated, \$3,976,000 shall remain*
14 *available until expended for the Veterans History Project*
15 *to continue digitization efforts of already collected mate-*
16 *rials, reach a greater number of veterans to record their*
17 *stories, and promote public access to the Project: Provided*
18 *further, That of the total amount appropriated, \$1,500,000*
19 *shall remain available until expended for the COVID–19*
20 *American History Project.*

21 *COPYRIGHT OFFICE*

22 *SALARIES AND EXPENSES*

23 *For all necessary expenses of the Copyright Office,*
24 *\$100,674,000, of which not more than \$39,702,000, to re-*
25 *main available until expended, shall be derived from collec-*

1143

1 *tions credited to this appropriation during fiscal year 2023*
2 *under sections 708(d) and 1316 of title 17, United States*
3 *Code: Provided, That the Copyright Office may not obligate*
4 *or expend any funds derived from collections under such*
5 *section in excess of the amount authorized for obligation*
6 *or expenditure in appropriations Acts: Provided further,*
7 *That not more than \$7,210,000 shall be derived from collec-*
8 *tions during fiscal year 2023 under sections 111(d)(2),*
9 *119(b)(3), 803(e), and 1005 of such title: Provided further,*
10 *That the total amount available for obligation shall be re-*
11 *duced by the amount by which collections are less than*
12 *\$46,912,000: Provided further, That of the funds provided*
13 *under this heading, not less than \$17,100,000 is for mod-*
14 *ernization initiatives, of which \$10,000,000 shall remain*
15 *available until September 30, 2024: Provided further, That*
16 *not more than \$100,000 of the amount appropriated is*
17 *available for the maintenance of an “International Copy-*
18 *right Institute” in the Copyright Office of the Library of*
19 *Congress for the purpose of training nationals of developing*
20 *countries in intellectual property laws and policies: Pro-*
21 *vided further, That not more than \$6,500 may be expended,*
22 *on the certification of the Librarian of Congress, in connec-*
23 *tion with official representation and reception expenses for*
24 *activities of the International Copyright Institute and for*
25 *copyright delegations, visitors, and seminars: Provided fur-*

1144

1 *ther, That, notwithstanding any provision of chapter 8 of*
2 *title 17, United States Code, any amounts made available*
3 *under this heading which are attributable to royalty fees*
4 *and payments received by the Copyright Office pursuant*
5 *to sections 111, 119, and chapter 10 of such title may be*
6 *used for the costs incurred in the administration of the*
7 *Copyright Royalty Judges program, with the exception of*
8 *the costs of salaries and benefits for the Copyright Royalty*
9 *Judges and staff under section 802(e).*

10 *CONGRESSIONAL RESEARCH SERVICE*11 *SALARIES AND EXPENSES*

12 *For all necessary expenses to carry out the provisions*
13 *of section 203 of the Legislative Reorganization Act of 1946*
14 *(2 U.S.C. 166) and to revise and extend the Annotated Con-*
15 *stitution of the United States of America, \$133,600,000:*
16 *Provided, That no part of such amount may be used to pay*
17 *any salary or expense in connection with any publication,*
18 *or preparation of material therefor (except the Digest of*
19 *Public General Bills), to be issued by the Library of Con-*
20 *gress unless such publication has obtained prior approval*
21 *of either the Committee on House Administration of the*
22 *House of Representatives or the Committee on Rules and*
23 *Administration of the Senate: Provided further, That this*
24 *prohibition does not apply to publication of non-confiden-*
25 *tial Congressional Research Service (CRS) products: Pro-*

1145

1 *vided further, That a non-confidential CRS product in-*
2 *cludes any written product containing research or analysis*
3 *that is currently available for general congressional access*
4 *on the CRS Congressional Intranet, or that would be made*
5 *available on the CRS Congressional Intranet in the normal*
6 *course of business and does not include material prepared*
7 *in response to Congressional requests for confidential anal-*
8 *ysis or research.*

9 *NATIONAL LIBRARY SERVICE FOR THE BLIND AND PRINT*
10 *DISABLED*

11 *SALARIES AND EXPENSES*

12 *For all necessary expenses to carry out the Act of*
13 *March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a),*
14 *\$58,657,000: Provided, That of the total amount appro-*
15 *priated, \$650,000 shall be available to contract to provide*
16 *newspapers to blind and print disabled residents at no cost*
17 *to the individual.*

18 *ADMINISTRATIVE PROVISIONS*

19 *REIMBURSABLE AND REVOLVING FUND ACTIVITIES*

20 *SEC. 140. (a) IN GENERAL.—For fiscal year 2023, the*
21 *obligational authority of the Library of Congress for the ac-*
22 *tivities described in subsection (b) may not exceed*
23 *\$308,554,000.*

24 *(b) ACTIVITIES.—The activities referred to in sub-*
25 *section (a) are reimbursable and revolving fund activities*

1146

1 *that are funded from sources other than appropriations to*
2 *the Library in appropriations Acts for the Legislative*
3 *Branch.*

4 *USE OF APPROPRIATED FUNDS TO COVER SALARIES OF*
5 *CERTAIN PERSONNEL OF LITTLE SCHOLARS CHILD*
6 *DEVELOPMENT CENTER*

7 *SEC. 141. (a) USE OF FUNDS.—Section 210 of the Leg-*
8 *islative Branch Appropriations Act, 2001 (2 U.S.C. 162b)*
9 *is amended—*

10 *(1) in subsection (f)(1), by striking “pay to the*
11 *Library of Congress” and inserting “except as pro-*
12 *vided in subsection (g), pay to the Library of Con-*
13 *gress”;*

14 *(2) by redesignating subsection (g) as subsection*
15 *(h); and*

16 *(3) by inserting after subsection (f) the following*
17 *new subsection:*

18 *“(g) REIMBURSEMENT FOR CERTAIN COMPENSA-*
19 *TION.—Notwithstanding paragraph (1) of subsection (f), in*
20 *the case of expenses described in such paragraph which are*
21 *attributable to the compensation of the Executive Director*
22 *and Deputy Executive Director of the Center, the Librarian*
23 *of Congress may reimburse the Center for such expenses*
24 *from amounts appropriated or otherwise made available for*
25 *salaries and expenses of the Library of Congress.”.*

1147

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall apply with respect to fiscal year 2023 and each*
3 *succeeding fiscal year.*

4 *GOVERNMENT PUBLISHING OFFICE*
5 *CONGRESSIONAL PUBLISHING*
6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For authorized publishing of congressional informa-*
8 *tion and the distribution of congressional information in*
9 *any format; publishing of Government publications author-*
10 *ized by law to be distributed to Members of Congress; and*
11 *publishing, and distribution of Government publications*
12 *authorized by law to be distributed without charge to the*
13 *recipient, \$82,992,000: Provided, That this appropriation*
14 *shall not be available for paper copies of the permanent edi-*
15 *tion of the Congressional Record for individual Representa-*
16 *tives, Resident Commissioners or Delegates authorized*
17 *under section 906 of title 44, United States Code: Provided*
18 *further, That this appropriation shall be available for the*
19 *payment of obligations incurred under the appropriations*
20 *for similar purposes for preceding fiscal years: Provided*
21 *further, That notwithstanding the 2-year limitation under*
22 *section 718 of title 44, United States Code, none of the funds*
23 *appropriated or made available under this Act or any other*
24 *Act for printing and binding and related services provided*
25 *to Congress under chapter 7 of title 44, United States Code,*

1148

1 *may be expended to print a document, report, or publica-*
2 *tion after the 27-month period beginning on the date that*
3 *such document, report, or publication is authorized by Con-*
4 *gress to be printed, unless Congress reauthorizes such print-*
5 *ing in accordance with section 718 of title 44, United States*
6 *Code: Provided further, That unobligated or unexpended*
7 *balances of expired discretionary funds made available*
8 *under this heading in this Act for this fiscal year may be*
9 *transferred to, and merged with, funds under the heading*
10 *“GOVERNMENT PUBLISHING OFFICE BUSINESS OPER-*
11 *ATIONS REVOLVING FUND” no later than the end of the fifth*
12 *fiscal year after the last fiscal year for which such funds*
13 *are available for the purposes for which appropriated, to*
14 *be available for carrying out the purposes of this heading,*
15 *subject to the approval of the Committees on Appropriations*
16 *of the House of Representatives and the Senate: Provided*
17 *further, That notwithstanding sections 901, 902, and 906*
18 *of title 44, United States Code, this appropriation may be*
19 *used to prepare indexes to the Congressional Record on only*
20 *a monthly and session basis.*

1149

1 *PUBLIC INFORMATION PROGRAMS OF THE*
2 *SUPERINTENDENT OF DOCUMENTS*
3 *SALARIES AND EXPENSES*
4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For expenses of the public information programs of the*
6 *Office of Superintendent of Documents necessary to provide*
7 *for the cataloging and indexing of Government publications*
8 *in any format, and their distribution to the public, Mem-*
9 *bers of Congress, other Government agencies, and designated*
10 *depository and international exchange libraries as author-*
11 *ized by law, \$35,257,000: Provided, That amounts of not*
12 *more than \$2,000,000 from current year appropriations are*
13 *authorized for producing and disseminating Congressional*
14 *serial sets and other related publications for the preceding*
15 *two fiscal years to depository and other designated libraries:*
16 *Provided further, That unobligated or unexpended balances*
17 *of expired discretionary funds made available under this*
18 *heading in this Act for this fiscal year may be transferred*
19 *to, and merged with, funds under the heading “GOVERN-*
20 *MENT PUBLISHING OFFICE BUSINESS OPERATIONS RE-*
21 *VOLVING FUND” no later than the end of the fifth fiscal year*
22 *after the last fiscal year for which such funds are available*
23 *for the purposes for which appropriated, to be available for*
24 *carrying out the purposes of this heading, subject to the ap-*

1150

1 *proval of the Committees on Appropriations of the House*
2 *of Representatives and the Senate.*

3 *GOVERNMENT PUBLISHING OFFICE BUSINESS*

4 *OPERATIONS REVOLVING FUND*

5 *For payment to the Government Publishing Office*
6 *Business Operations Revolving Fund, \$11,605,000, to re-*
7 *main available until expended, for information technology*
8 *development and facilities repair: Provided, That the Gov-*
9 *ernment Publishing Office is hereby authorized to make*
10 *such expenditures, within the limits of funds available and*
11 *in accordance with law, and to make such contracts and*
12 *commitments without regard to fiscal year limitations as*
13 *provided by section 9104 of title 31, United States Code,*
14 *as may be necessary in carrying out the programs and pur-*
15 *poses set forth in the budget for the current fiscal year for*
16 *the Government Publishing Office Business Operations Re-*
17 *volving Fund: Provided further, That not more than \$7,500*
18 *may be expended on the certification of the Director of the*
19 *Government Publishing Office in connection with official*
20 *representation and reception expenses: Provided further,*
21 *That the Business Operations Revolving Fund shall be*
22 *available for the hire or purchase of not more than 12 pas-*
23 *senger motor vehicles: Provided further, That expenditures*
24 *in connection with travel expenses of the advisory councils*
25 *to the Director of the Government Publishing Office shall*

1151

1 *be deemed necessary to carry out the provisions of title 44,*
2 *United States Code: Provided further, That the Business*
3 *Operations Revolving Fund shall be available for tem-*
4 *porary or intermittent services under section 3109(b) of*
5 *title 5, United States Code, but at rates for individuals not*
6 *more than the daily equivalent of the annual rate of basic*
7 *pay for level V of the Executive Schedule under section 5316*
8 *of such title: Provided further, That activities financed*
9 *through the Business Operations Revolving Fund may pro-*
10 *vide information in any format: Provided further, That the*
11 *Business Operations Revolving Fund and the funds pro-*
12 *vided under the heading “PUBLIC INFORMATION PROGRAMS*
13 *OF THE SUPERINTENDENT OF DOCUMENTS” may not be*
14 *used for contracted security services at Government Pub-*
15 *lishing Office’s passport facility in the District of Colum-*
16 *bia.*

17 **GOVERNMENT ACCOUNTABILITY OFFICE**18 **SALARIES AND EXPENSES**

19 *For necessary expenses of the Government Account-*
20 *ability Office, including not more than \$12,500 to be ex-*
21 *pended on the certification of the Comptroller General of*
22 *the United States in connection with official representation*
23 *and reception expenses; temporary or intermittent services*
24 *under section 3109(b) of title 5, United States Code, but*
25 *at rates for individuals not more than the daily equivalent*

1152

1 *of the annual rate of basic pay for level IV of the Executive*
2 *Schedule under section 5315 of such title; hire of one pas-*
3 *senger motor vehicle; advance payments in foreign countries*
4 *in accordance with section 3324 of title 31, United States*
5 *Code; benefits comparable to those payable under sections*
6 *901(5), (6), and (8) of the Foreign Service Act of 1980 (22*
7 *U.S.C. 4081(5), (6), and (8)); and under regulations pre-*
8 *scribed by the Comptroller General of the United States,*
9 *rental of living quarters in foreign countries, \$790,319,000,*
10 *of which \$5,000,000 shall remain available until expended:*
11 *Provided, That, in addition, \$55,865,000 of payments re-*
12 *ceived under sections 782, 791, 3521, and 9105 of title 31,*
13 *United States Code, shall be available without fiscal year*
14 *limitation: Provided further, That amounts provided under*
15 *this heading and appropriations for administrative ex-*
16 *penses of any other department or agency which is a mem-*
17 *ber of the National Intergovernmental Audit Forum or a*
18 *Regional Intergovernmental Audit Forum shall be available*
19 *to finance an appropriate share of either Forum's costs as*
20 *determined by the respective Forum, including necessary*
21 *travel expenses of non-Federal participants: Provided fur-*
22 *ther, That payments hereunder to the Forum may be cred-*
23 *ited as reimbursements to any appropriation from which*
24 *costs involved are initially financed.*

1153

1 *CONGRESSIONAL OFFICE FOR INTERNATIONAL*
2 *LEADERSHIP FUND*

3 *For a payment to the Congressional Office for Inter-*
4 *national Leadership Fund for financing activities of the*
5 *Congressional Office for International Leadership under*
6 *section 313 of the Legislative Branch Appropriations Act,*
7 *2001 (2 U.S.C. 1151), \$6,000,000: Provided, That funds*
8 *made available to support Russian participants shall only*
9 *be used for those engaging in free market development, hu-*
10 *manitarian activities, and civic engagement, and shall not*
11 *be used for officials of the central government of Russia.*

12 *JOHN C. STENNIS CENTER FOR PUBLIC SERVICE*
13 *TRAINING AND DEVELOPMENT*

14 *For payment to the John C. Stennis Center for Public*
15 *Service Development Trust Fund established under section*
16 *116 of the John C. Stennis Center for Public Service Train-*
17 *ing and Development Act (2 U.S.C. 1105), \$430,000.*

1154

1 *TITLE II*2 *GENERAL PROVISIONS*3 *MAINTENANCE AND CARE OF PRIVATE VEHICLES*

4 *SEC. 201. No part of the funds appropriated in this*
5 *Act shall be used for the maintenance or care of private*
6 *vehicles, except for emergency assistance and cleaning as*
7 *may be provided under regulations relating to parking fa-*
8 *cilities for the House of Representatives issued by the Com-*
9 *mittee on House Administration and for the Senate issued*
10 *by the Committee on Rules and Administration.*

11 *FISCAL YEAR LIMITATION*

12 *SEC. 202. No part of the funds appropriated in this*
13 *Act shall remain available for obligation beyond fiscal year*
14 *2023 unless expressly so provided in this Act.*

15 *RATES OF COMPENSATION AND DESIGNATION*

16 *SEC. 203. Whenever in this Act any office or position*
17 *not specifically established by the Legislative Pay Act of*
18 *1929 (46 Stat. 32 et seq.) is appropriated for or the rate*
19 *of compensation or designation of any office or position ap-*
20 *propriated for is different from that specifically established*
21 *by such Act, the rate of compensation and the designation*
22 *in this Act shall be the permanent law with respect thereto:*
23 *Provided, That the provisions in this Act for the various*
24 *items of official expenses of Members, officers, and commit-*
25 *tees of the Senate and House of Representatives, and clerk*

1155

1 *hire for Senators and Members of the House of Representa-*
2 *tives shall be the permanent law with respect thereto.*

3 *CONSULTING SERVICES*

4 *SEC. 204. The expenditure of any appropriation under*
5 *this Act for any consulting service through procurement*
6 *contract, under section 3109 of title 5, United States Code,*
7 *shall be limited to those contracts where such expenditures*
8 *are a matter of public record and available for public in-*
9 *spection, except where otherwise provided under existing*
10 *law, or under existing Executive order issued under existing*
11 *law.*

12 *COSTS OF LEGISLATIVE BRANCH FINANCIAL MANAGERS*

13 *COUNCIL*

14 *SEC. 205. Amounts available for administrative ex-*
15 *penses of any legislative branch entity which participates*
16 *in the Legislative Branch Financial Managers Council*
17 *(LBFMC) established by charter on March 26, 1996, shall*
18 *be available to finance an appropriate share of LBFMC*
19 *costs as determined by the LBFMC, except that the total*
20 *LBFMC costs to be shared among all participating legisla-*
21 *tive branch entities (in such allocations among the entities*
22 *as the entities may determine) may not exceed \$2,000.*

23 *LIMITATION ON TRANSFERS*

24 *SEC. 206. None of the funds made available in this*
25 *Act may be transferred to any department, agency, or in-*

1156

1 *strumentality of the United States Government, except pur-*
2 *suant to a transfer made by, or transfer authority provided*
3 *in, this Act or any other appropriation Act.*

4 *GUIDED TOURS OF THE CAPITOL*

5 *SEC. 207. (a) Except as provided in subsection (b),*
6 *none of the funds made available to the Architect of the Cap-*
7 *itol in this Act may be used to eliminate or restrict guided*
8 *tours of the United States Capitol which are led by employ-*
9 *ees and interns of offices of Members of Congress and other*
10 *offices of the House of Representatives and Senate, unless*
11 *through regulations as authorized by section 402(b)(8) of*
12 *the Capitol Visitor Center Act of 2008 (2 U.S.C.*
13 *2242(b)(8)).*

14 *(b) At the direction of the Capitol Police Board, or*
15 *at the direction of the Architect of the Capitol with the ap-*
16 *proval of the Capitol Police Board, guided tours of the*
17 *United States Capitol which are led by employees and in-*
18 *terns described in subsection (a) may be suspended tempo-*
19 *rarily or otherwise subject to restriction for security or re-*
20 *lated reasons to the same extent as guided tours of the*
21 *United States Capitol which are led by the Architect of the*
22 *Capitol.*

1157

1 *LIMITATION ON TELECOMMUNICATIONS EQUIPMENT*2 *PROCUREMENT*

3 *SEC. 208. (a) None of the funds appropriated or other-*
4 *wise made available under this Act may be used to acquire*
5 *telecommunications equipment produced by Huawei Tech-*
6 *nologies Company or ZTE Corporation for a high or mod-*
7 *erate impact information system, as defined for security*
8 *categorization in the National Institute of Standards and*
9 *Technology's (NIST) Federal Information Processing*
10 *Standard Publication 199, "Standards for Security Cat-*
11 *egorization of Federal Information and Information Sys-*
12 *tems" unless the agency, office, or other entity acquiring*
13 *the equipment or system has—*

14 (1) *reviewed the supply chain risk for the infor-*
15 *mation systems against criteria developed by NIST to*
16 *inform acquisition decisions for high or moderate im-*
17 *pact information systems within the Federal Govern-*
18 *ment;*

19 (2) *reviewed the supply chain risk from the pre-*
20 *sumptive awardee against available and relevant*
21 *threat information provided by the Federal Bureau of*
22 *Investigation and other appropriate agencies; and*

23 (3) *in consultation with the Federal Bureau of*
24 *Investigation or other appropriate Federal entity,*
25 *conducted an assessment of any risk of cyber-espio-*

† **HR 2617 EAS2**

1158

1 *nage or sabotage associated with the acquisition of*
2 *such telecommunications equipment for inclusion in a*
3 *high or moderate impact system, including any risk*
4 *associated with such system being produced, manufac-*
5 *tured, or assembled by one or more entities identified*
6 *by the United States Government as posing a cyber*
7 *threat, including but not limited to, those that may*
8 *be owned, directed, or subsidized by the People's Re-*
9 *public of China, the Islamic Republic of Iran, the*
10 *Democratic People's Republic of Korea, or the Rus-*
11 *sian Federation.*

12 *(b) None of the funds appropriated or otherwise made*
13 *available under this Act may be used to acquire a high or*
14 *moderate impact information system reviewed and assessed*
15 *under subsection (a) unless the head of the assessing entity*
16 *described in subsection (a) has—*

17 *(1) developed, in consultation with NIST and*
18 *supply chain risk management experts, a mitigation*
19 *strategy for any identified risks;*

20 *(2) determined, in consultation with NIST and*
21 *the Federal Bureau of Investigation, that the acquisi-*
22 *tion of such telecommunications equipment for inclu-*
23 *sion in a high or moderate impact system is in the*
24 *vital national security interest of the United States;*
25 *and*

1159

1 (3) *reported that determination to the Commit-*
2 *tees on Appropriations of the House of Representa-*
3 *tives and the Senate in a manner that identifies the*
4 *telecommunications equipment for inclusion in a high*
5 *or moderate impact system intended for acquisition*
6 *and a detailed description of the mitigation strategies*
7 *identified in paragraph (1), provided that such report*
8 *may include a classified annex as necessary.*

9 *PROHIBITION ON CERTAIN OPERATIONAL EXPENSES*

10 *SEC. 209. (a) None of the funds made available in this*
11 *Act may be used to maintain or establish a computer net-*
12 *work unless such network blocks the viewing, downloading,*
13 *and exchanging of pornography.*

14 *(b) Nothing in subsection (a) shall limit the use of*
15 *funds necessary for any Federal, State, tribal, or local law*
16 *enforcement agency or any other entity carrying out crimi-*
17 *nal investigations, prosecution, or adjudication activities or*
18 *other official government activities.*

19 *PLASTIC WASTE REDUCTION*

20 *SEC. 210. All agencies and offices funded by this Act*
21 *that contract with a food service provider or providers shall*
22 *confer and coordinate with such food service provider or*
23 *providers, in consultation with disability advocacy groups,*
24 *to eliminate or reduce plastic waste, including waste from*

1160

1 *plastic straws, explore the use of biodegradable items, and*
2 *increase recycling and composting opportunities.*

3 *CAPITOL COMPLEX HEALTH AND SAFETY*

4 *SEC. 211. In addition to the amounts appropriated*
5 *under this Act under the heading “OFFICE OF THE ATTEND-*
6 *ING PHYSICIAN”, there is hereby appropriated to the Office*
7 *of the Attending Physician \$5,000,000, to remain available*
8 *until expended, for response to COVID–19, including test-*
9 *ing, subject to the same terms and conditions as the*
10 *amounts appropriated under such heading.*

11 *This division may be cited as the “Legislative Branch*
12 *Appropriations Act, 2023”.*

1161

1 ***DIVISION J—MILITARY CONSTRUCTION,***
2 ***VETERANS AFFAIRS, AND RELATED***
3 ***AGENCIES APPROPRIATIONS ACT, 2023***

4 ***TITLE I***

5 ***DEPARTMENT OF DEFENSE***

6 ***MILITARY CONSTRUCTION, ARMY***

7 *For acquisition, construction, installation, and equip-*
8 *ment of temporary or permanent public works, military in-*
9 *stallations, facilities, and real property for the Army as*
10 *currently authorized by law, including personnel in the*
11 *Army Corps of Engineers and other personal services nec-*
12 *essary for the purposes of this appropriation, and for con-*
13 *struction and operation of facilities in support of the func-*
14 *tions of the Commander in Chief, \$1,553,825,000, to remain*
15 *available until September 30, 2027: Provided, That, of this*
16 *amount, not to exceed \$275,651,000 shall be available for*
17 *study, planning, design, architect and engineer services,*
18 *and host nation support, as authorized by law, unless the*
19 *Secretary of the Army determines that additional obliga-*
20 *tions are necessary for such purposes and notifies the Com-*
21 *mittees on Appropriations of both Houses of Congress of the*
22 *determination and the reasons therefor: Provided further,*
23 *That of the amount made available under this heading,*
24 *\$658,260,000 shall be for the projects and activities, and*
25 *in the amounts, specified in the table under the heading*

1162

1 “*Military Construction, Army*” in the explanatory state-
2 ment described in section 4 (in the matter preceding divi-
3 sion A of this consolidated Act), in addition to amounts
4 otherwise available for such purposes.

5 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

6 *For acquisition, construction, installation, and equip-*
7 *ment of temporary or permanent public works, naval in-*
8 *stallations, facilities, and real property for the Navy and*
9 *Marine Corps as currently authorized by law, including*
10 *personnel in the Naval Facilities Engineering Command*
11 *and other personal services necessary for the purposes of this*
12 *appropriation, \$4,345,320,000, to remain available until*
13 *September 30, 2027: Provided, That, of this amount, not*
14 *to exceed \$515,473,000 shall be available for study, plan-*
15 *ning, design, and architect and engineer services, as author-*
16 *ized by law, unless the Secretary of the Navy determines*
17 *that additional obligations are necessary for such purposes*
18 *and notifies the Committees on Appropriations of both*
19 *Houses of Congress of the determination and the reasons*
20 *therefor: Provided further, That of the amount made avail-*
21 *able under this heading, \$492,929,000 shall be for the*
22 *projects and activities, and in the amounts, specified in the*
23 *table under the heading “Military Construction, Navy and*
24 *Marine Corps” in the explanatory statement described in*
25 *section 4 (in the matter preceding division A of this consoli-*

1163

1 *dated Act), in addition to amounts otherwise available for*
2 *such purposes.*

3 *MILITARY CONSTRUCTION, AIR FORCE*

4 *For acquisition, construction, installation, and equip-*
5 *ment of temporary or permanent public works, military in-*
6 *stallations, facilities, and real property for the Air Force*
7 *as currently authorized by law, \$2,614,996,000, to remain*
8 *available until September 30, 2027: Provided, That, of this*
9 *amount, not to exceed \$251,634,000 shall be available for*
10 *study, planning, design, and architect and engineer serv-*
11 *ices, as authorized by law, unless the Secretary of the Air*
12 *Force determines that additional obligations are necessary*
13 *for such purposes and notifies the Committees on Appro-*
14 *priations of both Houses of Congress of the determination*
15 *and the reasons therefor: Provided further, That of the*
16 *amount made available under this heading, \$509,540,000*
17 *shall be for the projects and activities, and in the amounts,*
18 *specified in the table under the heading “Military Construc-*
19 *tion, Air Force” in the explanatory statement described in*
20 *section 4 (in the matter preceding division A of this consoli-*
21 *dated Act), in addition to amounts otherwise available for*
22 *such purposes.*

1164

1 *MILITARY CONSTRUCTION, DEFENSE-WIDE*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For acquisition, construction, installation, and equip-*
4 *ment of temporary or permanent public works, installa-*
5 *tions, facilities, and real property for activities and agen-*
6 *cies of the Department of Defense (other than the military*
7 *departments), as currently authorized by law,*
8 *\$2,626,078,000, to remain available until September 30,*
9 *2027: Provided, That such amounts of this appropriation*
10 *as may be determined by the Secretary of Defense may be*
11 *transferred to such appropriations of the Department of De-*
12 *fense available for military construction or family housing*
13 *as the Secretary may designate, to be merged with and to*
14 *be available for the same purposes, and for the same time*
15 *period, as the appropriation or fund to which transferred:*
16 *Provided further, That, of the amount, not to exceed*
17 *\$506,927,000 shall be available for study, planning, design,*
18 *and architect and engineer services, as authorized by law,*
19 *unless the Secretary of Defense determines that additional*
20 *obligations are necessary for such purposes and notifies the*
21 *Committees on Appropriations of both Houses of Congress*
22 *of the determination and the reasons therefor: Provided fur-*
23 *ther, That of the amount made available under this head-*
24 *ing, \$109,680,000 shall be for the projects and activities,*
25 *and in the amounts, specified in the table under the heading*

1165

1 *“Military Construction, Defense-Wide” in the explanatory*
2 *statement described in section 4 (in the matter preceding*
3 *division A of this consolidated Act), in addition to amounts*
4 *otherwise available for such purposes.*

5 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

6 *For construction, acquisition, expansion, rehabilita-*
7 *tion, and conversion of facilities for the training and ad-*
8 *ministration of the Army National Guard, and contribu-*
9 *tions therefor, as authorized by chapter 1803 of title 10,*
10 *United States Code, and Military Construction Authoriza-*
11 *tion Acts, \$459,018,000, to remain available until Sep-*
12 *tember 30, 2027: Provided, That, of the amount, not to ex-*
13 *ceed \$83,435,000 shall be available for study, planning, de-*
14 *sign, and architect and engineer services, as authorized by*
15 *law, unless the Director of the Army National Guard deter-*
16 *mines that additional obligations are necessary for such*
17 *purposes and notifies the Committees on Appropriations of*
18 *both Houses of Congress of the determination and the rea-*
19 *sons therefor: Provided further, That of the amount made*
20 *available under this heading, \$151,540,000 shall be for the*
21 *projects and activities, and in the amounts, specified in the*
22 *table under the heading “Military Construction, Army Na-*
23 *tional Guard” in the explanatory statement described in*
24 *section 4 (in the matter preceding division A of this consoli-*

1166

1 *dated Act), in addition to amounts otherwise available for*
2 *such purposes.*

3 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

4 *For construction, acquisition, expansion, rehabilita-*
5 *tion, and conversion of facilities for the training and ad-*
6 *ministration of the Air National Guard, and contributions*
7 *therefor, as authorized by chapter 1803 of title 10, United*
8 *States Code, and Military Construction Authorization Acts,*
9 *\$279,353,000, to remain available until September 30,*
10 *2027: Provided, That, of the amount, not to exceed*
11 *\$56,982,000 shall be available for study, planning, design,*
12 *and architect and engineer services, as authorized by law,*
13 *unless the Director of the Air National Guard determines*
14 *that additional obligations are necessary for such purposes*
15 *and notifies the Committees on Appropriations of both*
16 *Houses of Congress of the determination and the reasons*
17 *therefor: Provided further, That of the amount made avail-*
18 *able under this heading, \$112,970,000 shall be for the*
19 *projects and activities, and in the amounts, specified in the*
20 *table under the heading “Military Construction, Air Na-*
21 *tional Guard” in the explanatory statement described in*
22 *section 4 (in the matter preceding division A of this consoli-*
23 *dated Act), in addition to amounts otherwise available for*
24 *such purposes.*

1167

1 *MILITARY CONSTRUCTION, ARMY RESERVE*

2 *For construction, acquisition, expansion, rehabilita-*
3 *tion, and conversion of facilities for the training and ad-*
4 *ministration of the Army Reserve as authorized by chapter*
5 *1803 of title 10, United States Code, and Military Con-*
6 *struction Authorization Acts, \$193,878,000, to remain*
7 *available until September 30, 2027: Provided, That, of the*
8 *amount, not to exceed \$24,829,000 shall be available for*
9 *study, planning, design, and architect and engineer serv-*
10 *ices, as authorized by law, unless the Chief of the Army*
11 *Reserve determines that additional obligations are nec-*
12 *essary for such purposes and notifies the Committees on Ap-*
13 *propriations of both Houses of Congress of the determina-*
14 *tion and the reasons therefor: Provided further, That of the*
15 *amount made available under this heading, \$74,000,000*
16 *shall be for the projects and activities, and in the amounts,*
17 *specified in the table under the heading “Military Construc-*
18 *tion, Army Reserve” in the explanatory statement described*
19 *in section 4 (in the matter preceding division A of this con-*
20 *solidated Act), in addition to amounts otherwise available*
21 *for such purposes.*

22 *MILITARY CONSTRUCTION, NAVY RESERVE*

23 *For construction, acquisition, expansion, rehabilita-*
24 *tion, and conversion of facilities for the training and ad-*
25 *ministration of the reserve components of the Navy and Ma-*

1168

1 *rine Corps as authorized by chapter 1803 of title 10, United*
2 *States Code, and Military Construction Authorization Acts,*
3 *\$36,837,000, to remain available until September 30, 2027:*
4 *Provided, That, of the amount, not to exceed \$9,090,000*
5 *shall be available for study, planning, design, and architect*
6 *and engineer services, as authorized by law, unless the Sec-*
7 *retary of the Navy determines that additional obligations*
8 *are necessary for such purposes and notifies the Committees*
9 *on Appropriations of both Houses of Congress of the deter-*
10 *mination and the reasons therefor.*

11 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

12 *For construction, acquisition, expansion, rehabilita-*
13 *tion, and conversion of facilities for the training and ad-*
14 *ministration of the Air Force Reserve as authorized by*
15 *chapter 1803 of title 10, United States Code, and Military*
16 *Construction Authorization Acts, \$85,423,000, to remain*
17 *available until September 30, 2027: Provided, That, of the*
18 *amount, not to exceed \$27,573,000 shall be available for*
19 *study, planning, design, and architect and engineer serv-*
20 *ices, as authorized by law, unless the Chief of the Air Force*
21 *Reserve determines that additional obligations are nec-*
22 *essary for such purposes and notifies the Committees on Ap-*
23 *propriations of both Houses of Congress of the determina-*
24 *tion and the reasons therefor: Provided further, That of the*
25 *amount made available under this heading, \$35,800,000*

1169

1 *shall be for the projects and activities, and in the amounts,*
2 *specified in the table under the heading “Military Construc-*
3 *tion, Air Force Reserve” in the explanatory statement de-*
4 *scribed in section 4 (in the matter preceding division A of*
5 *this consolidated Act), in addition to amounts otherwise*
6 *available for such purposes.*

7 *NORTH ATLANTIC TREATY ORGANIZATION*

8 *SECURITY INVESTMENT PROGRAM*

9 *For the United States share of the cost of the North*
10 *Atlantic Treaty Organization Security Investment Pro-*
11 *gram for the acquisition and construction of military facili-*
12 *ties and installations (including international military*
13 *headquarters) and for related expenses for the collective de-*
14 *fense of the North Atlantic Treaty Area as authorized by*
15 *section 2806 of title 10, United States Code, and Military*
16 *Construction Authorization Acts, \$220,139,000, to remain*
17 *available until expended.*

18 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT*

19 *For deposit into the Department of Defense Base Clo-*
20 *sure Account, established by section 2906(a) of the Defense*
21 *Base Closure and Realignment Act of 1990 (10 U.S.C. 2687*
22 *note), \$574,687,000, to remain available until expended.*

23 *FAMILY HOUSING CONSTRUCTION, ARMY*

24 *For expenses of family housing for the Army for con-*
25 *struction, including acquisition, replacement, addition, ex-*

1170

1 *pansion, extension, and alteration, as authorized by law,*
2 *\$169,339,000, to remain available until September 30,*
3 *2027.*

4 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

5 *For expenses of family housing for the Army for oper-*
6 *ation and maintenance, including debt payment, leasing,*
7 *minor construction, principal and interest charges, and in-*
8 *surance premiums, as authorized by law, \$446,411,000.*

9 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*10 *CORPS*

11 *For expenses of family housing for the Navy and Ma-*
12 *rine Corps for construction, including acquisition, replace-*
13 *ment, addition, expansion, extension, and alteration, as au-*
14 *thorized by law, \$337,297,000, to remain available until*
15 *September 30, 2027.*

16 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*17 *AND MARINE CORPS*

18 *For expenses of family housing for the Navy and Ma-*
19 *rine Corps for operation and maintenance, including debt*
20 *payment, leasing, minor construction, principal and inter-*
21 *est charges, and insurance premiums, as authorized by law,*
22 *\$378,224,000.*

23 *FAMILY HOUSING CONSTRUCTION, AIR FORCE*

24 *For expenses of family housing for the Air Force for*
25 *construction, including acquisition, replacement, addition,*

1171

1 *expansion, extension, and alteration, as authorized by law,*
2 *\$232,788,000, to remain available until September 30,*
3 *2027.*

4 *FAMILY HOUSING OPERATION AND MAINTENANCE, AIR*
5 *FORCE*

6 *For expenses of family housing for the Air Force for*
7 *operation and maintenance, including debt payment, leas-*
8 *ing, minor construction, principal and interest charges,*
9 *and insurance premiums, as authorized by law,*
10 *\$365,222,000.*

11 *FAMILY HOUSING OPERATION AND MAINTENANCE,*
12 *DEFENSE-WIDE*

13 *For expenses of family housing for the activities and*
14 *agencies of the Department of Defense (other than the mili-*
15 *tary departments) for operation and maintenance, leasing,*
16 *and minor construction, as authorized by law, \$50,113,000.*

17 *DEPARTMENT OF DEFENSE*

18 *FAMILY HOUSING IMPROVEMENT FUND*

19 *For the Department of Defense Family Housing Im-*
20 *provement Fund, \$6,442,000, to remain available until ex-*
21 *pendent, for family housing initiatives undertaken pursuant*
22 *to section 2883 of title 10, United States Code, providing*
23 *alternative means of acquiring and improving military*
24 *family housing and supporting facilities.*

1172

1 *DEPARTMENT OF DEFENSE*2 *MILITARY UNACCOMPANIED HOUSING IMPROVEMENT*3 *FUND*

4 *For the Department of Defense Military Unaccom-*
5 *panied Housing Improvement Fund, \$494,000, to remain*
6 *available until expended, for unaccompanied housing ini-*
7 *tiatives undertaken pursuant to section 2883 of title 10,*
8 *United States Code, providing alternative means of acquir-*
9 *ing and improving military unaccompanied housing and*
10 *supporting facilities.*

11 *ADMINISTRATIVE PROVISIONS*

12 *SEC. 101. None of the funds made available in this*
13 *title shall be expended for payments under a cost-plus-a-*
14 *fixed-fee contract for construction, where cost estimates ex-*
15 *ceed \$25,000, to be performed within the United States, ex-*
16 *cept Alaska, without the specific approval in writing of the*
17 *Secretary of Defense setting forth the reasons therefor.*

18 *SEC. 102. Funds made available in this title for con-*
19 *struction shall be available for hire of passenger motor vehi-*
20 *cles.*

21 *SEC. 103. Funds made available in this title for con-*
22 *struction may be used for advances to the Federal Highway*
23 *Administration, Department of Transportation, for the con-*
24 *struction of access roads as authorized by section 210 of*
25 *title 23, United States Code, when projects authorized there-*

1173

1 *in are certified as important to the national defense by the*
2 *Secretary of Defense.*

3 *SEC. 104. None of the funds made available in this*
4 *title may be used to begin construction of new bases in the*
5 *United States for which specific appropriations have not*
6 *been made.*

7 *SEC. 105. None of the funds made available in this*
8 *title shall be used for purchase of land or land easements*
9 *in excess of 100 percent of the value as determined by the*
10 *Army Corps of Engineers or the Naval Facilities Engineer-*
11 *ing Command, except: (1) where there is a determination*
12 *of value by a Federal court; (2) purchases negotiated by*
13 *the Attorney General or the designee of the Attorney Gen-*
14 *eral; (3) where the estimated value is less than \$25,000; or*
15 *(4) as otherwise determined by the Secretary of Defense to*
16 *be in the public interest.*

17 *SEC. 106. None of the funds made available in this*
18 *title shall be used to: (1) acquire land; (2) provide for site*
19 *preparation; or (3) install utilities for any family housing,*
20 *except housing for which funds have been made available*
21 *in annual Acts making appropriations for military con-*
22 *struction.*

23 *SEC. 107. None of the funds made available in this*
24 *title for minor construction may be used to transfer or relo-*
25 *cate any activity from one base or installation to another,*

1174

1 *without prior notification to the Committees on Appropria-*
2 *tions of both Houses of Congress.*

3 *SEC. 108. None of the funds made available in this*
4 *title may be used for the procurement of steel for any con-*
5 *struction project or activity for which American steel pro-*
6 *ducers, fabricators, and manufacturers have been denied the*
7 *opportunity to compete for such steel procurement.*

8 *SEC. 109. None of the funds available to the Depart-*
9 *ment of Defense for military construction or family housing*
10 *during the current fiscal year may be used to pay real prop-*
11 *erty taxes in any foreign nation.*

12 *SEC. 110. None of the funds made available in this*
13 *title may be used to initiate a new installation overseas*
14 *without prior notification to the Committees on Appropria-*
15 *tions of both Houses of Congress.*

16 *SEC. 111. None of the funds made available in this*
17 *title may be obligated for architect and engineer contracts*
18 *estimated by the Government to exceed \$500,000 for projects*
19 *to be accomplished in Japan, in any North Atlantic Treaty*
20 *Organization member country, or in countries bordering the*
21 *Arabian Gulf, unless such contracts are awarded to United*
22 *States firms or United States firms in joint venture with*
23 *host nation firms.*

24 *SEC. 112. None of the funds made available in this*
25 *title for military construction in the United States terri-*

1175

1 *tories and possessions in the Pacific and on Kwajalein*
2 *Atoll, or in countries bordering the Arabian Gulf, may be*
3 *used to award any contract estimated by the Government*
4 *to exceed \$1,000,000 to a foreign contractor: Provided, That*
5 *this section shall not be applicable to contract awards for*
6 *which the lowest responsive and responsible bid of a United*
7 *States contractor exceeds the lowest responsive and respon-*
8 *sible bid of a foreign contractor by greater than 20 percent:*
9 *Provided further, That this section shall not apply to con-*
10 *tract awards for military construction on Kwajalein Atoll*
11 *for which the lowest responsive and responsible bid is sub-*
12 *mitted by a Marshallese contractor.*

13 *SEC. 113. The Secretary of Defense shall inform the*
14 *appropriate committees of both Houses of Congress, includ-*
15 *ing the Committees on Appropriations, of plans and scope*
16 *of any proposed military exercise involving United States*
17 *personnel 30 days prior to its occurring, if amounts ex-*
18 *pended for construction, either temporary or permanent,*
19 *are anticipated to exceed \$100,000.*

20 *SEC. 114. Funds appropriated to the Department of*
21 *Defense for construction in prior years shall be available*
22 *for construction authorized for each such military depart-*
23 *ment by the authorizations enacted into law during the cur-*
24 *rent session of Congress.*

1176

1 *SEC. 115. For military construction or family housing*
2 *projects that are being completed with funds otherwise ex-*
3 *pired or lapsed for obligation, expired or lapsed funds may*
4 *be used to pay the cost of associated supervision, inspection,*
5 *overhead, engineering and design on those projects and on*
6 *subsequent claims, if any.*

7 *SEC. 116. Notwithstanding any other provision of law,*
8 *any funds made available to a military department or de-*
9 *fense agency for the construction of military projects may*
10 *be obligated for a military construction project or contract,*
11 *or for any portion of such a project or contract, at any*
12 *time before the end of the fourth fiscal year after the fiscal*
13 *year for which funds for such project were made available,*
14 *if the funds obligated for such project: (1) are obligated from*
15 *funds available for military construction projects; and (2)*
16 *do not exceed the amount appropriated for such project,*
17 *plus any amount by which the cost of such project is in-*
18 *creased pursuant to law.*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *SEC. 117. Subject to 30 days prior notification, or 14*
21 *days for a notification provided in an electronic medium*
22 *pursuant to sections 480 and 2883 of title 10, United States*
23 *Code, to the Committees on Appropriations of both Houses*
24 *of Congress, such additional amounts as may be determined*
25 *by the Secretary of Defense may be transferred to: (1) the*

1177

1 *Department of Defense Family Housing Improvement Fund*
2 *from amounts appropriated for construction in “Family*
3 *Housing” accounts, to be merged with and to be available*
4 *for the same purposes and for the same period of time as*
5 *amounts appropriated directly to the Fund; or (2) the De-*
6 *partment of Defense Military Unaccompanied Housing Im-*
7 *provement Fund from amounts appropriated for construc-*
8 *tion of military unaccompanied housing in “Military Con-*
9 *struction” accounts, to be merged with and to be available*
10 *for the same purposes and for the same period of time as*
11 *amounts appropriated directly to the Fund: Provided, That*
12 *appropriations made available to the Funds shall be avail-*
13 *able to cover the costs, as defined in section 502(5) of the*
14 *Congressional Budget Act of 1974, of direct loans or loan*
15 *guarantees issued by the Department of Defense pursuant*
16 *to the provisions of subchapter IV of chapter 169 of title*
17 *10, United States Code, pertaining to alternative means of*
18 *acquiring and improving military family housing, military*
19 *unaccompanied housing, and supporting facilities.*

20 (INCLUDING TRANSFER OF FUNDS)

21 *SEC. 118. In addition to any other transfer authority*
22 *available to the Department of Defense, amounts may be*
23 *transferred from the Department of Defense Base Closure*
24 *Account to the fund established by section 1013(d) of the*
25 *Demonstration Cities and Metropolitan Development Act of*

1178

1 1966 (42 U.S.C. 3374) to pay for expenses associated with
2 the Homeowners Assistance Program incurred under 42
3 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be
4 merged with and be available for the same purposes and
5 for the same time period as the fund to which transferred.

6 SEC. 119. Notwithstanding any other provision of law,
7 funds made available in this title for operation and mainte-
8 nance of family housing shall be the exclusive source of
9 funds for repair and maintenance of all family housing
10 units, including general or flag officer quarters: Provided,
11 That not more than \$35,000 per unit may be spent annu-
12 ally for the maintenance and repair of any general or flag
13 officer quarters without 30 days prior notification, or 14
14 days for a notification provided in an electronic medium
15 pursuant to sections 480 and 2883 of title 10, United States
16 Code, to the Committees on Appropriations of both Houses
17 of Congress, except that an after-the-fact notification shall
18 be submitted if the limitation is exceeded solely due to costs
19 associated with environmental remediation that could not
20 be reasonably anticipated at the time of the budget submis-
21 sion: Provided further, That the Under Secretary of Defense
22 (Comptroller) is to report annually to the Committees on
23 Appropriations of both Houses of Congress all operation
24 and maintenance expenditures for each individual general
25 or flag officer quarters for the prior fiscal year.

1179

1 *SEC. 120. Amounts contained in the Ford Island Im-*
2 *provement Account established by subsection (h) of section*
3 *2814 of title 10, United States Code, are appropriated and*
4 *shall be available until expended for the purposes specified*
5 *in subsection (i)(1) of such section or until transferred pur-*
6 *suant to subsection (i)(3) of such section.*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *SEC. 121. During the 5-year period after appropria-*
9 *tions available in this Act to the Department of Defense*
10 *for military construction and family housing operation and*
11 *maintenance and construction have expired for obligation,*
12 *upon a determination that such appropriations will not be*
13 *necessary for the liquidation of obligations or for making*
14 *authorized adjustments to such appropriations for obliga-*
15 *tions incurred during the period of availability of such ap-*
16 *propriations, unobligated balances of such appropriations*
17 *may be transferred into the appropriation “Foreign Cur-*
18 *rency Fluctuations, Construction, Defense”, to be merged*
19 *with and to be available for the same time period and for*
20 *the same purposes as the appropriation to which trans-*
21 *ferred.*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *SEC. 122. Amounts appropriated or otherwise made*
24 *available in an account funded under the headings in this*
25 *title may be transferred among projects and activities with-*

1180

1 *in the account in accordance with the reprogramming*
2 *guidelines for military construction and family housing*
3 *construction contained in Department of Defense Financial*
4 *Management Regulation 7000.14–R, Volume 3, Chapter 7,*
5 *of March 2011, as in effect on the date of enactment of this*
6 *Act.*

7 *SEC. 123. None of the funds made available in this*
8 *title may be obligated or expended for planning and design*
9 *and construction of projects at Arlington National Ceme-*
10 *tery.*

11 *SEC. 124. For an additional amount for the accounts*
12 *and in the amounts specified, to remain available until*
13 *September 30, 2027:*

14 *“Military Construction, Army”, \$243,490,000;*

15 *“Military Construction, Navy and Marine*
16 *Corps”, \$423,300,000;*

17 *“Military Construction, Air Force”,*
18 *\$527,300,000;*

19 *“Military Construction, Defense-Wide”,*
20 *\$151,000,000;*

21 *“Military Construction, Army National Guard”,*
22 *\$54,743,000;*

23 *“Military Construction, Army Reserve”,*
24 *\$56,600,000;*

1181

1 “*Military Construction, Navy Reserve*”,
2 \$116,964,000;

3 “*Military Construction, Air Force Reserve*”,
4 \$9,000,000;

5 “*Family Housing Construction, Army*”,
6 \$321,722,000; and

7 “*Family Housing Construction, Air Force*”,
8 \$18,800,000:

9 *Provided, That such funds may only be obligated to carry*
10 *out construction and cost to complete projects identified in*
11 *the respective military department’s unfunded priority list*
12 *for fiscal year 2023 submitted to Congress: Provided fur-*
13 *ther, That such projects are subject to authorization prior*
14 *to obligation and expenditure of funds to carry out con-*
15 *struction: Provided further, That not later than 60 days*
16 *after enactment of this Act, the Secretary of the military*
17 *department concerned, or their designee, shall submit to the*
18 *Committees on Appropriations of both Houses of Congress*
19 *an expenditure plan for funds provided under this section.*

20 *SEC. 125. All amounts appropriated to the “Depart-*
21 *ment of Defense—Military Construction, Army”, “Depart-*
22 *ment of Defense—Military Construction, Navy and Marine*
23 *Corps”, “Department of Defense—Military Construction,*
24 *Air Force”, and “Department of Defense—Military Con-*
25 *struction, Defense-Wide” accounts pursuant to the author-*

1 *ization of appropriations in a National Defense Authoriza-*
2 *tion Act specified for fiscal year 2023 in the funding table*
3 *in section 4601 of that Act shall be immediately available*
4 *and allotted to contract for the full scope of authorized*
5 *projects.*

6 *SEC. 126. Notwithstanding section 116 of this Act,*
7 *funds made available in this Act or any available unobli-*
8 *gated balances from prior appropriations Acts may be obli-*
9 *gated before October 1, 2024 for fiscal year 2017 and fiscal*
10 *year 2018 military construction projects for which project*
11 *authorization has not lapsed or for which authorization is*
12 *extended for fiscal year 2023 by a National Defense Author-*
13 *ization Act: Provided, That no amounts may be obligated*
14 *pursuant to this section from amounts that were designated*
15 *by the Congress as an emergency requirement pursuant to*
16 *a concurrent resolution on the budget or the Balanced*
17 *Budget and Emergency Deficit Control Act of 1985.*

18 *SEC. 127. For the purposes of this Act, the term “con-*
19 *gressional defense committees” means the Committees on*
20 *Armed Services of the House of Representatives and the*
21 *Senate, the Subcommittee on Military Construction and*
22 *Veterans Affairs of the Committee on Appropriations of the*
23 *Senate, and the Subcommittee on Military Construction*
24 *and Veterans Affairs of the Committee on Appropriations*
25 *of the House of Representatives.*

1183

1 *SEC. 128. For an additional amount for the accounts*
2 *and in the amounts specified for planning and design, un-*
3 *specified minor construction, and authorized major con-*
4 *struction projects, for construction improvements to Depart-*
5 *ment of Defense laboratory facilities, to remain available*
6 *until September 30, 2027:*

7 *“Military Construction, Army”, \$20,000,000;*

8 *“Military Construction, Navy and Marine*
9 *Corps”, \$10,000,000; and*

10 *“Military Construction, Air Force”, \$90,000,000:*

11 *Provided, That not later than 60 days after enactment of*
12 *this Act, the Secretary of the military department con-*
13 *cerned, or their designee, shall submit to the Committees*
14 *on Appropriations of both Houses of Congress an expendi-*
15 *ture plan for funds provided under this section: Provided*
16 *further, That the Secretary of the military department con-*
17 *cerned may not obligate or expend any funds prior to ap-*
18 *proval by the Committees on Appropriations of both Houses*
19 *of Congress of the expenditure plan required by this section.*

20 *SEC. 129. For an additional amount for the accounts*
21 *and in the amounts specified for planning and design and*
22 *unspecified minor construction, for improving military in-*
23 *stallation resilience, to remain available until September*
24 *30, 2027:*

25 *“Military Construction, Army”, \$25,000,000;*

1184

1 *“Military Construction, Navy and Marine*
2 *Corps”, \$40,000,000; and*

3 *“Military Construction, Air Force”, \$25,000,000:*
4 *Provided, That not later than 60 days after enactment of*
5 *this Act, the Secretary of the military department con-*
6 *cerned, or their designee, shall submit to the Committees*
7 *on Appropriations of both Houses of Congress an expendi-*
8 *ture plan for funds provided under this section: Provided*
9 *further, That the Secretary of the military department con-*
10 *cerned may not obligate or expend any funds prior to ap-*
11 *proval by the Committees on Appropriations of both Houses*
12 *of Congress of the expenditure plan required by this section.*

13 *SEC. 130. For an additional amount for “Military*
14 *Construction, Air Force”, \$360,000,000, to remain avail-*
15 *able until September 30, 2027, for expenses incurred as a*
16 *result of natural disasters: Provided, That not later than*
17 *60 days after the date of enactment of this Act, the Sec-*
18 *retary of the Air Force, or their designee, shall submit to*
19 *the Committees on Appropriations of both Houses of Con-*
20 *gress an expenditure plan for funds provided under this sec-*
21 *tion.*

22 *SEC. 131. For an additional amount for the accounts*
23 *and in the amounts specified to address cost increases iden-*
24 *tified subsequent to the fiscal year 2023 budget request for*
25 *authorized major construction projects included either in*

1185

1 *that request or funded in Title I of Division J of Public*
2 *Law 117–103, to remain available until September 30,*
3 *2027:*

4 *“Military Construction, Army”, \$103,000,000;*

5 *“Military Construction, Navy and Marine*
6 *Corps”, \$331,000,000;*

7 *“Military Construction, Air Force”,*
8 *\$273,000,000;*

9 *“Military Construction, Defense-Wide”,*
10 *\$279,347,000;*

11 *“Military Construction, Army National Guard”,*
12 *\$66,000,000;*

13 *“Military Construction, Air National Guard”,*
14 *\$17,000,000;*

15 *“Military Construction, Army Reserve”,*
16 *\$24,000,000;*

17 *“Military Construction, Navy Reserve”,*
18 *\$5,500,000; and*

19 *“Military Construction, Air Force Reserve”,*
20 *\$11,000,000:*

21 *Provided, That not later than 60 days after the date of en-*
22 *actment of this Act, the Secretary of the military depart-*
23 *ment concerned, or their designee, shall submit to the Com-*
24 *mittees on Appropriations of both Houses of Congress an*
25 *expenditure plan for funds provided under this section.*

1186

1 *SEC. 132. For an additional amount for the accounts*
2 *and in the amounts specified for planning and design and*
3 *authorized major construction projects, for child develop-*
4 *ment centers, to remain available until September 30, 2027:*

5 *“Military Construction, Army”, \$15,000,000;*

6 *“Military Construction, Navy and Marine*
7 *Corps”, \$15,000,000; and*

8 *“Military Construction, Air Force”, \$37,400,000:*

9 *Provided, That not later than 60 days after the date of en-*
10 *actment of this Act, the Secretary of the military depart-*
11 *ment concerned, or their designee, shall submit to the Com-*
12 *mittees on Appropriations of both Houses of Congress an*
13 *expenditure plan for funds provided under this section.*

14 *SEC. 133. For an additional amount for “Military*
15 *Construction, Navy and Marine Corps”, \$25,000,000, to re-*
16 *main available until September 30, 2027, for planning and*
17 *design of water treatment and distribution facilities con-*
18 *struction, including relating to improvements of infrastruc-*
19 *ture and defueling at the Red Hill Bulk Fuel Storage Facil-*
20 *ity: Provided, That not later than 180 days after the date*
21 *of enactment of this Act, the Secretary of the Navy, or their*
22 *designee, shall submit to the Committees on Appropriations*
23 *of both Houses of Congress an expenditure plan for funds*
24 *provided under this section.*

1187

1 *SEC. 134. For an additional amount for the accounts*
2 *and in the amounts specified to address cost increases for*
3 *authorized major construction projects funded by this Act,*
4 *to remain available until September 30, 2027:*

5 *“Military Construction, Army”, \$48,600,000;*

6 *“Military Construction, Navy and Marine*
7 *Corps”, \$166,500,000;*

8 *“Military Construction, Air Force”, \$63,350,000;*

9 *“Military Construction, Defense-Wide”,*
10 *\$14,200,000;*

11 *“Military Construction, Army National Guard”,*
12 *\$18,900,000;*

13 *“Military Construction, Air National Guard”,*
14 *\$4,900,000;*

15 *“Military Construction, Army Reserve”,*
16 *\$2,000,000; and*

17 *“Military Construction, Air Force Reserve”,*
18 *\$500,000:*

19 *Provided, That not later than 60 days after the date of en-*
20 *actment of this Act, the Secretary of the military depart-*
21 *ment concerned, or their designee, shall submit to the Com-*
22 *mittees on Appropriations of both Houses of Congress an*
23 *expenditure plan for funds provided under this section: Pro-*
24 *vided further, That the Secretary of the military depart-*
25 *ment concerned may not obligate or expend any funds prior*

1188

1 *to approval by the Committees on Appropriations of both*
2 *Houses of Congress of the expenditure plan required by this*
3 *section.*

4 *SEC. 135. For an additional amount for “Military*
5 *Construction, Air National Guard”, \$10,000,000, to remain*
6 *available until September 30, 2027, for planning and de-*
7 *sign for construction at future foreign military training*
8 *sites: Provided, That not later than 60 days after enactment*
9 *of this Act, the Secretary of the Air Force, or their designee,*
10 *shall submit to the Committees on Appropriations of both*
11 *Houses of Congress an expenditure plan for funds provided*
12 *under this section.*

13 *SEC. 136. None of the funds made available by this*
14 *Act may be used to carry out the closure or realignment*
15 *of the United States Naval Station, Guantánamo Bay,*
16 *Cuba.*

1189

1 *TITLE II*
2 *DEPARTMENT OF VETERANS AFFAIRS*
3 *VETERANS BENEFITS ADMINISTRATION*
4 *COMPENSATION AND PENSIONS*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the payment of compensation benefits to or on be-*
7 *half of veterans and a pilot program for disability examina-*
8 *tions as authorized by section 107 and chapters 11, 13, 18,*
9 *51, 53, 55, and 61 of title 38, United States Code; pension*
10 *benefits to or on behalf of veterans as authorized by chapters*
11 *15, 51, 53, 55, and 61 of title 38, United States Code; and*
12 *burial benefits, the Reinstated Entitlement Program for*
13 *Survivors, emergency and other officers' retirement pay, ad-*
14 *justed-service credits and certificates, payment of premiums*
15 *due on commercial life insurance policies guaranteed under*
16 *the provisions of title IV of the Servicemembers Civil Relief*
17 *Act (50 U.S.C. App. 541 et seq.) and for other benefits as*
18 *authorized by sections 107, 1312, 1977, and 2106, and*
19 *chapters 23, 51, 53, 55, and 61 of title 38, United States*
20 *Code, \$146,778,136,000, which shall become available on*
21 *October 1, 2023, to remain available until expended: Pro-*
22 *vided, That not to exceed \$21,423,000 of the amount made*
23 *available for fiscal year 2024 under this heading shall be*
24 *reimbursed to "General Operating Expenses, Veterans Ben-*
25 *efits Administration", and "Information Technology Sys-*

1190

1 *tems” for necessary expenses in implementing the provi-*
2 *sions of chapters 51, 53, and 55 of title 38, United States*
3 *Code, the funding source for which is specifically provided*
4 *as the “Compensation and Pensions” appropriation: Pro-*
5 *vided further, That such sums as may be earned on an ac-*
6 *tual qualifying patient basis, shall be reimbursed to “Med-*
7 *ical Care Collections Fund” to augment the funding of indi-*
8 *vidual medical facilities for nursing home care provided to*
9 *pensioners as authorized.*

10 *READJUSTMENT BENEFITS*

11 *For the payment of readjustment and rehabilitation*
12 *benefits to or on behalf of veterans as authorized by chapters*
13 *21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of*
14 *title 38, United States Code, \$8,452,500,000, which shall*
15 *become available on October 1, 2023, to remain available*
16 *until expended: Provided, That expenses for rehabilitation*
17 *program services and assistance which the Secretary is au-*
18 *thorized to provide under subsection (a) of section 3104 of*
19 *title 38, United States Code, other than under paragraphs*
20 *(1), (2), (5), and (11) of that subsection, shall be charged*
21 *to this account.*

22 *VETERANS INSURANCE AND INDEMNITIES*

23 *For military and naval insurance, national service life*
24 *insurance, servicemen’s indemnities, service-disabled vet-*
25 *erans insurance, and veterans mortgage life insurance as*

1191

1 *authorized by chapters 19 and 21 of title 38, United States*
2 *Code, \$121,126,000, which shall become available on Octo-*
3 *ber 1, 2023, to remain available until expended.*

4 *VETERANS HOUSING BENEFIT PROGRAM FUND*

5 *For the cost of direct and guaranteed loans, such sums*
6 *as may be necessary to carry out the program, as authorized*
7 *by subchapters I through III of chapter 37 of title 38,*
8 *United States Code: Provided, That such costs, including*
9 *the cost of modifying such loans, shall be as defined in sec-*
10 *tion 502 of the Congressional Budget Act of 1974: Provided*
11 *further, That, during fiscal year 2023, within the resources*
12 *available, not to exceed \$500,000 in gross obligations for*
13 *direct loans are authorized for specially adapted housing*
14 *loans.*

15 *In addition, for administrative expenses to carry out*
16 *the direct and guaranteed loan programs, \$282,361,131.*

17 *VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT*

18 *For the cost of direct loans, \$7,171, as authorized by*
19 *chapter 31 of title 38, United States Code: Provided, That*
20 *such costs, including the cost of modifying such loans, shall*
21 *be as defined in section 502 of the Congressional Budget*
22 *Act of 1974: Provided further, That funds made available*
23 *under this heading are available to subsidize gross obliga-*
24 *tions for the principal amount of direct loans not to exceed*
25 *\$942,330.*

1192

1 *In addition, for administrative expenses necessary to*
2 *carry out the direct loan program, \$445,698, which may*
3 *be paid to the appropriation for “General Operating Ex-*
4 *penses, Veterans Benefits Administration”.*

5 *NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM*
6 *ACCOUNT*

7 *For administrative expenses to carry out the direct*
8 *loan program authorized by subchapter V of chapter 37 of*
9 *title 38, United States Code, \$1,400,000.*

10 *GENERAL OPERATING EXPENSES, VETERANS BENEFITS*
11 *ADMINISTRATION*

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, \$3,863,000,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That, of the funds

1193

1 *made available under this heading, not to exceed 10 percent*
2 *shall remain available until September 30, 2024.*

3 *VETERANS HEALTH ADMINISTRATION*

4 *MEDICAL SERVICES*

5 *For necessary expenses for furnishing, as authorized*
6 *by law, inpatient and outpatient care and treatment to*
7 *beneficiaries of the Department of Veterans Affairs and vet-*
8 *erans described in section 1705(a) of title 38, United States*
9 *Code, including care and treatment in facilities not under*
10 *the jurisdiction of the Department, and including medical*
11 *supplies and equipment, bioengineering services, food serv-*
12 *ices, and salaries and expenses of healthcare employees*
13 *hired under title 38, United States Code, assistance and*
14 *support services for caregivers as authorized by section*
15 *1720G of title 38, United States Code, loan repayments au-*
16 *thorized by section 604 of the Caregivers and Veterans Om-*
17 *nibus Health Services Act of 2010 (Public Law 111–163;*
18 *124 Stat. 1174; 38 U.S.C. 7681 note), monthly assistance*
19 *allowances authorized by section 322(d) of title 38, United*
20 *States Code, grants authorized by section 521A of title 38,*
21 *United States Code, and administrative expenses necessary*
22 *to carry out sections 322(d) and 521A of title 38, United*
23 *States Code, and hospital care and medical services author-*
24 *ized by section 1787 of title 38, United States Code;*
25 *\$261,000,000, which shall be in addition to funds pre-*

1194

1 *viously appropriated under this heading that became avail-*
2 *able on October 1, 2022; and, in addition, \$74,004,000,000,*
3 *plus reimbursements, shall become available on October 1,*
4 *2023, and shall remain available until September 30, 2024:*
5 *Provided, That, of the amount made available on October*
6 *1, 2023, under this heading, \$2,000,000,000 shall remain*
7 *available until September 30, 2025: Provided further, That,*
8 *notwithstanding any other provision of law, the Secretary*
9 *of Veterans Affairs shall establish a priority for the provi-*
10 *sion of medical treatment for veterans who have service-con-*
11 *nected disabilities, lower income, or have special needs: Pro-*
12 *vided further, That, notwithstanding any other provision*
13 *of law, the Secretary of Veterans Affairs shall give priority*
14 *funding for the provision of basic medical benefits to vet-*
15 *erans in enrollment priority groups 1 through 6: Provided*
16 *further, That, notwithstanding any other provision of law,*
17 *the Secretary of Veterans Affairs may authorize the dis-*
18 *persing of prescription drugs from Veterans Health Admin-*
19 *istration facilities to enrolled veterans with privately writ-*
20 *ten prescriptions based on requirements established by the*
21 *Secretary: Provided further, That the implementation of the*
22 *program described in the previous proviso shall incur no*
23 *additional cost to the Department of Veterans Affairs: Pro-*
24 *vided further, That the Secretary of Veterans Affairs shall*
25 *ensure that sufficient amounts appropriated under this*

1195

1 *heading for medical supplies and equipment are available*
2 *for the acquisition of prosthetics designed specifically for*
3 *female veterans: Provided further, That nothing in section*
4 *2044(e)(1) of title 38, United States Code, may be construed*
5 *as limiting amounts that may be made available under this*
6 *heading for fiscal years 2023 and 2024 in this or prior Acts.*

7 *MEDICAL COMMUNITY CARE*

8 *For necessary expenses for furnishing health care to*
9 *individuals pursuant to chapter 17 of title 38, United*
10 *States Code, at non-Department facilities, \$4,300,000,000,*
11 *which shall be in addition to funds previously appropriated*
12 *under this heading that became available on October 1,*
13 *2022; and, in addition, \$33,000,000,000, plus reimburse-*
14 *ments, shall become available on October 1, 2023, and shall*
15 *remain available until September 30, 2024: Provided, That,*
16 *of the amount made available on October 1, 2023, under*
17 *this heading, \$2,000,000,000 shall remain available until*
18 *September 30, 2025.*

19 *MEDICAL SUPPORT AND COMPLIANCE*

20 *For necessary expenses in the administration of the*
21 *medical, hospital, nursing home, domiciliary, construction,*
22 *supply, and research activities, as authorized by law; ad-*
23 *ministrative expenses in support of capital policy activities;*
24 *and administrative and legal expenses of the Department*
25 *for collecting and recovering amounts owed the Department*

1196

1 *as authorized under chapter 17 of title 38, United States*
2 *Code, and the Federal Medical Care Recovery Act (42*
3 *U.S.C. 2651 et seq.), \$1,400,000,000, which shall be in addi-*
4 *tion to funds previously appropriated under this heading*
5 *that became available on October 1, 2022; and, in addition,*
6 *\$12,300,000,000, plus reimbursements, shall become avail-*
7 *able on October 1, 2023, and shall remain available until*
8 *September 30, 2024: Provided, That, of the amount made*
9 *available on October 1, 2023, under this heading,*
10 *\$350,000,000 shall remain available until September 30,*
11 *2025.*

12 *MEDICAL FACILITIES*

13 *For necessary expenses for the maintenance and oper-*
14 *ation of hospitals, nursing homes, domiciliary facilities,*
15 *and other necessary facilities of the Veterans Health Admin-*
16 *istration; for administrative expenses in support of plan-*
17 *ning, design, project management, real property acquisition*
18 *and disposition, construction, and renovation of any facil-*
19 *ity under the jurisdiction or for the use of the Department;*
20 *for oversight, engineering, and architectural activities not*
21 *charged to project costs; for repairing, altering, improving,*
22 *or providing facilities in the several hospitals and homes*
23 *under the jurisdiction of the Department, not otherwise pro-*
24 *vided for, either by contract or by the hire of temporary*
25 *employees and purchase of materials; for leases of facilities;*

1197

1 *and for laundry services; \$1,500,000,000, which shall be in*
2 *addition to funds previously appropriated under this head-*
3 *ing that became available on October 1, 2022; and, in addi-*
4 *tion, \$8,800,000,000, plus reimbursements, shall become*
5 *available on October 1, 2023, and shall remain available*
6 *until September 30, 2024: Provided, That, of the amount*
7 *made available on October 1, 2023, under this heading,*
8 *\$500,000,000 shall remain available until September 30,*
9 *2025.*

10 *MEDICAL AND PROSTHETIC RESEARCH*

11 *For necessary expenses in carrying out programs of*
12 *medical and prosthetic research and development as author-*
13 *ized by chapter 73 of title 38, United States Code,*
14 *\$916,000,000, plus reimbursements, shall remain available*
15 *until September 30, 2024: Provided, That the Secretary of*
16 *Veterans Affairs shall ensure that sufficient amounts appro-*
17 *priated under this heading are available for prosthetic re-*
18 *search specifically for female veterans, and for toxic expo-*
19 *sure research.*

20 *NATIONAL CEMETERY ADMINISTRATION*

21 *For necessary expenses of the National Cemetery Ad-*
22 *ministration for operations and maintenance, not otherwise*
23 *provided for, including uniforms or allowances therefor;*
24 *cemeterial expenses as authorized by law; purchase of one*
25 *passenger motor vehicle for use in cemeterial operations;*

1198

1 *hire of passenger motor vehicles; and repair, alteration or*
2 *improvement of facilities under the jurisdiction of the Na-*
3 *tional Cemetery Administration, \$430,000,000, of which*
4 *not to exceed 10 percent shall remain available until Sep-*
5 *tember 30, 2024.*

6 *DEPARTMENTAL ADMINISTRATION*

7 *GENERAL ADMINISTRATION*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For necessary operating expenses of the Department of*
10 *Veterans Affairs, not otherwise provided for, including ad-*
11 *ministrative expenses in support of Department-wide cap-*
12 *ital planning, management and policy activities, uniforms,*
13 *or allowances therefor; not to exceed \$25,000 for official re-*
14 *ception and representation expenses; hire of passenger*
15 *motor vehicles; and reimbursement of the General Services*
16 *Administration for security guard services, \$433,000,000,*
17 *of which not to exceed 10 percent shall remain available*
18 *until September 30, 2024: Provided, That funds provided*
19 *under this heading may be transferred to “General Oper-*
20 *ating Expenses, Veterans Benefits Administration”.*

21 *BOARD OF VETERANS APPEALS*

22 *For necessary operating expenses of the Board of Vet-*
23 *erans Appeals, \$285,000,000, of which not to exceed 10 per-*
24 *cent shall remain available until September 30, 2024.*

1199

1 *INFORMATION TECHNOLOGY SYSTEMS*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For necessary expenses for information technology sys-*
4 *tems and telecommunications support, including develop-*
5 *mental information systems and operational information*
6 *systems; for pay and associated costs; and for the capital*
7 *asset acquisition of information technology systems, includ-*
8 *ing management and related contractual costs of said ac-*
9 *quisitions, including contractual costs associated with oper-*
10 *ations authorized by section 3109 of title 5, United States*
11 *Code, \$5,782,000,000, plus reimbursements: Provided, That*
12 *\$1,494,230,000 shall be for pay and associated costs, of*
13 *which not to exceed 3 percent shall remain available until*
14 *September 30, 2024: Provided further, That \$4,145,678,000*
15 *shall be for operations and maintenance, of which not to*
16 *exceed 5 percent shall remain available until September 30,*
17 *2024: Provided further, That \$142,092,000 shall be for in-*
18 *formation technology systems development, and shall re-*
19 *main available until September 30, 2024: Provided further,*
20 *That amounts made available for salaries and expenses, op-*
21 *erations and maintenance, and information technology sys-*
22 *tems development may be transferred among the three sub-*
23 *accounts after the Secretary of Veterans Affairs requests*
24 *from the Committees on Appropriations of both Houses of*
25 *Congress the authority to make the transfer and an ap-*

1200

1 *proval is issued: Provided further, That amounts made*
2 *available for the “Information Technology Systems” ac-*
3 *count for development may be transferred among projects*
4 *or to newly defined projects: Provided further, That no*
5 *project may be increased or decreased by more than*
6 *\$3,000,000 of cost prior to submitting a request to the Com-*
7 *mittees on Appropriations of both Houses of Congress to*
8 *make the transfer and an approval is issued, or absent a*
9 *response, a period of 30 days has elapsed: Provided further,*
10 *That the funds made available under this heading for infor-*
11 *mation technology systems development shall be for the*
12 *projects, and in the amounts, specified under this heading*
13 *in the explanatory statement described in section 4 (in the*
14 *matter preceding division A of this consolidated Act).*

15 *VETERANS ELECTRONIC HEALTH RECORD*

16 *For activities related to implementation, preparation,*
17 *development, interface, management, rollout, and mainte-*
18 *nance of a Veterans Electronic Health Record system, in-*
19 *cluding contractual costs associated with operations author-*
20 *ized by section 3109 of title 5, United States Code, and sala-*
21 *ries and expenses of employees hired under titles 5 and 38,*
22 *United States Code, \$1,759,000,000, to remain available*
23 *until September 30, 2025: Provided, That the Secretary of*
24 *Veterans Affairs shall submit to the Committees on Appro-*
25 *priations of both Houses of Congress quarterly reports de-*

1201

1 *tailing obligations, expenditures, and deployment imple-*
2 *mentation by facility, including any changes from the de-*
3 *ployment plan or schedule: Provided further, That the funds*
4 *provided in this account shall only be available to the Office*
5 *of the Deputy Secretary, to be administered by that Office:*
6 *Provided further, That 25 percent of the funds made avail-*
7 *able under this heading shall not be available until July*
8 *1, 2023, and are contingent upon the Secretary of Veterans*
9 *Affairs—*

10 *(1) providing the Committees on Appropriations*
11 *a report detailing the status of outstanding issues im-*
12 *pacting the stability and usability of the new elec-*
13 *tronic health record system, including those that con-*
14 *tributed to the October 13, 2022, deployment delay,*
15 *along with a timeline and measurable metrics to re-*
16 *solve issues, no later than 60 days after enactment of*
17 *this Act;*

18 *(2) certifying and detailing any changes to the*
19 *full deployment schedule, no later than 60 days prior*
20 *to July 1, 2023; and*

21 *(3) certifying in writing no later than 30 days*
22 *prior to July 1, 2023, the following—*

23 *(A) the status of issues included in the re-*
24 *port referenced in paragraph (1), including*
25 *issues that have not been closed but have been*

1202

1 *suitably resolved or mitigated in a manner that*
2 *will enhance provider productivity and mini-*
3 *mize the potential for patient harm; and*

4 *(B) whether the system is stable, ready, and*
5 *optimized for further deployment at VA sites.*

6 OFFICE OF INSPECTOR GENERAL

7 *For necessary expenses of the Office of Inspector Gen-*
8 *eral, to include information technology, in carrying out the*
9 *provisions of the Inspector General Act of 1978 (5 U.S.C.*
10 *App.), \$273,000,000, of which not to exceed 10 percent shall*
11 *remain available until September 30, 2024.*

12 CONSTRUCTION, MAJOR PROJECTS

13 *For constructing, altering, extending, and improving*
14 *any of the facilities, including parking projects, under the*
15 *jurisdiction or for the use of the Department of Veterans*
16 *Affairs, or for any of the purposes set forth in sections 316,*
17 *2404, 2406 and chapter 81 of title 38, United States Code,*
18 *not otherwise provided for, including planning, architec-*
19 *tural and engineering services, construction management*
20 *services, maintenance or guarantee period services costs as-*
21 *sociated with equipment guarantees provided under the*
22 *project, services of claims analysts, offsite utility and storm*
23 *drainage system construction costs, and site acquisition,*
24 *where the estimated cost of a project is more than the*
25 *amount set forth in section 8104(a)(3)(A) of title 38, United*

1203

1 *States Code, or where funds for a project were made avail-*
2 *able in a previous major project appropriation,*
3 *\$1,447,890,000, of which \$731,722,000 shall remain avail-*
4 *able until September 30, 2027, and of which \$716,168,000*
5 *shall remain available until expended, of which \$1,500,000*
6 *shall be available for seismic improvement projects and seis-*
7 *mic program management activities, including for projects*
8 *that would otherwise be funded by the Construction, Minor*
9 *Projects, Medical Facilities or National Cemetery Adminis-*
10 *tration accounts: Provided, That except for advance plan-*
11 *ning activities, including needs assessments which may or*
12 *may not lead to capital investments, and other capital asset*
13 *management related activities, including portfolio develop-*
14 *ment and management activities, and planning, cost esti-*
15 *mating, and design for major medical facility projects and*
16 *major medical facility leases and investment strategy stud-*
17 *ies funded through the advance planning fund and the plan-*
18 *ning and design activities funded through the design fund,*
19 *staffing expenses, and funds provided for the purchase, secu-*
20 *rity, and maintenance of land for the National Cemetery*
21 *Administration through the land acquisition line item,*
22 *none of the funds made available under this heading shall*
23 *be used for any project that has not been notified to Con-*
24 *gress through the budgetary process or that has not been*
25 *approved by the Congress through statute, joint resolution,*

1204

1 *or in the explanatory statement accompanying such Act*
2 *and presented to the President at the time of enrollment:*
3 *Provided further, That such sums as may be necessary shall*
4 *be available to reimburse the “General Administration” ac-*
5 *count for payment of salaries and expenses of all Office of*
6 *Construction and Facilities Management employees to sup-*
7 *port the full range of capital infrastructure services pro-*
8 *vided, including minor construction and leasing services:*
9 *Provided further, That funds made available under this*
10 *heading for fiscal year 2023, for each approved project shall*
11 *be obligated: (1) by the awarding of a construction docu-*
12 *ments contract by September 30, 2023; and (2) by the*
13 *awarding of a construction contract by September 30, 2024:*
14 *Provided further, That the Secretary of Veterans Affairs*
15 *shall promptly submit to the Committees on Appropriations*
16 *of both Houses of Congress a written report on any ap-*
17 *proved major construction project for which obligations are*
18 *not incurred within the time limitations established above:*
19 *Provided further, That notwithstanding the requirements of*
20 *section 8104(a) of title 38, United States Code, amounts*
21 *made available under this heading for seismic improvement*
22 *projects and seismic program management activities shall*
23 *be available for the completion of both new and existing*
24 *seismic projects of the Department.*

1205

1 *CONSTRUCTION, MINOR PROJECTS*

2 *For constructing, altering, extending, and improving*
3 *any of the facilities, including parking projects, under the*
4 *jurisdiction or for the use of the Department of Veterans*
5 *Affairs, including planning and assessments of needs which*
6 *may lead to capital investments, architectural and engi-*
7 *neering services, maintenance or guarantee period services*
8 *costs associated with equipment guarantees provided under*
9 *the project, services of claims analysts, offsite utility and*
10 *storm drainage system construction costs, and site acquisi-*
11 *tion, or for any of the purposes set forth in sections 316,*
12 *2404, 2406 and chapter 81 of title 38, United States Code,*
13 *not otherwise provided for, where the estimated cost of a*
14 *project is equal to or less than the amount set forth in sec-*
15 *tion 8104(a)(3)(A) of title 38, United States Code,*
16 *\$626,110,000, of which \$563,499,000 shall remain available*
17 *until September 30, 2027, and of which \$62,611,000 shall*
18 *remain available until expended, along with unobligated*
19 *balances of previous “Construction, Minor Projects” appro-*
20 *priations which are hereby made available for any project*
21 *where the estimated cost is equal to or less than the amount*
22 *set forth in such section: Provided, That funds made avail-*
23 *able under this heading shall be for: (1) repairs to any of*
24 *the nonmedical facilities under the jurisdiction or for the*
25 *use of the Department which are necessary because of loss*

1206

1 *or damage caused by any natural disaster or catastrophe;*
2 *and (2) temporary measures necessary to prevent or to min-*
3 *imize further loss by such causes.*

4 *GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE*
5 *FACILITIES*

6 *For grants to assist States to acquire or construct*
7 *State nursing home and domiciliary facilities and to re-*
8 *model, modify, or alter existing hospital, nursing home, and*
9 *domiciliary facilities in State homes, for furnishing care*
10 *to veterans as authorized by sections 8131 through 8137 of*
11 *title 38, United States Code, \$150,000,000, to remain avail-*
12 *able until expended.*

13 *GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES*

14 *For grants to assist States and tribal organizations*
15 *in establishing, expanding, or improving veterans ceme-*
16 *teries as authorized by section 2408 of title 38, United*
17 *States Code, \$50,000,000, to remain available until ex-*
18 *pended.*

19 *COST OF WAR TOXIC EXPOSURES FUND*

20 *For investment in the delivery of veterans' health care*
21 *associated with exposure to environmental hazards, the ex-*
22 *penses incident to the delivery of veterans' health care and*
23 *benefits associated with exposure to environmental hazards,*
24 *and medical and other research relating to exposure to envi-*
25 *ronmental hazards, as authorized by section 324 of title 38,*

1207

1 *United States Code, and in addition to amounts otherwise*
2 *available for such purposes in the appropriations provided*
3 *in this or prior Acts, \$5,000,000,000, to remain available*
4 *until September 30, 2027: Provided, That not later than*
5 *30 days after the date of enactment of this Act, the Sec-*
6 *retary of Veterans Affairs shall submit to the Committees*
7 *on Appropriations of both Houses of Congress an expendi-*
8 *ture plan for funds provided under this heading for fiscal*
9 *year 2023.*

10 *ADMINISTRATIVE PROVISIONS*
11 *(INCLUDING TRANSFER OF FUNDS)*

12 *SEC. 201. Any appropriation for fiscal year 2023 for*
13 *“Compensation and Pensions”, “Readjustment Benefits”,*
14 *and “Veterans Insurance and Indemnities” may be trans-*
15 *ferred as necessary to any other of the mentioned appro-*
16 *priations: Provided, That, before a transfer may take place,*
17 *the Secretary of Veterans Affairs shall request from the*
18 *Committees on Appropriations of both Houses of Congress*
19 *the authority to make the transfer and such Committees*
20 *issue an approval, or absent a response, a period of 30 days*
21 *has elapsed.*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *SEC. 202. Amounts made available for the Department*
24 *of Veterans Affairs for fiscal year 2023, in this or any other*
25 *Act, under the “Medical Services”, “Medical Community*

1208

1 *Care*”, “*Medical Support and Compliance*”, and “*Medical*
2 *Facilities*” accounts may be transferred among the ac-
3 counts: *Provided, That any transfers among the “Medical*
4 *Services*”, “*Medical Community Care*”, and “*Medical Sup-*
5 *port and Compliance*” accounts of 1 percent or less of the
6 total amount appropriated to the account in this or any
7 other Act may take place subject to notification from the
8 Secretary of Veterans Affairs to the Committees on Appro-
9 priations of both Houses of Congress of the amount and
10 purpose of the transfer: *Provided further, That any trans-*
11 *fers among the “Medical Services*”, “*Medical Community*
12 *Care*”, and “*Medical Support and Compliance*” accounts

13 *in excess of 1 percent, or exceeding the cumulative 1 percent*
14 *for the fiscal year, may take place only after the Secretary*
15 *requests from the Committees on Appropriations of both*
16 *Houses of Congress the authority to make the transfer and*
17 *an approval is issued: Provided further, That any transfers*
18 *to or from the “Medical Facilities” account may take place*
19 *only after the Secretary requests from the Committees on*
20 *Appropriations of both Houses of Congress the authority to*
21 *make the transfer and an approval is issued.*

22 *SEC. 203. Appropriations available in this title for sal-*
23 *aries and expenses shall be available for services authorized*
24 *by section 3109 of title 5, United States Code; hire of pas-*
25 *senger motor vehicles; lease of a facility or land or both;*

1209

1 *and uniforms or allowances therefore, as authorized by sec-*
2 *tions 5901 through 5902 of title 5, United States Code.*

3 *SEC. 204. No appropriations in this title (except the*
4 *appropriations for “Construction, Major Projects”, and*
5 *“Construction, Minor Projects”) shall be available for the*
6 *purchase of any site for or toward the construction of any*
7 *new hospital or home.*

8 *SEC. 205. No appropriations in this title shall be*
9 *available for hospitalization or examination of any persons*
10 *(except beneficiaries entitled to such hospitalization or ex-*
11 *amination under the laws providing such benefits to vet-*
12 *erans, and persons receiving such treatment under sections*
13 *7901 through 7904 of title 5, United States Code, or the*
14 *Robert T. Stafford Disaster Relief and Emergency Assist-*
15 *ance Act (42 U.S.C. 5121 et seq.)), unless reimbursement*
16 *of the cost of such hospitalization or examination is made*
17 *to the “Medical Services” account at such rates as may be*
18 *fixed by the Secretary of Veterans Affairs.*

19 *SEC. 206. Appropriations available in this title for*
20 *“Compensation and Pensions”, “Readjustment Benefits”,*
21 *and “Veterans Insurance and Indemnities” shall be avail-*
22 *able for payment of prior year accrued obligations required*
23 *to be recorded by law against the corresponding prior year*
24 *accounts within the last quarter of fiscal year 2022.*

1210

1 *SEC. 207. Appropriations available in this title shall*
2 *be available to pay prior year obligations of corresponding*
3 *prior year appropriations accounts resulting from sections*
4 *3328(a), 3334, and 3712(a) of title 31, United States Code,*
5 *except that if such obligations are from trust fund accounts*
6 *they shall be payable only from “Compensation and Pen-*
7 *sions”.*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *SEC. 208. Notwithstanding any other provision of law,*
10 *during fiscal year 2023, the Secretary of Veterans Affairs*
11 *shall, from the National Service Life Insurance Fund under*
12 *section 1920 of title 38, United States Code, the Veterans’*
13 *Special Life Insurance Fund under section 1923 of title 38,*
14 *United States Code, and the United States Government Life*
15 *Insurance Fund under section 1955 of title 38, United*
16 *States Code, reimburse the “General Operating Expenses,*
17 *Veterans Benefits Administration” and “Information Tech-*
18 *nology Systems” accounts for the cost of administration of*
19 *the insurance programs financed through those accounts:*
20 *Provided, That reimbursement shall be made only from the*
21 *surplus earnings accumulated in such an insurance pro-*
22 *gram during fiscal year 2023 that are available for divi-*
23 *dends in that program after claims have been paid and ac-*
24 *tuarily determined reserves have been set aside: Provided*
25 *further, That if the cost of administration of such an insur-*

1211

1 *ance program exceeds the amount of surplus earnings accu-*
2 *mulated in that program, reimbursement shall be made*
3 *only to the extent of such surplus earnings: Provided fur-*
4 *ther, That the Secretary shall determine the cost of adminis-*
5 *tration for fiscal year 2023 which is properly allocable to*
6 *the provision of each such insurance program and to the*
7 *provision of any total disability income insurance included*
8 *in that insurance program.*

9 *SEC. 209. Amounts deducted from enhanced-use lease*
10 *proceeds to reimburse an account for expenses incurred by*
11 *that account during a prior fiscal year for providing en-*
12 *hanced-use lease services shall be available until expended.*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *SEC. 210. Funds available in this title or funds for*
15 *salaries and other administrative expenses shall also be*
16 *available to reimburse the Office of Resolution Management,*
17 *Diversity and Inclusion, the Office of Employment Dis-*
18 *crimination Complaint Adjudication, and the Alternative*
19 *Dispute Resolution function within the Office of Human*
20 *Resources and Administration for all services provided at*
21 *rates which will recover actual costs but not to exceed*
22 *\$86,481,000 for the Office of Resolution Management, Di-*
23 *versity and Inclusion, \$6,812,000 for the Office of Employ-*
24 *ment Discrimination Complaint Adjudication, and*
25 *\$4,576,000 for the Alternative Dispute Resolution function*

1212

1 *within the Office of Human Resources and Administration:*
2 *Provided, That payments may be made in advance for serv-*
3 *ices to be furnished based on estimated costs: Provided fur-*
4 *ther, That amounts received shall be credited to the “Gen-*
5 *eral Administration” and “Information Technology Sys-*
6 *tems” accounts for use by the office that provided the serv-*
7 *ice.*

8 *SEC. 211. No funds of the Department of Veterans Af-*
9 *fairs shall be available for hospital care, nursing home care,*
10 *or medical services provided to any person under chapter*
11 *17 of title 38, United States Code, for a non-service-con-*
12 *nected disability described in section 1729(a)(2) of such*
13 *title, unless that person has disclosed to the Secretary of*
14 *Veterans Affairs, in such form as the Secretary may require,*
15 *current, accurate third-party reimbursement information*
16 *for purposes of section 1729 of such title: Provided, That*
17 *the Secretary may recover, in the same manner as any other*
18 *debt due the United States, the reasonable charges for such*
19 *care or services from any person who does not make such*
20 *disclosure as required: Provided further, That any amounts*
21 *so recovered for care or services provided in a prior fiscal*
22 *year may be obligated by the Secretary during the fiscal*
23 *year in which amounts are received.*

1213

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 212. Notwithstanding any other provision of law,
3 proceeds or revenues derived from enhanced-use leasing ac-
4 tivities (including disposal) may be deposited into the
5 “Construction, Major Projects” and “Construction, Minor
6 Projects” accounts and be used for construction (including
7 site acquisition and disposition), alterations, and improve-
8 ments of any medical facility under the jurisdiction or for
9 the use of the Department of Veterans Affairs. Such sums
10 as realized are in addition to the amount provided for in
11 “Construction, Major Projects” and “Construction, Minor
12 Projects”.

13 SEC. 213. Amounts made available under “Medical
14 Services” are available—

15 (1) for furnishing recreational facilities, sup-
16 plies, and equipment; and

17 (2) for funeral expenses, burial expenses, and
18 other expenses incidental to funerals and burials for
19 beneficiaries receiving care in the Department.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 214. Such sums as may be deposited into the
22 Medical Care Collections Fund pursuant to section 1729A
23 of title 38, United States Code, may be transferred to the
24 “Medical Services” and “Medical Community Care” ac-

1214

1 *counts to remain available until expended for the purposes*
2 *of these accounts.*

3 *SEC. 215. The Secretary of Veterans Affairs may enter*
4 *into agreements with Federally Qualified Health Centers in*
5 *the State of Alaska and Indian Tribes and Tribal organiza-*
6 *tions which are party to the Alaska Native Health Compact*
7 *with the Indian Health Service, to provide healthcare, in-*
8 *cluding behavioral health and dental care, to veterans in*
9 *rural Alaska. The Secretary shall require participating vet-*
10 *erans and facilities to comply with all appropriate rules*
11 *and regulations, as established by the Secretary. The term*
12 *“rural Alaska” shall mean those lands which are not within*
13 *the boundaries of the municipality of Anchorage or the*
14 *Fairbanks North Star Borough.*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *SEC. 216. Such sums as may be deposited into the De-*
17 *partment of Veterans Affairs Capital Asset Fund pursuant*
18 *to section 8118 of title 38, United States Code, may be*
19 *transferred to the “Construction, Major Projects” and “Con-*
20 *struction, Minor Projects” accounts, to remain available*
21 *until expended for the purposes of these accounts.*

22 *SEC. 217. Not later than 30 days after the end of each*
23 *fiscal quarter, the Secretary of Veterans Affairs shall submit*
24 *to the Committees on Appropriations of both Houses of Con-*
25 *gress a report on the financial status of the Department*

1215

1 *of Veterans Affairs for the preceding quarter: Provided,*
2 *That, at a minimum, the report shall include the direction*
3 *contained in the paragraph entitled “Quarterly reporting”,*
4 *under the heading “General Administration” in the joint*
5 *explanatory statement accompanying Public Law 114–223.*

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 218. *Amounts made available under the “Medical*
8 *Services”, “Medical Community Care”, “Medical Support*
9 *and Compliance”, “Medical Facilities”, “General Oper-*
10 *ating Expenses, Veterans Benefits Administration”, “Board*
11 *of Veterans Appeals”, “General Administration”, and “Na-*
12 *tional Cemetery Administration” accounts for fiscal year*
13 *2023 may be transferred to or from the “Information Tech-*
14 *nology Systems” account: Provided, That such transfers*
15 *may not result in a more than 10 percent aggregate increase*
16 *in the total amount made available by this Act for the “In-*
17 *formation Technology Systems” account: Provided further,*
18 *That, before a transfer may take place, the Secretary of Vet-*
19 *erans Affairs shall request from the Committees on Appro-*
20 *priations of both Houses of Congress the authority to make*
21 *the transfer and an approval is issued.*

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 219. *Of the amounts appropriated to the Depart-*
24 *ment of Veterans Affairs for fiscal year 2023 for “Medical*
25 *Services”, “Medical Community Care”, “Medical Support*

1216

1 *and Compliance*”, “*Medical Facilities*”, “*Construction*,
2 *Minor Projects*”, and “*Information Technology Systems*”,
3 *up to \$330,140,000, plus reimbursements, may be trans-*
4 *ferred to the Joint Department of Defense—Department of*
5 *Veterans Affairs Medical Facility Demonstration Fund, es-*
6 *tablished by section 1704 of the National Defense Authoriza-*
7 *tion Act for Fiscal Year 2010 (Public Law 111–84; 123*
8 *Stat. 2571) and may be used for operation of the facilities*
9 *designated as combined Federal medical facilities as de-*
10 *scribed by section 706 of the Duncan Hunter National De-*
11 *fense Authorization Act for Fiscal Year 2009 (Public Law*
12 *110–417; 122 Stat. 4500): Provided, That additional funds*
13 *may be transferred from accounts designated in this section*
14 *to the Joint Department of Defense—Department of Vet-*
15 *erans Affairs Medical Facility Demonstration Fund upon*
16 *written notification by the Secretary of Veterans Affairs to*
17 *the Committees on Appropriations of both Houses of Con-*
18 *gress: Provided further, That section 220 of title II of divi-*
19 *sion J of Public Law 117–103 is repealed.*

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 220. *Of the amounts appropriated to the Depart-*
22 *ment of Veterans Affairs which become available on October*
23 *1, 2023, for “Medical Services”, “Medical Community*
24 *Care”, “Medical Support and Compliance”, and “Medical*
25 *Facilities”, up to \$314,825,000, plus reimbursements, may*

1217

1 *be transferred to the Joint Department of Defense—Depart-*
2 *ment of Veterans Affairs Medical Facility Demonstration*
3 *Fund, established by section 1704 of the National Defense*
4 *Authorization Act for Fiscal Year 2010 (Public Law 111–*
5 *84; 123 Stat. 2571) and may be used for operation of the*
6 *facilities designated as combined Federal medical facilities*
7 *as described by section 706 of the Duncan Hunter National*
8 *Defense Authorization Act for Fiscal Year 2009 (Public*
9 *Law 110–417; 122 Stat. 4500): Provided, That additional*
10 *funds may be transferred from accounts designated in this*
11 *section to the Joint Department of Defense—Department*
12 *of Veterans Affairs Medical Facility Demonstration Fund*
13 *upon written notification by the Secretary of Veterans Af-*
14 *fairs to the Committees on Appropriations of both Houses*
15 *of Congress.*

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 221. Such sums as may be deposited into the
18 Medical Care Collections Fund pursuant to section 1729A
19 of title 38, United States Code, for healthcare provided at
20 facilities designated as combined Federal medical facilities
21 as described by section 706 of the Duncan Hunter National
22 Defense Authorization Act for Fiscal Year 2009 (Public
23 Law 110–417; 122 Stat. 4500) shall also be available: (1)
24 for transfer to the Joint Department of Defense—Depart-
25 ment of Veterans Affairs Medical Facility Demonstration

1218

1 *Fund, established by section 1704 of the National Defense*
2 *Authorization Act for Fiscal Year 2010 (Public Law 111–*
3 *84; 123 Stat. 2571); and (2) for operations of the facilities*
4 *designated as combined Federal medical facilities as de-*
5 *scribed by section 706 of the Duncan Hunter National De-*
6 *fense Authorization Act for Fiscal Year 2009 (Public Law*
7 *110–417; 122 Stat. 4500): Provided, That, notwithstanding*
8 *section 1704(b)(3) of the National Defense Authorization*
9 *Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
10 *2573), amounts transferred to the Joint Department of De-*
11 *fense—Department of Veterans Affairs Medical Facility*
12 *Demonstration Fund shall remain available until expended.*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *SEC. 222. Of the amounts available in this title for*
15 *“Medical Services”, “Medical Community Care”, “Medical*
16 *Support and Compliance”, and “Medical Facilities”, a*
17 *minimum of \$15,000,000 shall be transferred to the DOD–*
18 *VA Health Care Sharing Incentive Fund, as authorized by*
19 *section 8111(d) of title 38, United States Code, to remain*
20 *available until expended, for any purpose authorized by sec-*
21 *tion 8111 of title 38, United States Code.*

22 *SEC. 223. None of the funds available to the Depart-*
23 *ment of Veterans Affairs, in this or any other Act, may*
24 *be used to replace the current system by which the Veterans*

1219

1 *Integrated Service Networks select and contract for diabetes*
2 *monitoring supplies and equipment.*

3 *SEC. 224. The Secretary of Veterans Affairs shall no-*
4 *tify the Committees on Appropriations of both Houses of*
5 *Congress of all bid savings in a major construction project*
6 *that total at least \$5,000,000, or 5 percent of the pro-*
7 *grammed amount of the project, whichever is less: Provided,*
8 *That such notification shall occur within 14 days of a con-*
9 *tract identifying the programmed amount: Provided fur-*
10 *ther, That the Secretary shall notify the Committees on Ap-*
11 *propriations of both Houses of Congress 14 days prior to*
12 *the obligation of such bid savings and shall describe the an-*
13 *ticipated use of such savings.*

14 *SEC. 225. None of the funds made available for “Con-*
15 *struction, Major Projects” may be used for a project in ex-*
16 *cess of the scope specified for that project in the original*
17 *justification data provided to the Congress as part of the*
18 *request for appropriations unless the Secretary of Veterans*
19 *Affairs receives approval from the Committees on Appro-*
20 *priations of both Houses of Congress.*

21 *SEC. 226. Not later than 30 days after the end of each*
22 *fiscal quarter, the Secretary of Veterans Affairs shall submit*
23 *to the Committees on Appropriations of both Houses of Con-*
24 *gress a quarterly report containing performance measures*
25 *and data from each Veterans Benefits Administration Re-*

1220

1 gional Office: Provided, That, at a minimum, the report
2 shall include the direction contained in the section entitled
3 “Disability claims backlog”, under the heading “General
4 Operating Expenses, Veterans Benefits Administration” in
5 the joint explanatory statement accompanying Public Law
6 114–223: Provided further, That the report shall also in-
7 clude information on the number of appeals pending at the
8 Veterans Benefits Administration as well as the Board of
9 Veterans Appeals on a quarterly basis.

10 SEC. 227. The Secretary of Veterans Affairs shall pro-
11 vide written notification to the Committees on Appropria-
12 tions of both Houses of Congress 15 days prior to organiza-
13 tional changes which result in the transfer of 25 or more
14 full-time equivalents from one organizational unit of the
15 Department of Veterans Affairs to another.

16 SEC. 228. The Secretary of Veterans Affairs shall pro-
17 vide on a quarterly basis to the Committees on Appropria-
18 tions of both Houses of Congress notification of any single
19 national outreach and awareness marketing campaign in
20 which obligations exceed \$1,000,000.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 229. The Secretary of Veterans Affairs, upon de-
23 termination that such action is necessary to address needs
24 of the Veterans Health Administration, may transfer to the
25 “Medical Services” account any discretionary appropria-

1221

1 tions made available for fiscal year 2023 in this title (except
2 appropriations made to the “General Operating Expenses,
3 Veterans Benefits Administration” account) or any discre-
4 tionary unobligated balances within the Department of Vet-
5 erans Affairs, including those appropriated for fiscal year
6 2023, that were provided in advance by appropriations
7 Acts: Provided, That transfers shall be made only with the
8 approval of the Office of Management and Budget: Provided
9 further, That the transfer authority provided in this section
10 is in addition to any other transfer authority provided by
11 law: Provided further, That no amounts may be transferred
12 from amounts that were designated by Congress as an emer-
13 gency requirement pursuant to a concurrent resolution on
14 the budget or the Balanced Budget and Emergency Deficit
15 Control Act of 1985: Provided further, That such authority
16 to transfer may not be used unless for higher priority items,
17 based on emergent healthcare requirements, than those for
18 which originally appropriated and in no case where the
19 item for which funds are requested has been denied by Con-
20 gress: Provided further, That, upon determination that all
21 or part of the funds transferred from an appropriation are
22 not necessary, such amounts may be transferred back to that
23 appropriation and shall be available for the same purposes
24 as originally appropriated: Provided further, That before
25 a transfer may take place, the Secretary of Veterans Affairs

1222

1 *shall request from the Committees on Appropriations of*
2 *both Houses of Congress the authority to make the transfer*
3 *and receive approval of that request.*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 230. Amounts made available for the Department*
6 *of Veterans Affairs for fiscal year 2023, under the “Board*
7 *of Veterans Appeals” and the “General Operating Expenses,*
8 *Veterans Benefits Administration” accounts may be trans-*
9 *ferred between such accounts: Provided, That before a trans-*
10 *fer may take place, the Secretary of Veterans Affairs shall*
11 *request from the Committees on Appropriations of both*
12 *Houses of Congress the authority to make the transfer and*
13 *receive approval of that request.*

14 *SEC. 231. The Secretary of Veterans Affairs may not*
15 *reprogram funds among major construction projects or pro-*
16 *grams if such instance of reprogramming will exceed*
17 *\$7,000,000, unless such reprogramming is approved by the*
18 *Committees on Appropriations of both Houses of Congress.*

19 *SEC. 232. (a) The Secretary of Veterans Affairs shall*
20 *ensure that the toll-free suicide hotline under section*
21 *1720F(h) of title 38, United States Code—*

22 *(1) provides to individuals who contact the hot-*
23 *line immediate assistance from a trained professional;*
24 *and*

1223

1 (2) *adheres to all requirements of the American*
2 *Association of Suicidology.*

3 (b)(1) *None of the funds made available by this Act*
4 *may be used to enforce or otherwise carry out any Executive*
5 *action that prohibits the Secretary of Veterans Affairs from*
6 *appointing an individual to occupy a vacant civil service*
7 *position, or establishing a new civil service position, at the*
8 *Department of Veterans Affairs with respect to such a posi-*
9 *tion relating to the hotline specified in subsection (a).*

10 (2) *In this subsection—*

11 (A) *the term “civil service” has the meaning*
12 *given such term in section 2101(1) of title 5, United*
13 *States Code; and*

14 (B) *the term “Executive action” includes—*

15 (i) *any Executive order, Presidential memo-*
16 *randum, or other action by the President; and*

17 (ii) *any agency policy, order, or other direc-*
18 *tive.*

19 (c)(1) *The Secretary of Veterans Affairs shall conduct*
20 *a study on the effectiveness of the hotline specified in sub-*
21 *section (a) during the 5-year period beginning on January*
22 *1, 2016, based on an analysis of national suicide data and*
23 *data collected from such hotline.*

24 (2) *At a minimum, the study required by paragraph*
25 (1) *shall—*

1224

1 (A) determine the number of veterans who con-
2 tact the hotline specified in subsection (a) and who
3 receive follow up services from the hotline or mental
4 health services from the Department of Veterans Af-
5 fairs thereafter;

6 (B) determine the number of veterans who con-
7 tact the hotline who are not referred to, or do not con-
8 tinue receiving, mental health care who commit sui-
9 cide; and

10 (C) determine the number of veterans described
11 in subparagraph (A) who commit or attempt suicide.

12 SEC. 233. Effective during the period beginning on Oc-
13 tober 1, 2018, and ending on January 1, 2024, none of the
14 funds made available to the Secretary of Veterans Affairs
15 by this or any other Act may be obligated or expended in
16 contravention of the “Veterans Health Administration Clin-
17 ical Preventive Services Guidance Statement on the Vet-
18 erans Health Administration’s Screening for Breast Cancer
19 Guidance” published on May 10, 2017, as issued by the Vet-
20 erans Health Administration National Center for Health
21 Promotion and Disease Prevention.

22 SEC. 234. (a) Notwithstanding any other provision of
23 law, the amounts appropriated or otherwise made available
24 to the Department of Veterans Affairs for the “Medical
25 Services” account may be used to provide—

1225

1 (1) *fertility counseling and treatment using as-*
2 *sisted reproductive technology to a covered veteran or*
3 *the spouse of a covered veteran; or*

4 (2) *adoption reimbursement to a covered veteran.*
5 (b) *In this section:*

6 (1) *The term “service-connected” has the mean-*
7 *ing given such term in section 101 of title 38, United*
8 *States Code.*

9 (2) *The term “covered veteran” means a veteran,*
10 *as such term is defined in section 101 of title 38,*
11 *United States Code, who has a service-connected dis-*
12 *ability that results in the inability of the veteran to*
13 *procreate without the use of fertility treatment.*

14 (3) *The term “assisted reproductive technology”*
15 *means benefits relating to reproductive assistance pro-*
16 *vided to a member of the Armed Forces who incurs*
17 *a serious injury or illness on active duty pursuant to*
18 *section 1074(c)(4)(A) of title 10, United States Code,*
19 *as described in the memorandum on the subject of*
20 *“Policy for Assisted Reproductive Services for the*
21 *Benefit of Seriously or Severely Ill/Injured (Category*
22 *II or III) Active Duty Service Members” issued by the*
23 *Assistant Secretary of Defense for Health Affairs on*
24 *April 3, 2012, and the guidance issued to implement*
25 *such policy, including any limitations on the amount*

1226

1 *of such benefits available to such a member except*
2 *that—*

3 *(A) the time periods regarding embryo*
4 *cryopreservation and storage set forth in part*
5 *III(G) and in part IV(H) of such memorandum*
6 *shall not apply; and*

7 *(B) such term includes embryo*
8 *cryopreservation and storage without limitation*
9 *on the duration of such cryopreservation and*
10 *storage.*

11 *(4) The term “adoption reimbursement” means*
12 *reimbursement for the adoption-related expenses for*
13 *an adoption that is finalized after the date of the en-*
14 *actment of this Act under the same terms as apply*
15 *under the adoption reimbursement program of the De-*
16 *partment of Defense, as authorized in Department of*
17 *Defense Instruction 1341.09, including the reimburse-*
18 *ment limits and requirements set forth in such in-*
19 *struction.*

20 *(c) Amounts made available for the purposes specified*
21 *in subsection (a) of this section are subject to the require-*
22 *ments for funds contained in section 508 of division H of*
23 *the Consolidated Appropriations Act, 2018 (Public Law*
24 *115–141).*

1227

1 *SEC. 235. None of the funds appropriated or otherwise*
2 *made available by this Act or any other Act for the Depart-*
3 *ment of Veterans Affairs may be used in a manner that*
4 *is inconsistent with: (1) section 842 of the Transportation,*
5 *Treasury, Housing and Urban Development, the Judiciary,*
6 *the District of Columbia, and Independent Agencies Appro-*
7 *priations Act, 2006 (Public Law 109–115; 119 Stat. 2506);*
8 *or (2) section 8110(a)(5) of title 38, United States Code.*

9 *SEC. 236. Section 842 of Public Law 109–115 shall*
10 *not apply to conversion of an activity or function of the*
11 *Veterans Health Administration, Veterans Benefits Admin-*
12 *istration, or National Cemetery Administration to con-*
13 *tractor performance by a business concern that is at least*
14 *51 percent owned by one or more Indian Tribes as defined*
15 *in section 5304(e) of title 25, United States Code, or one*
16 *or more Native Hawaiian Organizations as defined in sec-*
17 *tion 637(a)(15) of title 15, United States Code.*

18 *SEC. 237. (a) Except as provided in subsection (b), the*
19 *Secretary of Veterans Affairs, in consultation with the Sec-*
20 *retary of Defense and the Secretary of Labor, shall dis-*
21 *continue using Social Security account numbers to identify*
22 *individuals in all information systems of the Department*
23 *of Veterans Affairs as follows:*

24 *(1) For all veterans submitting to the Secretary*
25 *of Veterans Affairs new claims for benefits under laws*

1228

1 *administered by the Secretary, not later than March*
2 *23, 2023.*

3 *(2) For all individuals not described in para-*
4 *graph (1), not later than March 23, 2026.*

5 *(b) The Secretary of Veterans Affairs may use a Social*
6 *Security account number to identify an individual in an*
7 *information system of the Department of Veterans Affairs*
8 *if and only if the use of such number is required to obtain*
9 *information the Secretary requires from an information*
10 *system that is not under the jurisdiction of the Secretary.*

11 *(c) The matter in subsections (a) and (b) shall super-*
12 *sede section 238 of division F of Public Law 116–94.*

13 *SEC. 238. For funds provided to the Department of*
14 *Veterans Affairs for each of fiscal year 2023 and 2024 for*
15 *“Medical Services”, section 239 of division A of Public Law*
16 *114–223 shall apply.*

17 *SEC. 239. None of the funds appropriated in this or*
18 *prior appropriations Acts or otherwise made available to*
19 *the Department of Veterans Affairs may be used to transfer*
20 *any amounts from the Filipino Veterans Equity Compensa-*
21 *tion Fund to any other account within the Department of*
22 *Veterans Affairs.*

23 *SEC. 240. Of the funds provided to the Department of*
24 *Veterans Affairs for each of fiscal year 2023 and fiscal year*
25 *2024 for “Medical Services”, funds may be used in each*

1229

1 *year to carry out and expand the child care program au-*
2 *thorized by section 205 of Public Law 111–163, notwith-*
3 *standing subsection (e) of such section.*

4 *SEC. 241. None of the funds appropriated or otherwise*
5 *made available in this title may be used by the Secretary*
6 *of Veterans Affairs to enter into an agreement related to*
7 *resolving a dispute or claim with an individual that would*
8 *restrict in any way the individual from speaking to mem-*
9 *bers of Congress or their staff on any topic not otherwise*
10 *prohibited from disclosure by Federal law or required by*
11 *Executive order to be kept secret in the interest of national*
12 *defense or the conduct of foreign affairs.*

13 *SEC. 242. For funds provided to the Department of*
14 *Veterans Affairs for each of fiscal year 2023 and 2024, sec-*
15 *tion 258 of division A of Public Law 114–223 shall apply.*

16 *SEC. 243. (a) None of the funds appropriated or other-*
17 *wise made available by this Act may be used to deny an*
18 *Inspector General funded under this Act timely access to*
19 *any records, documents, or other materials available to the*
20 *department or agency over which that Inspector General*
21 *has responsibilities under the Inspector General Act of 1978*
22 *(5 U.S.C. App.), or to prevent or impede the access of the*
23 *Inspector General to such records, documents, or other ma-*
24 *terials, under any provision of law, except a provision of*

1230

1 *law that expressly refers to such Inspector General and ex-*
2 *pressly limits the right of access.*

3 *(b) A department or agency covered by this section*
4 *shall provide its Inspector General access to all records, doc-*
5 *uments, and other materials in a timely manner.*

6 *(c) Each Inspector General shall ensure compliance*
7 *with statutory limitations on disclosure relevant to the in-*
8 *formation provided by the establishment over which that In-*
9 *spector General has responsibilities under the Inspector*
10 *General Act of 1978 (5 U.S.C. App.).*

11 *(d) Each Inspector General covered by this section*
12 *shall report to the Committee on Appropriations of the Sen-*
13 *ate and the Committee on Appropriations of the House of*
14 *Representatives within 5 calendar days of any failure by*
15 *any department or agency covered by this section to comply*
16 *with this requirement.*

17 *SEC. 244. None of the funds made available in this*
18 *Act may be used in a manner that would increase wait*
19 *times for veterans who seek care at medical facilities of the*
20 *Department of Veterans Affairs.*

21 *SEC. 245. None of the funds appropriated or otherwise*
22 *made available by this Act to the Veterans Health Adminis-*
23 *tration may be used in fiscal year 2023 to convert any pro-*
24 *gram which received specific purpose funds in fiscal year*
25 *2022 to a general purpose funded program unless the Sec-*

1231

1 *retary of Veterans Affairs submits written notification of*
2 *any such proposal to the Committees on Appropriations of*
3 *both Houses of Congress at least 30 days prior to any such*
4 *action and an approval is issued by the Committees.*

5 *SEC. 246. For funds provided to the Department of*
6 *Veterans Affairs for each of fiscal year 2023 and 2024, sec-*
7 *tion 248 of division A of Public Law 114–223 shall apply.*

8 *SEC. 247. (a) None of the funds appropriated or other-*
9 *wise made available by this Act may be used to conduct*
10 *research commencing on or after October 1, 2019, that uses*
11 *any canine, feline, or non-human primate unless the Sec-*
12 *retary of Veterans Affairs approves such research specifi-*
13 *cally and in writing pursuant to subsection (b).*

14 *(b)(1) The Secretary of Veterans Affairs may approve*
15 *the conduct of research commencing on or after October 1,*
16 *2019, using canines, felines, or non-human primates if the*
17 *Secretary determines that—*

18 *(A) the scientific objectives of the research can*
19 *only be met by using such canines, felines, or non-*
20 *human primates;*

21 *(B) such scientific objectives are directly related*
22 *to an illness or injury that is combat-related; and*

23 *(C) the research is consistent with the revised*
24 *Department of Veterans Affairs canine research policy*

1232

1 *document dated December 15, 2017, including any*
2 *subsequent revisions to such document.*

3 *(2) The Secretary may not delegate the authority*
4 *under this subsection.*

5 *(c) If the Secretary approves any new research pursu-*
6 *ant to subsection (b), not later than 30 days before the com-*
7 *mencement of such research, the Secretary shall submit to*
8 *the Committees on Appropriations of the Senate and House*
9 *of Representatives a report describing—*

10 *(1) the nature of the research to be conducted*
11 *using canines, felines, or non-human primates;*

12 *(2) the date on which the Secretary approved the*
13 *research;*

14 *(3) the justification for the determination of the*
15 *Secretary that the scientific objectives of such research*
16 *could only be met using canines, felines, or non-*
17 *human primates;*

18 *(4) the frequency and duration of such research;*
19 *and*

20 *(5) the protocols in place to ensure the necessity,*
21 *safety, and efficacy of the research.*

22 *(d) Not later than 180 days after the date of the enact-*
23 *ment of this Act, and biannually thereafter, the Secretary*
24 *shall submit to such Committees a report describing—*

1233

1 (1) *any research being conducted by the Depart-*
2 *ment of Veterans Affairs using canines, felines, or*
3 *non-human primates as of the date of the submittal*
4 *of the report;*

5 (2) *the circumstances under which such research*
6 *was conducted using canines, felines, or non-human*
7 *primates;*

8 (3) *the justification for using canines, felines, or*
9 *non-human primates to conduct such research; and*

10 (4) *the protocols in place to ensure the necessity,*
11 *safety, and efficacy of such research.*

12 (e) *The Department shall implement a plan under*
13 *which the Secretary will eliminate or reduce the research*
14 *conducted using canines, felines, or non-human primates*
15 *by not later than 5 years after the date of enactment of*
16 *Public Law 116–94.*

17 SEC. 248. (a) *The Secretary of Veterans Affairs may*
18 *use amounts appropriated or otherwise made available in*
19 *this title to ensure that the ratio of veterans to full-time*
20 *employment equivalents within any program of rehabilita-*
21 *tion conducted under chapter 31 of title 38, United States*
22 *Code, does not exceed 125 veterans to one full-time employ-*
23 *ment equivalent.*

24 (b) *Not later than 180 days after the date of the enact-*
25 *ment of this Act, the Secretary shall submit to Congress a*

1234

1 *report on the programs of rehabilitation conducted under*
2 *chapter 31 of title 38, United States Code, including—*

3 *(1) an assessment of the veteran-to-staff ratio for*
4 *each such program; and*

5 *(2) recommendations for such action as the Sec-*
6 *retary considers necessary to reduce the veteran-to-*
7 *staff ratio for each such program.*

8 *SEC. 249. Amounts made available for the “Veterans*
9 *Health Administration, Medical Community Care” account*
10 *in this or any other Act for fiscal years 2023 and 2024*
11 *may be used for expenses that would otherwise be payable*
12 *from the Veterans Choice Fund established by section 802*
13 *of the Veterans Access, Choice, and Accountability Act, as*
14 *amended (38 U.S.C. 1701 note).*

15 *SEC. 250. Obligations and expenditures applicable to*
16 *the “Medical Services” account in fiscal years 2017 through*
17 *2019 for aid to state homes (as authorized by section 1741*
18 *of title 38, United States Code) shall remain in the “Med-*
19 *ical Community Care” account for such fiscal years.*

20 *SEC. 251. Of the amounts made available for the De-*
21 *partment of Veterans Affairs for fiscal year 2023, in this*
22 *or any other Act, under the “Veterans Health Administra-*
23 *tion—Medical Services”, “Veterans Health Administra-*
24 *tion—Medical Community Care”, “Veterans Health Ad-*
25 *ministration—Medical Support and Compliance”, and*

1235

1 “Veterans Health Administration—Medical Facilities” ac-
2 counts, \$840,446,000 shall be made available for gender-spe-
3 cific care and programmatic efforts to deliver care for
4 women veterans.

5 SEC. 252. Of the unobligated balances available in fis-
6 cal year 2023 in the “Recurring Expenses Trans-
7 formational Fund” established in section 243 of division
8 J of Public Law 114–113, and in addition to any funds
9 otherwise made available for such purposes in this, prior,
10 or subsequent fiscal years, the following amounts shall be
11 available for the following purposes during the period of
12 availability of the Fund:

13 (1) \$804,510,000, for constructing, altering, ex-
14 tending, and improving medical facilities of the Vet-
15 erans Health Administration, including all sup-
16 porting activities and required contingencies;

17 (2) \$88,490,000, for facilities improvements at
18 existing medical facilities of the Veterans Health Ad-
19 ministration; and

20 (3) \$75,000,000, for the deployment, upgrade, or
21 installation of infrastructure or equipment to support
22 goals established in Executive Order 14057:

23 Provided, That prior to obligation of any of the funds pro-
24 vided in this subsection, the Secretary of Veterans Affairs
25 must provide a plan for the execution of the funds appro-

1236

1 *priated in this subsection to the Committees on Appropria-*
2 *tions of both Houses of Congress and such Committees issue*
3 *an approval, or absent a response, a period of 30 days has*
4 *elapsed: Provided further, That funds may be repro-*
5 *grammed among the three purposes subject to the Secretary*
6 *of Veterans Affairs providing a request with the amount*
7 *and purpose of the reprogramming to the Committees on*
8 *Appropriations of both Houses of Congress and such Com-*
9 *mittees issuing an approval, or absent a response, a period*
10 *of 30 days has elapsed.*

11 *SEC. 253. Not later than 30 days after the end of each*
12 *fiscal quarter, the Secretary of Veterans Affairs shall submit*
13 *to the Committees on Appropriations of both Houses of Con-*
14 *gress a quarterly report on the status of the “Veterans Med-*
15 *ical Care and Health Fund”, established to execute section*
16 *8002 of the American Rescue Plan Act of 2021 (Public Law*
17 *117–2): Provided, That, at a minimum, the report shall in-*
18 *clude an update on obligations by program, project or activ-*
19 *ity and a plan for expending the remaining funds: Provided*
20 *further, That the Secretary of Veterans Affairs must submit*
21 *notification of any plans to reallocate funds from the cur-*
22 *rent apportionment categories of “Medical Services”, “Med-*
23 *ical Support and Compliance”, “Medical Facilities”, “Med-*
24 *ical Community Care”, or “Medical and Prosthetic Re-*
25 *search”, including the amount and purpose of each realloca-*

1237

tion to the Committees on Appropriations of both Houses
of Congress and such Committees issue an approval, or ab-
sent a response, a period of 30 days has elapsed.

4 *SEC. 254. Any amounts transferred to the Secretary*
5 *and administered by a corporation referred to in section*
6 *7364(b) of title 38, United States Code, between October 1,*
7 *2017 and September 30, 2018 for purposes of carrying out*
8 *an order placed with the Department of Veterans Affairs*
9 *pursuant to section 1535 of title 31, United States Code,*
10 *that are available for obligation pursuant to section*
11 *7364(b)(1) of title 38, United States Code, are to remain*
12 *available for the liquidation of valid obligations incurred*
13 *by such corporation during the period of performance of*
14 *such order, provided that the Secretary of Veterans Affairs*
15 *determines that such amounts need to remain available for*
16 *such liquidation.*

17 (RESCISSIONS OF FUNDS)

SEC. 255. Of the unobligated balances available to the Department of Veterans Affairs from prior appropriations Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

22 “Asset and Infrastructure Review”, \$5,000,000;

23 “Departmental Administration—Veterans Elec-
24 tronic Health Record”, \$150,000,000; and

1238

1 *“Departmental Administration—Construction,*
2 *Major Projects”, \$76,000,000:*
3 *Provided, That no amounts may be rescinded from amounts*
4 *that were designated by the Congress as an emergency re-*
5 *quirement pursuant to a concurrent resolution on the budg-*
6 *et or the Balanced Budget and Emergency Deficit Control*
7 *Act of 1985.*

8 *SEC. 256. None of the funds in this or any other Act*
9 *may be used to close Department of Veterans Affairs hos-*
10 *pitals, domiciliaries, or clinics, conduct an environmental*
11 *assessment, or to diminish healthcare services at existing*
12 *Veterans Health Administration medical facilities as part*
13 *of a planned realignment of services until the Secretary*
14 *provides to the Committees on Appropriations of both*
15 *Houses of Congress a report including an analysis of how*
16 *any such planned realignment of services will impact access*
17 *to care for veterans living in rural or highly rural areas,*
18 *including travel distances and transportation costs to access*
19 *a Department medical facility and availability of local spe-*
20 *cialty and primary care.*

21 *(RESCISSION OF FUNDS)*

22 *SEC. 257. Of the unobligated balances in the “Recur-*
23 *ring Expenses Transformational Fund” established in sec-*
24 *tion 243 of division J of Public Law 114–113, \$90,874,000*
25 *is hereby rescinded.*

1239

1 *SEC. 258. Unobligated balances available under the*
2 *headings “Construction, Major Projects” and “Construc-*
3 *tion, Minor Projects” may be obligated by the Secretary of*
4 *Veterans Affairs for a facility pursuant to section 2(e)(1)*
5 *of the Communities Helping Invest through Property and*
6 *Improvements Needed for Veterans Act of 2016 (Public Law*
7 *114–294; 38 U.S.C. 8103 note), as amended, to provide ad-*
8 *ditional funds or to fund an escalation clause under such*
9 *section of such Act: Provided, That before such unobligated*
10 *balances are obligated pursuant to this section, the Sec-*
11 *retary of Veterans Affairs shall request from the Committees*
12 *on Appropriations of both Houses of Congress the authority*
13 *to obligate such unobligated balances and such Committees*
14 *issue an approval, or absent a response, a period of 30 days*
15 *has elapsed: Provided further, That the request to obligate*
16 *such unobligated balances must provide Congress notice*
17 *that the entity described in section 2(a)(2) of Public Law*
18 *114–294, as amended, has exhausted available cost contain-*
19 *ment approaches as set forth in the agreement under section*
20 *2(c) of such Public Law.*

1240

1 *TITLE III*2 *RELATED AGENCIES*3 *AMERICAN BATTLE MONUMENTS COMMISSION*4 *SALARIES AND EXPENSES*

5 *For necessary expenses, not otherwise provided for, of*
6 *the American Battle Monuments Commission, including the*
7 *acquisition of land or interest in land in foreign countries;*
8 *purchases and repair of uniforms for caretakers of national*
9 *cemeteries and monuments outside of the United States and*
10 *its territories and possessions; rent of office and garage*
11 *space in foreign countries; purchase (one-for-one replace-*
12 *ment basis only) and hire of passenger motor vehicles; not*
13 *to exceed \$15,000 for official reception and representation*
14 *expenses; and insurance of official motor vehicles in foreign*
15 *countries, when required by law of such countries,*
16 *\$87,500,000, to remain available until expended.*

17 *FOREIGN CURRENCY FLUCTUATIONS ACCOUNT*

18 *For necessary expenses, not otherwise provided for, of*
19 *the American Battle Monuments Commission, such sums as*
20 *may be necessary, to remain available until expended, for*
21 *purposes authorized by section 2109 of title 36, United*
22 *States Code.*

1241

1 *UNITED STATES COURT OF APPEALS FOR VETERANS*

2 *CLAIMS*

3 *SALARIES AND EXPENSES*

4 *For necessary expenses for the operation of the United*
5 *States Court of Appeals for Veterans Claims as authorized*
6 *by sections 7251 through 7298 of title 38, United States*
7 *Code, \$46,900,000: Provided, That \$3,385,000 shall be*
8 *available for the purpose of providing financial assistance*
9 *as described and in accordance with the process and report-*
10 *ing procedures set forth under this heading in Public Law*
11 *102-229.*

12 *DEPARTMENT OF DEFENSE—CIVIL*

13 *CEMETERIAL EXPENSES, ARMY*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses for maintenance, operation,*
16 *and improvement of Arlington National Cemetery and Sol-*
17 *diers' and Airmen's Home National Cemetery, including*
18 *the purchase or lease of passenger motor vehicles for replace-*
19 *ment on a one-for-one basis only, and not to exceed \$2,000*
20 *for official reception and representation expenses,*
21 *\$93,400,000, of which not to exceed \$15,000,000 shall re-*
22 *main available until September 30, 2025. In addition, such*
23 *sums as may be necessary for parking maintenance, repairs*
24 *and replacement, to be derived from the "Lease of Depart-*

1242

1 *ment of Defense Real Property for Defense Agencies” ac-*
2 *count.*

3 *CONSTRUCTION*

4 *For necessary expenses for planning and design and*
5 *construction at Arlington National Cemetery and Soldiers’*
6 *and Airmen’s Home National Cemetery, \$62,500,000, to re-*
7 *main available until expended, of which \$2,500,000 shall*
8 *be for study, planning and design, and architect and engi-*
9 *neering services for Memorial Avenue improvements at Ar-*
10 *lington National Cemetery; and \$60,000,000 shall be for*
11 *planning and design and construction associated with the*
12 *Southern Expansion project at Arlington National Ceme-*
13 *tery.*

14 *ARMED FORCES RETIREMENT HOME*

15 *TRUST FUND*

16 *For expenses necessary for the Armed Forces Retire-*
17 *ment Home to operate and maintain the Armed Forces Re-*
18 *irement Home—Washington, District of Columbia, and the*
19 *Armed Forces Retirement Home—Gulfport, Mississippi, to*
20 *be paid from funds available in the Armed Forces Retire-*
21 *ment Home Trust Fund, \$75,360,000, to remain available*
22 *until September 30, 2024, of which \$7,300,000 shall remain*
23 *available until expended for construction and renovation of*
24 *the physical plants at the Armed Forces Retirement*
25 *Home—Washington, District of Columbia, and the Armed*

1243

1 *Forces Retirement Home—Gulfport, Mississippi: Provided,*
2 *That of the amounts made available under this heading*
3 *from funds available in the Armed Forces Retirement Home*
4 *Trust Fund, \$25,000,000 shall be paid from the general*
5 *fund of the Treasury to the Trust Fund.*

6 *MAJOR CONSTRUCTION*

7 *For an additional amount for necessary expenses re-*
8 *lated to design, planning, and construction for renovation*
9 *of the Sheridan Building at the Armed Forces Retirement*
10 *Home—Washington, District of Columbia, \$77,000,000, to*
11 *remain available until expended, shall be paid from the gen-*
12 *eral fund of the Treasury to the Armed Forces Retirement*
13 *Home Trust Fund.*

14 *ADMINISTRATIVE PROVISION*

15 *SEC. 301. Amounts deposited into the special account*
16 *established under 10 U.S.C. 7727 are appropriated and*
17 *shall be available until expended to support activities at*
18 *the Army National Military Cemeteries.*

1244

1 *TITLE IV*2 *GENERAL PROVISIONS*

3 *SEC. 401. No part of any appropriation contained in*
4 *this Act shall remain available for obligation beyond the*
5 *current fiscal year unless expressly so provided herein.*

6 *SEC. 402. None of the funds made available in this*
7 *Act may be used for any program, project, or activity, when*
8 *it is made known to the Federal entity or official to which*
9 *the funds are made available that the program, project, or*
10 *activity is not in compliance with any Federal law relating*
11 *to risk assessment, the protection of private property rights,*
12 *or unfunded mandates.*

13 *SEC. 403. All departments and agencies funded under*
14 *this Act are encouraged, within the limits of the existing*
15 *statutory authorities and funding, to expand their use of*
16 *“E-Commerce” technologies and procedures in the conduct*
17 *of their business practices and public service activities.*

18 *SEC. 404. Unless stated otherwise, all reports and noti-*
19 *fications required by this Act shall be submitted to the Sub-*
20 *committee on Military Construction and Veterans Affairs,*
21 *and Related Agencies of the Committee on Appropriations*
22 *of the House of Representatives and the Subcommittee on*
23 *Military Construction and Veterans Affairs, and Related*
24 *Agencies of the Committee on Appropriations of the Senate.*

1245

1 *SEC. 405. None of the funds made available in this*
2 *Act may be transferred to any department, agency, or in-*
3 *strumentality of the United States Government except pur-*
4 *suant to a transfer made by, or transfer authority provided*
5 *in, this or any other appropriations Act.*

6 *SEC. 406. None of the funds made available in this*
7 *Act may be used for a project or program named for an*
8 *individual serving as a Member, Delegate, or Resident Com-*
9 *missioner of the United States House of Representatives.*

10 *SEC. 407. (a) Any agency receiving funds made avail-*
11 *able in this Act, shall, subject to subsections (b) and (c),*
12 *post on the public Web site of that agency any report re-*
13 *quired to be submitted by the Congress in this or any other*
14 *Act, upon the determination by the head of the agency that*
15 *it shall serve the national interest.*

16 *(b) Subsection (a) shall not apply to a report if—*

17 *(1) the public posting of the report compromises*
18 *national security; or*

19 *(2) the report contains confidential or propri-*
20 *etary information.*

21 *(c) The head of the agency posting such report shall*
22 *do so only after such report has been made available to the*
23 *requesting Committee or Committees of Congress for no less*
24 *than 45 days.*

1246

1 *SEC. 408. (a) None of the funds made available in this*
2 *Act may be used to maintain or establish a computer net-*
3 *work unless such network blocks the viewing, downloading,*
4 *and exchanging of pornography.*

5 *(b) Nothing in subsection (a) shall limit the use of*
6 *funds necessary for any Federal, State, tribal, or local law*
7 *enforcement agency or any other entity carrying out crimi-*
8 *nal investigations, prosecution, or adjudication activities.*

9 *SEC. 409. None of the funds made available in this*
10 *Act may be used by an agency of the executive branch to*
11 *pay for first-class travel by an employee of the agency in*
12 *contravention of sections 301–10.122 through 301–10.124 of*
13 *title 41, Code of Federal Regulations.*

14 *SEC. 410. None of the funds made available in this*
15 *Act may be used to execute a contract for goods or services,*
16 *including construction services, where the contractor has*
17 *not complied with Executive Order No. 12989.*

18 *SEC. 411. None of the funds made available by this*
19 *Act may be used in contravention of section 101(e)(8) of*
20 *title 10, United States Code.*

21 *SEC. 412. (a) IN GENERAL.—None of the funds appro-*
22 *priated or otherwise made available to the Department of*
23 *Defense in this Act may be used to construct, renovate, or*
24 *expand any facility in the United States, its territories, or*
25 *possessions to house any individual detained at United*

1247

1 *States Naval Station, Guantánamo Bay, Cuba, for the pur-*
2 *poses of detention or imprisonment in the custody or under*
3 *the control of the Department of Defense.*

4 *(b) The prohibition in subsection (a) shall not apply*
5 *to any modification of facilities at United States Naval*
6 *Station, Guantánamo Bay, Cuba.*

7 *(c) An individual described in this subsection is any*
8 *individual who, as of June 24, 2009, is located at United*
9 *States Naval Station, Guantánamo Bay, Cuba, and who—*

10 *(1) is not a citizen of the United States or a*
11 *member of the Armed Forces of the United States; and*

12 *(2) is—*

13 *(A) in the custody or under the effective*
14 *control of the Department of Defense; or*

15 *(B) otherwise under detention at United*
16 *States Naval Station, Guantánamo Bay, Cuba.*

17 *This division may be cited as the “Military Construc-*
18 *tion, Veterans Affairs, and Related Agencies Appropria-*
19 *tions Act, 2023”.*

1248

1 ***DIVISION K—DEPARTMENT OF STATE,***
2 ***FOREIGN OPERATIONS, AND RELATED***
3 ***PROGRAMS APPROPRIATIONS ACT,***
4 ***2023***

5 ***TITLE I***
6 ***DEPARTMENT OF STATE AND RELATED AGENCY***
7 ***DEPARTMENT OF STATE***
8 ***ADMINISTRATION OF FOREIGN AFFAIRS***
9 ***DIPLOMATIC PROGRAMS***

10 *For necessary expenses of the Department of State and*
11 *the Foreign Service not otherwise provided for,*
12 *\$9,463,159,000, of which \$844,418,000 may remain avail-*
13 *able until September 30, 2024, and of which up to*
14 *\$3,813,707,000 may remain available until expended for*
15 *Worldwide Security Protection: Provided, That funds made*
16 *available under this heading shall be allocated in accord-*
17 *ance with paragraphs (1) through (4), as follows:*

18 (1) *HUMAN RESOURCES.—For necessary ex-*
19 *penses for training, human resources management,*
20 *and salaries, including employment without regard to*
21 *civil service and classification laws of persons on a*
22 *temporary basis (not to exceed \$700,000), as author-*
23 *ized by section 801 of the United States Information*
24 *and Educational Exchange Act of 1948 (62 Stat. 11;*

1249

1 *Chapter 36), \$3,420,898,000, of which up to*
2 *\$684,767,000 is for Worldwide Security Protection.*

3 (2) *OVERSEAS PROGRAMS.—For necessary ex-*
4 *penses for the regional bureaus of the Department of*
5 *State and overseas activities as authorized by law,*
6 *\$1,841,831,000.*

7 (3) *DIPLOMATIC POLICY AND SUPPORT.—For*
8 *necessary expenses for the functional bureaus of the*
9 *Department of State, including representation to cer-*
10 *tain international organizations in which the United*
11 *States participates pursuant to treaties ratified pur-*
12 *suant to the advice and consent of the Senate or spe-*
13 *cific Acts of Congress, general administration, and*
14 *arms control, nonproliferation, and disarmament ac-*
15 *tivities as authorized, \$1,043,372,000.*

16 (4) *SECURITY PROGRAMS.—For necessary ex-*
17 *penses for security activities, \$3,157,058,000, of which*
18 *up to \$3,128,940,000 is for Worldwide Security Pro-*
19 *tection.*

20 (5) *FEEES AND PAYMENTS COLLECTED.—In addi-*
21 *tion to amounts otherwise made available under this*
22 *heading—*

23 (A) *as authorized by section 810 of the*
24 *United States Information and Educational Ex-*
25 *change Act, not to exceed \$5,000,000, to remain*

1250

1 *available until expended, may be credited to this*
2 *appropriation from fees or other payments re-*
3 *ceived from English teaching, library, motion*
4 *pictures, and publication programs and from*
5 *fees from educational advising and counseling*
6 *and exchange visitor programs; and*

7 *(B) not to exceed \$15,000, which shall be*
8 *derived from reimbursements, surcharges, and*
9 *fees for use of Blair House facilities.*

10 *(6) TRANSFER OF FUNDS, REPROGRAMMING, AND*
11 *OTHER MATTERS.—*

12 *(A) Notwithstanding any other provision of*
13 *this Act, funds may be reprogrammed within*
14 *and between paragraphs (1) through (4) under*
15 *this heading subject to section 7015 of this Act.*

16 *(B) Of the amount made available under*
17 *this heading for Worldwide Security Protection,*
18 *not to exceed \$50,000,000 may be transferred to,*
19 *and merged with, funds made available by this*
20 *Act under the heading “Emergencies in the Dip-*
21 *lomatic and Consular Service”, to be available*
22 *only for emergency evacuations and rewards, as*
23 *authorized: Provided, That the exercise of the au-*
24 *thority provided by this subparagraph shall be*

1251

1 *subject to prior consultation with the Committees*
2 *on Appropriations.*

3 *(C) Funds appropriated under this heading*
4 *are available for acquisition by exchange or pur-*
5 *chase of passenger motor vehicles as authorized*
6 *by law and, pursuant to section 1108(g) of title*
7 *31, United States Code, for the field examination*
8 *of programs and activities in the United States*
9 *funded from any account contained in this title.*

10 *(D) Funds appropriated under this heading*
11 *shall be made available to support the activities*
12 *of the Ambassador-at-Large for the Arctic Re-*
13 *gion, as described in the explanatory statement*
14 *described in section 4 (in the matter preceding*
15 *division A of this consolidated Act).*

16 *(E) Of the amount made available under*
17 *this heading, up to \$75,000,000 may be trans-*
18 *ferred to, and merged with, funds made available*
19 *in title I of this Act under the heading “Capital*
20 *Investment Fund”: Provided, That the exercise of*
21 *the authority provided by this subparagraph*
22 *shall be subject to prior consultation with the*
23 *Committees on Appropriations.*

24 *(F) The eleventh proviso under the heading*
25 *“Diplomatic and Consular Programs” in the De-*

1252

1 *partment of State, Foreign Operations, and Re-*
2 *lated Programs Appropriations Act, 2008 (title I*
3 *of division J of Public Law 110–161) is amend-*
4 *ed by inserting “and for expenses of rewards pro-*
5 *grams” after “for rewards payments”.*

6 *(G) Consistent with section 204 of the Ad-*
7 *miral James W. Nance and Meg Donovan For-*
8 *oreign Relations Authorization Act, Fiscal Years*
9 *2000 and 2001 (22 U.S.C. 2452b), up to*
10 *\$25,000,000 of the amounts made available*
11 *under this heading may be obligated and ex-*
12 *pended for United States participation in inter-*
13 *national fairs and expositions abroad, including*
14 *for construction and operation of a United*
15 *States pavilion at Expo 2025.*

16 *(H) Of the funds appropriated under this*
17 *heading, not less than \$2,000,000 shall be made*
18 *available for a grant to a postsecondary edu-*
19 *cational institution for the purpose of estab-*
20 *lishing a program to increase the participation*
21 *of undergraduate students in the Foreign Serv-*
22 *ice, as authorized by section 150 of the Foreign*
23 *Relations Authorization Act, Fiscal Years 1990*
24 *and 1991 (22 U.S.C. 2719): Provided, That such*

1253

1 *grant program shall hereafter be named the*
2 *“Nancy Pelosi Fellowship Program”.*

3 *CAPITAL INVESTMENT FUND*

4 *For necessary expenses of the Capital Investment*
5 *Fund, as authorized, \$389,000,000, to remain available*
6 *until expended.*

7 *OFFICE OF INSPECTOR GENERAL*

8 *For necessary expenses of the Office of Inspector Gen-*
9 *eral, \$98,500,000, of which \$14,775,000 may remain avail-*
10 *able until September 30, 2024: Provided, That funds appro-*
11 *priated under this heading are made available notwith-*
12 *standing section 209(a)(1) of the Foreign Service Act of*
13 *1980 (22 U.S.C. 3929(a)(1)), as it relates to post inspec-*
14 *tions.*

15 *In addition, for the Special Inspector General for Af-*
16 *ghanistan Reconstruction (SIGAR) for reconstruction over-*
17 *sight, \$35,200,000, to remain available until September 30,*
18 *2024: Provided, That funds appropriated under this head-*
19 *ing that are made available for the printing and reproduc-*
20 *tion costs of SIGAR shall not exceed amounts for such costs*
21 *during the prior fiscal year.*

22 *EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS*

23 *For necessary expenses of educational and cultural ex-*
24 *change programs, as authorized, \$777,500,000, to remain*
25 *available until expended, of which not less than*

1254

1 \$287,500,000 shall be for the Fulbright Program and not
2 less than \$115,000,000 shall be for Citizen Exchange Pro-
3 gram: Provided, That fees or other payments received from,
4 or in connection with, English teaching, educational advis-
5 ing and counseling programs, and exchange visitor pro-
6 grams as authorized may be credited to this account, to re-
7 main available until expended: Provided further, That a
8 portion of the Fulbright awards from the Eurasia and Cen-
9 tral Asia regions shall be designated as Edmund S. Muskie
10 Fellowships, following consultation with the Committees on
11 Appropriations: Provided further, That funds appropriated
12 under this heading that are made available for the Ben-
13 jamin Gilman International Scholarships Program shall
14 also be made available for the John S. McCain Scholars
15 Program, pursuant to section 7075 of the Department of
16 State, Foreign Operations, and Related Programs Appro-
17 priations Act, 2019 (division F of Public Law 116–6): Pro-
18 vided further, That funds appropriated under this heading
19 shall be made available for the Arctic Exchange Program:
20 Provided further, That any substantive modifications from
21 the prior fiscal year to programs funded by this Act under
22 this heading shall be subject to prior consultation with, and
23 the regular notification procedures of, the Committees on
24 Appropriations.

1255

1 *REPRESENTATION EXPENSES*2 *For representation expenses as authorized, \$7,415,000.*3 *PROTECTION OF FOREIGN MISSIONS AND OFFICIALS*4 *For necessary expenses, not otherwise provided, to en-*
5 *able the Secretary of State to provide for extraordinary pro-*
6 *TECTIVE services, as authorized, \$30,890,000, to remain avail-*
7 *able until September 30, 2024.*8 *EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE*9 *For necessary expenses for carrying out the Foreign*
10 *Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), pre-*
11 *serving, maintaining, repairing, and planning for real*
12 *property that are owned or leased by the Department of*
13 *State, and renovating, in addition to funds otherwise avail-*
14 *able, the Harry S Truman Building, \$902,615,000, to re-*
15 *main available until September 30, 2027, of which not to*
16 *exceed \$25,000 may be used for overseas representation ex-*
17 *penses as authorized: Provided, That none of the funds ap-*
18 *propriated in this paragraph shall be available for acquisi-*
19 *tion of furniture, furnishings, or generators for other de-*
20 *partments and agencies of the United States Government.*
21 *In addition, for the costs of worldwide security up-*
22 *grades, acquisition, and construction as authorized,*
23 *\$1,055,206,000, to remain available until expended.*

1256

1 *EMERGENCIES IN THE DIPLOMATIC AND CONSULAR*2 *SERVICE*

3 *For necessary expenses to enable the Secretary of State*
4 *to meet unforeseen emergencies arising in the Diplomatic*
5 *and Consular Service, as authorized, \$8,885,000, to remain*
6 *available until expended, of which not to exceed \$1,000,000*
7 *may be transferred to, and merged with, funds appro-*
8 *priated by this Act under the heading “Repatriation Loans*
9 *Program Account”.*

10 *REPATRIATION LOANS PROGRAM ACCOUNT*

11 *For the cost of direct loans, \$1,300,000, as authorized:*
12 *Provided, That such costs, including the cost of modifying*
13 *such loans, shall be as defined in section 502 of the Congres-*
14 *sional Budget Act of 1974: Provided further, That such*
15 *funds are available to subsidize gross obligations for the*
16 *principal amount of direct loans not to exceed \$4,753,048.*

17 *PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN*

18 *For necessary expenses to carry out the Taiwan Rela-*
19 *tions Act (Public Law 96–8), \$34,083,000.*

20 *INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF*21 *COLUMBIA*

22 *Not to exceed \$1,842,732 shall be derived from fees col-*
23 *lected from other executive agencies for lease or use of facili-*
24 *ties at the International Center in accordance with section*
25 *4 of the International Center Act (Public Law 90–553),*

1257

1 *and, in addition, as authorized by section 5 of such Act,*
2 *\$743,000, to be derived from the reserve authorized by such*
3 *section, to be used for the purposes set out in that section.*

4 *PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND*
5 *DISABILITY FUND*

6 *For payment to the Foreign Service Retirement and*
7 *Disability Fund, as authorized, \$158,900,000.*

8 *INTERNATIONAL ORGANIZATIONS*

9 *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

10 *For necessary expenses, not otherwise provided for, to*
11 *meet annual obligations of membership in international*
12 *multilateral organizations, pursuant to treaties ratified*
13 *pursuant to the advice and consent of the Senate, conven-*
14 *tions, or specific Acts of Congress, \$1,438,000,000, of which*
15 *\$96,240,000 may remain available until September 30,*
16 *2024: Provided, That the Secretary of State shall, at the*
17 *time of the submission of the President's budget to Congress*
18 *under section 1105(a) of title 31, United States Code, trans-*
19 *mit to the Committees on Appropriations the most recent*
20 *biennial budget prepared by the United Nations for the op-*
21 *erations of the United Nations: Provided further, That the*
22 *Secretary of State shall notify the Committees on Appro-*
23 *priations at least 15 days in advance (or in an emergency,*
24 *as far in advance as is practicable) of any United Nations*
25 *action to increase funding for any United Nations program*

1258

1 *without identifying an offsetting decrease elsewhere in the*
2 *United Nations budget: Provided further, That any pay-*
3 *ment of arrearages under this heading shall be directed to*
4 *activities that are mutually agreed upon by the United*
5 *States and the respective international organization and*
6 *shall be subject to the regular notification procedures of the*
7 *Committees on Appropriations: Provided further, That*
8 *none of the funds appropriated under this heading shall be*
9 *available for a United States contribution to an inter-*
10 *national organization for the United States share of interest*
11 *costs made known to the United States Government by such*
12 *organization for loans incurred on or after October 1, 1984,*
13 *through external borrowings.*

14 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*

15 *ACTIVITIES*

16 *For necessary expenses to pay assessed and other ex-*
17 *penses of international peacekeeping activities directed to*
18 *the maintenance or restoration of international peace and*
19 *security, \$1,481,915,000, of which \$740,958,000 may re-*
20 *main available until September 30, 2024: Provided, That*
21 *none of the funds made available by this Act shall be obli-*
22 *gated or expended for any new or expanded United Nations*
23 *peacekeeping mission unless, at least 15 days in advance*
24 *of voting for such mission in the United Nations Security*
25 *Council (or in an emergency as far in advance as is prac-*

1259

1 ticable), the Committees on Appropriations are notified of:
2 (1) the estimated cost and duration of the mission, the objec-
3 tives of the mission, the national interest that will be served,
4 and the exit strategy; and (2) the sources of funds, including
5 any reprogrammings or transfers, that will be used to pay
6 the cost of the new or expanded mission, and the estimated
7 cost in future fiscal years: Provided further, That none of
8 the funds appropriated under this heading may be made
9 available for obligation unless the Secretary of State cer-
10 tifies and reports to the Committees on Appropriations on
11 a peacekeeping mission-by-mission basis that the United
12 Nations is implementing effective policies and procedures
13 to prevent United Nations employees, contractor personnel,
14 and peacekeeping troops serving in such mission from traf-
15 ficking in persons, exploiting victims of trafficking, or com-
16 mitting acts of sexual exploitation and abuse or other viola-
17 tions of human rights, and to hold accountable individuals
18 who engage in such acts while participating in such mis-
19 sion, including prosecution in their home countries and
20 making information about such prosecutions publicly avail-
21 able on the website of the United Nations: Provided further,
22 That the Secretary of State shall work with the United Na-
23 tions and foreign governments contributing peacekeeping
24 troops to implement effective vetting procedures to ensure
25 that such troops have not violated human rights: Provided

1260

1 *further, That funds shall be available for peacekeeping ex-*
2 *penses unless the Secretary of State determines that United*
3 *States manufacturers and suppliers are not being given op-*
4 *portunities to provide equipment, services, and material for*
5 *United Nations peacekeeping activities equal to those being*
6 *given to foreign manufacturers and suppliers: Provided fur-*
7 *ther, That none of the funds appropriated or otherwise*
8 *made available under this heading may be used for any*
9 *United Nations peacekeeping mission that will involve*
10 *United States Armed Forces under the command or oper-*
11 *ational control of a foreign national, unless the President's*
12 *military advisors have submitted to the President a rec-*
13 *ommendation that such involvement is in the national in-*
14 *terest of the United States and the President has submitted*
15 *to Congress such a recommendation: Provided further, That*
16 *any payment of arrearages with funds appropriated by this*
17 *Act shall be subject to the regular notification procedures*
18 *of the Committees on Appropriations.*

19 *INTERNATIONAL COMMISSIONS*

20 *For necessary expenses, not otherwise provided for, to*
21 *meet obligations of the United States arising under treaties,*
22 *or specific Acts of Congress, as follows:*

1261

1 *INTERNATIONAL BOUNDARY AND WATER COMMISSION,*
2 *UNITED STATES AND MEXICO*

3 *For necessary expenses for the United States Section*
4 *of the International Boundary and Water Commission,*
5 *United States and Mexico, and to comply with laws appli-*
6 *cable to the United States Section, including not to exceed*
7 *\$6,000 for representation expenses, as follows:*

8 *SALARIES AND EXPENSES*

9 *For salaries and expenses, not otherwise provided for,*
10 *\$57,935,000, of which \$8,690,000 may remain available*
11 *until September 30, 2024.*

12 *CONSTRUCTION*

13 *For detailed plan preparation and construction of au-*
14 *thorized projects, \$53,030,000, to remain available until ex-*
15 *pendent, as authorized: Provided, That of the funds appro-*
16 *priated under this heading in this Act and prior Acts mak-*
17 *ing appropriations for the Department of State, foreign op-*
18 *erations, and related programs for the United States Sec-*
19 *tion, up to \$5,000,000 may be transferred to, and merged*
20 *with, funds appropriated under the heading “Salaries and*
21 *Expenses” to carry out the purposes of the United States*
22 *Section, which shall be subject to prior consultation with,*
23 *and the regular notification procedures of, the Committees*
24 *on Appropriations: Provided further, That such transfer*

1262

1 *authority is in addition to any other transfer authority*
2 *provided in this Act.*

3 *AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS*

4 *For necessary expenses, not otherwise provided, for the*
5 *International Joint Commission and the International*
6 *Boundary Commission, United States and Canada, as au-*
7 *thorized by treaties between the United States and Canada*
8 *or Great Britain, and for technical assistance grants and*
9 *the Community Assistance Program of the North American*
10 *Development Bank, \$16,204,000: Provided, That of the*
11 *amount provided under this heading for the International*
12 *Joint Commission, up to \$1,250,000 may remain available*
13 *until September 30, 2024, and up to \$9,000 may be made*
14 *available for representation expenses: Provided further,*
15 *That of the amount provided under this heading for the*
16 *International Boundary Commission, up to \$1,000 may be*
17 *made available for representation expenses.*

18 *INTERNATIONAL FISHERIES COMMISSIONS*

19 *For necessary expenses for international fisheries com-*
20 *missions, not otherwise provided for, as authorized by law,*
21 *\$65,719,000: Provided, That the United States share of such*
22 *expenses may be advanced to the respective commissions*
23 *pursuant to section 3324 of title 31, United States Code.*

1263

1 *RELATED AGENCY*2 *UNITED STATES AGENCY FOR GLOBAL MEDIA*3 *INTERNATIONAL BROADCASTING OPERATIONS*

4 *For necessary expenses to enable the United States*
5 *Agency for Global Media (USAGM), as authorized, to carry*
6 *out international communication activities, and to make*
7 *and supervise grants for radio, Internet, and television*
8 *broadcasting to the Middle East, \$875,000,000, of which*
9 *\$43,750,000 may remain available until September 30,*
10 *2024: Provided, That in addition to amounts otherwise*
11 *available for such purposes, up to \$60,708,000 of the*
12 *amount appropriated under this heading may remain*
13 *available until expended for satellite transmissions and*
14 *Internet freedom programs, of which not less than*
15 *\$40,000,000 shall be for Internet freedom programs: Pro-*
16 *vided further, That of the total amount appropriated under*
17 *this heading, not to exceed \$35,000 may be used for rep-*
18 *resentation expenses, of which \$10,000 may be used for such*
19 *expenses within the United States as authorized, and not*
20 *to exceed \$30,000 may be used for representation expenses*
21 *of Radio Free Europe/Radio Liberty: Provided further,*
22 *That funds appropriated under this heading shall be allo-*
23 *cated in accordance with the table included under this head-*
24 *ing in the explanatory statement described in section 4 (in*
25 *the matter preceding division A of this consolidated Act):*

1264

1 *Provided further, That notwithstanding the previous pro-*
2 *viso, funds may be reprogrammed within and between*
3 *amounts designated in such table, subject to the regular no-*
4 *tification procedures of the Committees on Appropriations,*
5 *except that no such reprogramming may reduce a des-*
6 *ignated amount by more than 5 percent: Provided further,*
7 *That funds appropriated under this heading shall be made*
8 *available in accordance with the principles and standards*
9 *set forth in section 303(a) and (b) of the United States*
10 *International Broadcasting Act of 1994 (22 U.S.C. 6202)*
11 *and section 305(b) of such Act (22 U.S.C. 6204): Provided*
12 *further, That the USAGM Chief Executive Officer shall no-*
13 *tify the Committees on Appropriations within 15 days of*
14 *any determination by the USAGM that any of its broadcast*
15 *entities, including its grantee organizations, provides an*
16 *open platform for international terrorists or those who sup-*
17 *port international terrorism, or is in violation of the prin-*
18 *ciples and standards set forth in section 303(a) and (b) of*
19 *such Act or the entity's journalistic code of ethics: Provided*
20 *further, That in addition to funds made available under*
21 *this heading, and notwithstanding any other provision of*
22 *law, up to \$5,000,000 in receipts from advertising and rev-*
23 *enue from business ventures, up to \$500,000 in receipts*
24 *from cooperating international organizations, and up to*
25 *\$1,000,000 in receipts from privatization efforts of the Voice*

1265

1 *of America and the International Broadcasting Bureau,*
2 *shall remain available until expended for carrying out au-*
3 *thorized purposes: Provided further, That significant modi-*
4 *fications to USAGM broadcast hours previously justified to*
5 *Congress, including changes to transmission platforms*
6 *(shortwave, medium wave, satellite, Internet, and tele-*
7 *vision), for all USAGM language services shall be subject*
8 *to the regular notification procedures of the Committees on*
9 *Appropriations: Provided further, That up to \$5,000,000*
10 *from the USAGM Buying Power Maintenance account may*
11 *be transferred to, and merged with, funds appropriated by*
12 *this Act under the heading “International Broadcasting*
13 *Operations”, which shall remain available until expended:*
14 *Provided further, That such transfer authority is in addi-*
15 *tion to any transfer authority otherwise available under*
16 *any other provision of law and shall be subject to prior con-*
17 *sultation with, and the regular notification procedures of,*
18 *the Committees on Appropriations.*

19 *BROADCASTING CAPITAL IMPROVEMENTS*

20 *For the purchase, rent, construction, repair, preserva-*
21 *tion, and improvement of facilities for radio, television, and*
22 *digital transmission and reception; the purchase, rent, and*
23 *installation of necessary equipment for radio, television,*
24 *and digital transmission and reception, including to Cuba,*
25 *as authorized; and physical security worldwide, in addition*

1266

1 *to amounts otherwise available for such purposes,*
2 *\$9,700,000, to remain available until expended, as author-*
3 *ized.*

*RELATED PROGRAMS**THE ASIA FOUNDATION*

6 *For a grant to The Asia Foundation, as authorized*
7 *by The Asia Foundation Act (22 U.S.C. 4402), \$22,000,000,*
8 *to remain available until expended.*

UNITED STATES INSTITUTE OF PEACE

10 *For necessary expenses of the United States Institute*
11 *of Peace, as authorized by the United States Institute of*
12 *Peace Act (22 U.S.C. 4601 et seq.), \$55,000,000, to remain*
13 *available until September 30, 2024, which shall not be used*
14 *for construction activities.*

*CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE**TRUST FUND*

17 *For necessary expenses of the Center for Middle East-*
18 *ern-Western Dialogue Trust Fund, as authorized by section*
19 *633 of the Departments of Commerce, Justice, and State,*
20 *the Judiciary, and Related Agencies Appropriations Act,*
21 *2004 (22 U.S.C. 2078), the total amount of the interest and*
22 *earnings accruing to such Fund on or before September 30,*
23 *2023, to remain available until expended.*

1267

1 *EISENHOWER EXCHANGE FELLOWSHIP PROGRAM*

2 *For necessary expenses of Eisenhower Exchange Fel-*
3 *lowships, Incorporated, as authorized by sections 4 and 5*
4 *of the Eisenhower Exchange Fellowship Act of 1990 (20*
5 *U.S.C. 5204–5205), all interest and earnings accruing to*
6 *the Eisenhower Exchange Fellowship Program Trust Fund*
7 *on or before September 30, 2023, to remain available until*
8 *expended: Provided, That none of the funds appropriated*
9 *herein shall be used to pay any salary or other compensa-*
10 *tion, or to enter into any contract providing for the pay-*
11 *ment thereof, in excess of the rate authorized by section 5376*
12 *of title 5, United States Code; or for purposes which are*
13 *not in accordance with section 200 of title 2 of the Code*
14 *of Federal Regulations, including the restrictions on com-*
15 *pensation for personal services.*

16 *ISRAELI ARAB SCHOLARSHIP PROGRAM*

17 *For necessary expenses of the Israeli Arab Scholarship*
18 *Program, as authorized by section 214 of the Foreign Rela-*
19 *tions Authorization Act, Fiscal Years 1992 and 1993 (22*
20 *U.S.C. 2452 note), all interest and earnings accruing to the*
21 *Israeli Arab Scholarship Fund on or before September 30,*
22 *2023, to remain available until expended.*

23 *EAST-WEST CENTER*

24 *To enable the Secretary of State to provide for car-*
25 *rying out the provisions of the Center for Cultural and*

1268

1 *Technical Interchange Between East and West Act of 1960,*
2 *by grant to the Center for Cultural and Technical Inter-*
3 *change Between East and West in the State of Hawaii,*
4 *\$22,000,000.*

5 *NATIONAL ENDOWMENT FOR DEMOCRACY*

6 *For grants made by the Department of State to the*
7 *National Endowment for Democracy, as authorized by the*
8 *National Endowment for Democracy Act (22 U.S.C. 4412),*
9 *\$315,000,000, to remain available until expended, of which*
10 *\$205,632,000 shall be allocated in the traditional and cus-*
11 *tomary manner, including for the core institutes, and*
12 *\$109,368,000 shall be for democracy programs: Provided,*
13 *That the requirements of section 7062(a) of this Act shall*
14 *not apply to funds made available under this heading.*

15 *OTHER COMMISSIONS*

16 *COMMISSION FOR THE PRESERVATION OF AMERICA'S*

17 *HERITAGE ABROAD*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses for the Commission for the*
20 *Preservation of America's Heritage Abroad, \$819,000, as*
21 *authorized by chapter 3123 of title 54, United States Code:*
22 *Provided, That the Commission may procure temporary,*
23 *intermittent, and other services notwithstanding paragraph*
24 *(3) of section 312304(b) of such chapter: Provided further,*
25 *That such authority shall terminate on October 1, 2023:*

1269

1 *Provided further, That the Commission shall notify the*
2 *Committees on Appropriations prior to exercising such au-*
3 *thority.*

4 *UNITED STATES COMMISSION ON INTERNATIONAL*
5 *RELIGIOUS FREEDOM*
6 *SALARIES AND EXPENSES*

7 *For necessary expenses for the United States Commis-*
8 *sion on International Religious Freedom, as authorized by*
9 *title II of the International Religious Freedom Act of 1998*
10 *(22 U.S.C. 6431 et seq.), \$3,500,000, to remain available*
11 *until September 30, 2024, including not more than \$4,000*
12 *for representation expenses.*

13 *COMMISSION ON SECURITY AND COOPERATION IN EUROPE*
14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Commission on Security*
16 *and Cooperation in Europe, as authorized by Public Law*
17 *94–304 (22 U.S.C. 3001 et seq.), \$2,908,000, including not*
18 *more than \$6,000 for representation expenses, to remain*
19 *available until September 30, 2024.*

20 *CONGRESSIONAL-EXECUTIVE COMMISSION ON THE*
21 *PEOPLE’S REPUBLIC OF CHINA*
22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the Congressional-Executive*
24 *Commission on the People’s Republic of China, as author-*
25 *ized by title III of the U.S.-China Relations Act of 2000*

1270

1 (22 U.S.C. 6911 et seq.), \$2,300,000, including not more
2 than \$3,000 for representation expenses, to remain avail-
3 able until September 30, 2024.

4 UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW
5 COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the United States-China
8 Economic and Security Review Commission, as authorized
9 by section 1238 of the Floyd D. Spence National Defense
10 Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002),
11 \$4,000,000, including not more than \$4,000 for representa-
12 tion expenses, to remain available until September 30,
13 2024: Provided, That the authorities, requirements, limita-
14 tions, and conditions contained in the second through fifth
15 provisos under this heading in the Department of State,
16 Foreign Operations, and Related Programs Appropriations
17 Act, 2010 (division F of Public Law 111–117) shall con-
18 tinue in effect during fiscal year 2023 and shall apply to
19 funds appropriated under this heading.

1271

1 *TITLE II*
2 *UNITED STATES AGENCY FOR INTERNATIONAL*
3 *DEVELOPMENT*

4 *FUNDS APPROPRIATED TO THE PRESIDENT*
5 *OPERATING EXPENSES*

6 *For necessary expenses to carry out the provisions of*
7 *section 667 of the Foreign Assistance Act of 1961,*
8 *\$1,743,350,000, of which up to \$261,503,000 may remain*
9 *available until September 30, 2024: Provided, That none*
10 *of the funds appropriated under this heading and under*
11 *the heading “Capital Investment Fund” in this title may*
12 *be made available to finance the construction (including ar-*
13 *chitect and engineering services), purchase, or long-term*
14 *lease of offices for use by the United States Agency for Inter-*
15 *national Development, unless the USAID Administrator*
16 *has identified such proposed use of funds in a report sub-*
17 *mitted to the Committees on Appropriations at least 15*
18 *days prior to the obligation of funds for such purposes: Pro-*
19 *vided further, That contracts or agreements entered into*
20 *with funds appropriated under this heading may entail*
21 *commitments for the expenditure of such funds through the*
22 *following fiscal year: Provided further, That the authority*
23 *of sections 610 and 109 of the Foreign Assistance Act of*
24 *1961 may be exercised by the Secretary of State to transfer*
25 *funds appropriated to carry out chapter 1 of part I of such*

1272

1 *Act to “Operating Expenses” in accordance with the provi-*
2 *sions of those sections: Provided further, That of the funds*
3 *appropriated or made available under this heading, not to*
4 *exceed \$250,000 may be available for representation and*
5 *entertainment expenses, of which not to exceed \$5,000 may*
6 *be available for entertainment expenses, and not to exceed*
7 *\$100,500 shall be for official residence expenses, for USAID*
8 *during the current fiscal year: Provided further, That of*
9 *the funds appropriated under this heading, up to*
10 *\$20,000,000 may be transferred to, and merged with, funds*
11 *appropriated or otherwise made available in title II of this*
12 *Act under the heading “Capital Investment Fund”, subject*
13 *to prior consultation with, and the regular notification pro-*
14 *cedures of, the Committees on Appropriations.*

15 *CAPITAL INVESTMENT FUND*

16 *For necessary expenses for overseas construction and*
17 *related costs, and for the procurement and enhancement of*
18 *information technology and related capital investments,*
19 *pursuant to section 667 of the Foreign Assistance Act of*
20 *1961, \$259,100,000, to remain available until expended:*
21 *Provided, That this amount is in addition to funds other-*
22 *wise available for such purposes: Provided further, That*
23 *funds appropriated under this heading shall be available*
24 *subject to the regular notification procedures of the Commit-*
25 *tees on Appropriations.*

1273

1 *OFFICE OF INSPECTOR GENERAL*

2 *For necessary expenses to carry out the provisions of*
3 *section 667 of the Foreign Assistance Act of 1961,*
4 *\$80,500,000, of which up to \$12,075,000 may remain avail-*
5 *able until September 30, 2024, for the Office of Inspector*
6 *General of the United States Agency for International De-*
7 *velopment.*

1274

1 *TITLE III*2 *BILATERAL ECONOMIC ASSISTANCE*3 *FUNDS APPROPRIATED TO THE PRESIDENT*

4 *For necessary expenses to enable the President to carry*
5 *out the provisions of the Foreign Assistance Act of 1961,*
6 *and for other purposes, as follows:*

7 *GLOBAL HEALTH PROGRAMS*

8 *For necessary expenses to carry out the provisions of*
9 *chapters 1 and 10 of part I of the Foreign Assistance Act*
10 *of 1961, for global health activities, in addition to funds*
11 *otherwise available for such purposes, \$4,165,950,000, to re-*
12 *main available until September 30, 2024, and which shall*
13 *be apportioned directly to the United States Agency for*
14 *International Development: Provided, That this amount*
15 *shall be made available for training, equipment, and tech-*
16 *nical assistance to build the capacity of public health insti-*
17 *tutions and organizations in developing countries, and for*
18 *such activities as: (1) child survival and maternal health*
19 *programs; (2) immunization and oral rehydration pro-*
20 *grams; (3) other health, nutrition, water and sanitation*
21 *programs which directly address the needs of mothers and*
22 *children, and related education programs; (4) assistance for*
23 *children displaced or orphaned by causes other than AIDS;*
24 *(5) programs for the prevention, treatment, control of, and*
25 *research on HIV/AIDS, tuberculosis, polio, malaria, and*

1275

1 *other infectious diseases including neglected tropical dis-*
2 *eases, and for assistance to communities severely affected*
3 *by HIV/AIDS, including children infected or affected by*
4 *AIDS; (6) disaster preparedness training for health crises;*
5 *(7) programs to prevent, prepare for, and respond to unan-*
6 *ticipated and emerging global health threats, including*
7 *zoonotic diseases; and (8) family planning/reproductive*
8 *health: Provided further, That funds appropriated under*
9 *this paragraph may be made available for United States*
10 *contributions to The GAVI Alliance and to a multilateral*
11 *vaccine development partnership to support epidemic pre-*
12 *paredness: Provided further, That none of the funds made*
13 *available in this Act nor any unobligated balances from*
14 *prior appropriations Acts may be made available to any*
15 *organization or program which, as determined by the Presi-*
16 *dent of the United States, supports or participates in the*
17 *management of a program of coercive abortion or involun-*
18 *tary sterilization: Provided further, That any determina-*
19 *tion made under the previous proviso must be made not*
20 *later than 6 months after the date of enactment of this Act,*
21 *and must be accompanied by the evidence and criteria uti-*
22 *lized to make the determination: Provided further, That*
23 *none of the funds made available under this Act may be*
24 *used to pay for the performance of abortion as a method*
25 *of family planning or to motivate or coerce any person to*

1276

1 *practice abortions: Provided further, That nothing in this*
2 *paragraph shall be construed to alter any existing statutory*
3 *prohibitions against abortion under section 104 of the For-*
4 *ign Assistance Act of 1961: Provided further, That none*
5 *of the funds made available under this Act may be used*
6 *to lobby for or against abortion: Provided further, That in*
7 *order to reduce reliance on abortion in developing nations,*
8 *funds shall be available only to voluntary family planning*
9 *projects which offer, either directly or through referral to,*
10 *or information about access to, a broad range of family*
11 *planning methods and services, and that any such vol-*
12 *untary family planning project shall meet the following re-*
13 *quirements: (1) service providers or referral agents in the*
14 *project shall not implement or be subject to quotas, or other*
15 *numerical targets, of total number of births, number of fam-*
16 *ily planning acceptors, or acceptors of a particular method*
17 *of family planning (this provision shall not be construed*
18 *to include the use of quantitative estimates or indicators*
19 *for budgeting and planning purposes); (2) the project shall*
20 *not include payment of incentives, bribes, gratuities, or fi-*
21 *nancial reward to: (A) an individual in exchange for be-*
22 *coming a family planning acceptor; or (B) program per-*
23 *sonnel for achieving a numerical target or quota of total*
24 *number of births, number of family planning acceptors, or*
25 *acceptors of a particular method of family planning; (3)*

1277

1 *the project shall not deny any right or benefit, including*
2 *the right of access to participate in any program of general*
3 *welfare or the right of access to health care, as a consequence*
4 *of any individual's decision not to accept family planning*
5 *services; (4) the project shall provide family planning ac-*
6 *ceptors comprehensible information on the health benefits*
7 *and risks of the method chosen, including those conditions*
8 *that might render the use of the method inadvisable and*
9 *those adverse side effects known to be consequent to the use*
10 *of the method; and (5) the project shall ensure that experi-*
11 *mental contraceptive drugs and devices and medical proce-*
12 *dures are provided only in the context of a scientific study*
13 *in which participants are advised of potential risks and*
14 *benefits; and, not less than 60 days after the date on which*
15 *the USAID Administrator determines that there has been*
16 *a violation of the requirements contained in paragraph (1),*
17 *(2), (3), or (5) of this proviso, or a pattern or practice of*
18 *violations of the requirements contained in paragraph (4)*
19 *of this proviso, the Administrator shall submit to the Com-*
20 *mittees on Appropriations a report containing a descrip-*
21 *tion of such violation and the corrective action taken by*
22 *the Agency: Provided further, That in awarding grants for*
23 *natural family planning under section 104 of the Foreign*
24 *Assistance Act of 1961 no applicant shall be discriminated*
25 *against because of such applicant's religious or conscien-*

1278

1 *tious commitment to offer only natural family planning;*
2 *and, additionally, all such applicants shall comply with the*
3 *requirements of the previous proviso: Provided further, That*
4 *for purposes of this or any other Act authorizing or appro-*
5 *priating funds for the Department of State, foreign oper-*
6 *ations, and related programs, the term “motivate”, as it*
7 *relates to family planning assistance, shall not be construed*
8 *to prohibit the provision, consistent with local law, of infor-*
9 *mation or counseling about all pregnancy options: Provided*
10 *further, That information provided about the use of*
11 *condoms as part of projects or activities that are funded*
12 *from amounts appropriated by this Act shall be medically*
13 *accurate and shall include the public health benefits and*
14 *failure rates of such use.*

15 *In addition, for necessary expenses to carry out the*
16 *provisions of the Foreign Assistance Act of 1961 for the pre-*
17 *vention, treatment, and control of, and research on, HIV/*
18 *AIDS, \$6,395,000,000, to remain available until September*
19 *30, 2027, which shall be apportioned directly to the Depart-*
20 *ment of State: Provided, That funds appropriated under*
21 *this paragraph may be made available, notwithstanding*
22 *any other provision of law, except for the United States*
23 *Leadership Against HIV/AIDS, Tuberculosis, and Malaria*
24 *Act of 2003 (Public Law 108–25), for a United States con-*
25 *tribution to the Global Fund to Fight AIDS, Tuberculosis*

1279

1 *and Malaria (Global Fund): Provided further, That the*
2 *amount of such contribution shall be \$2,000,000,000: Pro-*
3 *vided further, That up to 5 percent of the aggregate amount*
4 *of funds made available to the Global Fund in fiscal year*
5 *2023 may be made available to USAID for technical assist-*
6 *ance related to the activities of the Global Fund, subject*
7 *to the regular notification procedures of the Committees on*
8 *Appropriations: Provided further, That of the funds appro-*
9 *priated under this paragraph, up to \$17,000,000 may be*
10 *made available, in addition to amounts otherwise available*
11 *for such purposes, for administrative expenses of the Office*
12 *of the United States Global AIDS Coordinator.*

13 *DEVELOPMENT ASSISTANCE*

14 *For necessary expenses to carry out the provisions of*
15 *sections 103, 105, 106, 214, and sections 251 through 255,*
16 *and chapter 10 of part I of the Foreign Assistance Act of*
17 *1961, \$4,368,613,000, to remain available until September*
18 *30, 2024: Provided, That funds made available under this*
19 *heading shall be apportioned to the United States Agency*
20 *for International Development.*

21 *INTERNATIONAL DISASTER ASSISTANCE*

22 *For necessary expenses to carry out the provisions of*
23 *section 491 of the Foreign Assistance Act of 1961 for inter-*
24 *national disaster relief, rehabilitation, and reconstruction*
25 *assistance, \$3,905,460,000, to remain available until ex-*

1280

1 *pending: Provided, That funds made available under this*
2 *heading shall be apportioned to the United States Agency*
3 *for International Development not later than 60 days after*
4 *the date of enactment of this Act.*

5 *TRANSITION INITIATIVES*

6 *For necessary expenses for international disaster reha-*
7 *bilitation and reconstruction assistance administered by the*
8 *Office of Transition Initiatives, United States Agency for*
9 *International Development, pursuant to section 491 of the*
10 *Foreign Assistance Act of 1961, and to support transition*
11 *to democracy and long-term development of countries in cri-*
12 *sis, \$80,000,000, to remain available until expended: Pro-*
13 *vided, That such support may include assistance to develop,*
14 *strengthen, or preserve democratic institutions and proc-*
15 *esses, revitalize basic infrastructure, and foster the peaceful*
16 *resolution of conflict: Provided further, That the USAID*
17 *Administrator shall submit a report to the Committees on*
18 *Appropriations at least 5 days prior to beginning a new,*
19 *or terminating a, program of assistance: Provided further,*
20 *That if the Secretary of State determines that it is impor-*
21 *tant to the national interest of the United States to provide*
22 *transition assistance in excess of the amount appropriated*
23 *under this heading, up to \$15,000,000 of the funds appro-*
24 *riated by this Act to carry out the provisions of part I*
25 *of the Foreign Assistance Act of 1961 may be used for pur-*

1281

1 *poses of this heading and under the authorities applicable*
2 *to funds appropriated under this heading: Provided further,*
3 *That funds made available pursuant to the previous proviso*
4 *shall be made available subject to prior consultation with*
5 *the Committees on Appropriations.*

6 *COMPLEX CRISES FUND*

7 *For necessary expenses to carry out the provisions of*
8 *section 509(b) of the Global Fragility Act of 2019 (title V*
9 *of division J of Public Law 116–94), \$60,000,000, to re-*
10 *main available until expended: Provided, That funds ap-*
11 *propriated under this heading may be made available not-*
12 *withstanding any other provision of law, except sections*
13 *7007, 7008, and 7018 of this Act and section 620M of the*
14 *Foreign Assistance Act of 1961: Provided further, That*
15 *funds appropriated under this heading shall be apportioned*
16 *to the United States Agency for International Development.*

17 *ECONOMIC SUPPORT FUND*

18 *For necessary expenses to carry out the provisions of*
19 *chapter 4 of part II of the Foreign Assistance Act of 1961,*
20 *\$4,301,301,000, to remain available until September 30,*
21 *2024.*

22 *DEMOCRACY FUND*

23 *For necessary expenses to carry out the provisions of*
24 *the Foreign Assistance Act of 1961 for the promotion of de-*
25 *mocracy globally, including to carry out the purposes of sec-*

1282

tion 502(b)(3) and (5) of Public Law 98–164 (22 U.S.C. 4411), \$222,450,000, to remain available until September 30, 2024, which shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State: Provided, That funds appropriated under this heading that are made available to the National Endowment for Democracy and its core institutes are in addition to amounts otherwise made available by this Act for such purposes: Provided further, That the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall consult with the Committees on Appropriations prior to the initial obligation of funds appropriated under this paragraph.

For an additional amount for such purposes, \$133,250,000, to remain available until September 30, 2024, which shall be made available for the Bureau for Development, Democracy, and Innovation, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act (Public Law 102–511), and the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179), \$500,334,000, to remain available until September 30, 2024, which shall be available, notwithstanding

1283

1 *any other provision of law, except section 7047 of this Act,*
2 *for assistance and related programs for countries identified*
3 *in section 3 of the FREEDOM Support Act (22 U.S.C.*
4 *5801) and section 3(c) of the SEED Act of 1989 (22 U.S.C.*
5 *5402), in addition to funds otherwise available for such*
6 *purposes: Provided, That funds appropriated by this Act*
7 *under the headings “Global Health Programs”, “Economic*
8 *Support Fund”, and “International Narcotics Control and*
9 *Law Enforcement” that are made available for assistance*
10 *for such countries shall be administered in accordance with*
11 *the responsibilities of the coordinator designated pursuant*
12 *to section 102 of the FREEDOM Support Act and section*
13 *601 of the SEED Act of 1989: Provided further, That funds*
14 *appropriated under this heading shall be considered to be*
15 *economic assistance under the Foreign Assistance Act of*
16 *1961 for purposes of making available the administrative*
17 *authorities contained in that Act for the use of economic*
18 *assistance: Provided further, That funds appropriated*
19 *under this heading may be made available for contributions*
20 *to multilateral initiatives to counter hybrid threats.*

21 *DEPARTMENT OF STATE*22 *MIGRATION AND REFUGEE ASSISTANCE*

23 *For necessary expenses not otherwise provided for, to*
24 *enable the Secretary of State to carry out the provisions*
25 *of section 2(a) and (b) of the Migration and Refugee Assist-*

1284

1 *ance Act of 1962 (22 U.S.C. 2601), and other activities to*
2 *meet refugee and migration needs; salaries and expenses of*
3 *personnel and dependents as authorized by the Foreign*
4 *Service Act of 1980 (22 U.S.C. 3901 et seq.); allowances*
5 *as authorized by sections 5921 through 5925 of title 5,*
6 *United States Code; purchase and hire of passenger motor*
7 *vehicles; and services as authorized by section 3109 of title*
8 *5, United States Code, \$2,912,188,000, to remain available*
9 *until expended, of which \$5,000,000 shall be made available*
10 *for refugees resettling in Israel.*

11 *UNITED STATES EMERGENCY REFUGEE AND MIGRATION*

12 *ASSISTANCE FUND*

13 *For necessary expenses to carry out the provisions of*
14 *section 2(c) of the Migration and Refugee Assistance Act*
15 *of 1962 (22 U.S.C. 2601(c)), \$100,000, to remain available*
16 *until expended: Provided, That amounts in excess of the*
17 *limitation contained in paragraph (2) of such section shall*
18 *be transferred to, and merged with, funds made available*
19 *by this Act under the heading “Migration and Refugee As-*
20 *sistance”.*

21 *INDEPENDENT AGENCIES*

22 *PEACE CORPS*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For necessary expenses to carry out the provisions of*
25 *the Peace Corps Act (22 U.S.C. 2501 et seq.), including the*

1285

1 *purchase of not to exceed five passenger motor vehicles for*
2 *administrative purposes for use outside of the United*
3 *States, \$430,500,000, of which \$7,300,000 is for the Office*
4 *of Inspector General, to remain available until September*
5 *30, 2024: Provided, That the Director of the Peace Corps*
6 *may transfer to the Foreign Currency Fluctuations Ac-*
7 *count, as authorized by section 16 of the Peace Corps Act*
8 *(22 U.S.C. 2515), an amount not to exceed \$5,000,000: Pro-*
9 *vided further, That funds transferred pursuant to the pre-*
10 *vious proviso may not be derived from amounts made avail-*
11 *able for Peace Corps overseas operations: Provided further,*
12 *That of the funds appropriated under this heading, not to*
13 *exceed \$104,000 may be available for representation ex-*
14 *penses, of which not to exceed \$4,000 may be made available*
15 *for entertainment expenses: Provided further, That in addi-*
16 *tion to the requirements under section 7015(a) of this Act,*
17 *the Peace Corps shall consult with the Committees on Ap-*
18 *propriations prior to any decision to open, close, or suspend*
19 *a domestic or overseas office or a country program unless*
20 *there is a substantial risk to volunteers or other Peace Corps*
21 *personnel: Provided further, That none of the funds appro-*
22 *priated under this heading shall be used to pay for abor-*
23 *tions: Provided further, That notwithstanding the previous*
24 *proviso, section 614 of division E of Public Law 113–76*
25 *shall apply to funds appropriated under this heading.*

1286

1 MILLENNIUM CHALLENGE CORPORATION

2 *For necessary expenses to carry out the provisions of*
3 *the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et*
4 *seq.) (MCA), \$930,000,000, to remain available until ex-*
5 *pended: Provided, That of the funds appropriated under*
6 *this heading, up to \$130,000,000 may be available for ad-*
7 *ministrative expenses of the Millennium Challenge Corpora-*
8 *tion: Provided further, That section 605(e) of the MCA (22*
9 *U.S.C. 7704(e)) shall apply to funds appropriated under*
10 *this heading: Provided further, That funds appropriated*
11 *under this heading may be made available for a Millen-*
12 *nium Challenge Compact entered into pursuant to section*
13 *609 of the MCA (22 U.S.C. 7708) only if such Compact*
14 *obligates, or contains a commitment to obligate subject to*
15 *the availability of funds and the mutual agreement of the*
16 *parties to the Compact to proceed, the entire amount of the*
17 *United States Government funding anticipated for the du-*
18 *ration of the Compact: Provided further, That of the funds*
19 *appropriated under this heading, not to exceed \$100,000*
20 *may be available for representation and entertainment ex-*
21 *penses, of which not to exceed \$5,000 may be available for*
22 *entertainment expenses.*

23 INTER-AMERICAN FOUNDATION

24 *For necessary expenses to carry out the functions of*
25 *the Inter-American Foundation in accordance with the pro-*

1287

1 *visions of section 401 of the Foreign Assistance Act of 1969,*
2 *\$47,000,000, to remain available until September 30, 2024:*
3 *Provided, That of the funds appropriated under this head-*
4 *ing, not to exceed \$2,000 may be available for representa-*
5 *tion expenses.*

6 *UNITED STATES AFRICAN DEVELOPMENT FOUNDATION*

7 *For necessary expenses to carry out the African Devel-*
8 *opment Foundation Act (title V of Public Law 96–533; 22*
9 *U.S.C. 290h et seq.), \$45,000,000, to remain available until*
10 *September 30, 2024, of which not to exceed \$2,000 may be*
11 *available for representation expenses: Provided, That funds*
12 *made available to grantees may be invested pending expend-*
13 *iture for project purposes when authorized by the Board of*
14 *Directors of the United States African Development Foun-*
15 *dation (USADF): Provided further, That interest earned*
16 *shall be used only for the purposes for which the grant was*
17 *made: Provided further, That notwithstanding section*
18 *505(a)(2) of the African Development Foundation Act (22*
19 *U.S.C. 290h–3(a)(2)), in exceptional circumstances the*
20 *Board of Directors of the USADF may waive the \$250,000*
21 *limitation contained in that section with respect to a*
22 *project and a project may exceed the limitation by up to*
23 *10 percent if the increase is due solely to foreign currency*
24 *fluctuation: Provided further, That the USADF shall sub-*
25 *mit a report to the appropriate congressional committees*

1288

1 *after each time such waiver authority is exercised: Provided*
2 *further, That the USADF may make rent or lease payments*
3 *in advance from appropriations available for such purpose*
4 *for offices, buildings, grounds, and quarters in Africa as*
5 *may be necessary to carry out its functions: Provided fur-*
6 *ther, That the USADF may maintain bank accounts out-*
7 *side the United States Treasury and retain any interest*
8 *earned on such accounts, in furtherance of the purposes of*
9 *the African Development Foundation Act: Provided further,*
10 *That the USADF may not withdraw any appropriation*
11 *from the Treasury prior to the need of spending such funds*
12 *for program purposes.*

13 *DEPARTMENT OF THE TREASURY*

14 *INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE*

15 *For necessary expenses to carry out the provisions of*
16 *section 129 of the Foreign Assistance Act of 1961,*
17 *\$38,000,000, to remain available until expended, of which*
18 *not more than \$9,500,000 may be used for administrative*
19 *expenses: Provided, That amounts made available under*
20 *this heading may be made available to contract for services*
21 *as described in section 129(d)(3)(A) of the Foreign Assist-*
22 *ance Act of 1961, without regard to the location in which*
23 *such services are performed.*

1289

1 *DEBT RESTRUCTURING*

2 *For “Bilateral Economic Assistance—Department of*
3 *the Treasury—Debt Restructuring” there is appropriated*
4 *\$52,000,000, to remain available until September 30, 2026,*
5 *for the costs, as defined in section 502 of the Congressional*
6 *Budget Act of 1974, of modifying loans and loan guarantees*
7 *for, or credits extended to, such countries as the President*
8 *may determine, including the costs of selling, reducing, or*
9 *canceling amounts owed to the United States pursuant to*
10 *multilateral debt restructurings, including Paris Club debt*
11 *restructurings and the “Common Framework for Debt*
12 *Treatments beyond the Debt Service Suspension Initiative”:*
13 *Provided, That such amounts may be used notwithstanding*
14 *any other provision of law.*

15 *TROPICAL FOREST AND CORAL REEF CONSERVATION*

16 *For the costs, as defined in section 502 of the Congres-*
17 *sional Budget Act of 1974, of modifying loans and loan*
18 *guarantees, as the President may determine, for which*
19 *funds have been appropriated or otherwise made available*
20 *for programs within the International Affairs Budget Func-*
21 *tion 150, including the costs of selling, reducing, or can-*
22 *celing amounts owed to the United States as a result of*
23 *concessional loans made to eligible countries pursuant to*
24 *part V of the Foreign Assistance Act of 1961, \$20,000,000,*
25 *to remain available until September 30, 2026.*

1290

1 *TITLE IV*
2 *INTERNATIONAL SECURITY ASSISTANCE*
3 *DEPARTMENT OF STATE*
4 *INTERNATIONAL NARCOTICS CONTROL AND LAW*
5 *ENFORCEMENT*

6 *For necessary expenses to carry out section 481 of the*
7 *Foreign Assistance Act of 1961, \$1,391,004,000, to remain*
8 *available until September 30, 2024: Provided, That the De-*
9 *partment of State may use the authority of section 608 of*
10 *the Foreign Assistance Act of 1961, without regard to its*
11 *restrictions, to receive excess property from an agency of*
12 *the United States Government for the purpose of providing*
13 *such property to a foreign country or international organi-*
14 *zation under chapter 8 of part I of such Act, subject to the*
15 *regular notification procedures of the Committees on Appro-*
16 *priations: Provided further, That section 482(b) of the For-*
17 *ign Assistance Act of 1961 shall not apply to funds appro-*
18 *priated under this heading, except that any funds made*
19 *available notwithstanding such section shall be subject to*
20 *the regular notification procedures of the Committees on*
21 *Appropriations: Provided further, That funds appropriated*
22 *under this heading shall be made available to support train-*
23 *ing and technical assistance for foreign law enforcement,*
24 *corrections, judges, and other judicial authorities, utilizing*
25 *regional partners: Provided further, That funds made avail-*

1291

1 *able under this heading that are transferred to another de-*
2 *partment, agency, or instrumentality of the United States*
3 *Government pursuant to section 632(b) of the Foreign As-*
4 *sistance Act of 1961 valued in excess of \$5,000,000, and*
5 *any agreement made pursuant to section 632(a) of such Act,*
6 *shall be subject to the regular notification procedures of the*
7 *Committees on Appropriations: Provided further, That*
8 *funds made available under this heading for Program De-*
9 *velopment and Support may be made available notwith-*
10 *standing pre-obligation requirements contained in this Act,*
11 *except for the notification requirements of section 7015.*

12 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*
13 *RELATED PROGRAMS*

14 *For necessary expenses for nonproliferation, anti-ter-*
15 *rorism, demining and related programs and activities,*
16 *\$921,000,000, to remain available until September 30,*
17 *2024, to carry out the provisions of chapter 8 of part II*
18 *of the Foreign Assistance Act of 1961 for anti-terrorism as-*
19 *sistance, chapter 9 of part II of the Foreign Assistance Act*
20 *of 1961, section 504 of the FREEDOM Support Act (22*
21 *U.S.C. 5854), section 23 of the Arms Export Control Act*
22 *(22 U.S.C. 2763), or the Foreign Assistance Act of 1961*
23 *for demining activities, the clearance of unexploded ord-*
24 *nance, the destruction of small arms, and related activities,*
25 *notwithstanding any other provision of law, including ac-*

1292

1 *tivities implemented through nongovernmental and inter-*
2 *national organizations, and section 301 of the Foreign As-*
3 *sistance Act of 1961 for a United States contribution to*
4 *the Comprehensive Nuclear Test Ban Treaty Preparatory*
5 *Commission, and for a voluntary contribution to the Inter-*
6 *national Atomic Energy Agency (IAEA): Provided, That*
7 *funds made available under this heading for the Non-*
8 *proliferation and Disarmament Fund shall be made avail-*
9 *able, notwithstanding any other provision of law and sub-*
10 *ject to prior consultation with, and the regular notification*
11 *procedures of, the Committees on Appropriations, to pro-*
12 *mote bilateral and multilateral activities relating to non-*
13 *proliferation, disarmament, and weapons destruction, and*
14 *shall remain available until expended: Provided further,*
15 *That such funds may also be used for such countries other*
16 *than the Independent States of the former Soviet Union and*
17 *international organizations when it is in the national secu-*
18 *rity interest of the United States to do so: Provided further,*
19 *That funds appropriated under this heading may be made*
20 *available for the IAEA unless the Secretary of State deter-*
21 *mines that Israel is being denied its right to participate*
22 *in the activities of that Agency: Provided further, That*
23 *funds made available for conventional weapons destruction*
24 *programs, including demining and related activities, in ad-*
25 *dition to funds otherwise available for such purposes, may*

1293

1 *be used for administrative expenses related to the operation*
2 *and management of such programs and activities, subject*
3 *to the regular notification procedures of the Committees on*
4 *Appropriations.*

5 *PEACEKEEPING OPERATIONS*

6 *For necessary expenses to carry out the provisions of*
7 *section 551 of the Foreign Assistance Act of 1961,*
8 *\$460,759,000, of which \$330,000,000 may remain available*
9 *until September 30, 2024: Provided, That funds appro-*
10 *priated under this heading may be used, notwithstanding*
11 *section 660 of the Foreign Assistance Act of 1961, to provide*
12 *assistance to enhance the capacity of foreign civilian secu-*
13 *rity forces, including gendarmes, to participate in peace-*
14 *keeping operations: Provided further, That of the funds ap-*
15 *propriated under this heading, not less than \$25,000,000*
16 *shall be made available for a United States contribution*
17 *to the Multinational Force and Observers mission in the*
18 *Sinai: Provided further, That funds appropriated under*
19 *this heading may be made available to pay assessed ex-*
20 *penses of international peacekeeping activities in Somalia*
21 *under the same terms and conditions, as applicable, as*
22 *funds appropriated by this Act under the heading “Con-*
23 *tributions for International Peacekeeping Activities”: Pro-*
24 *vided further, That funds appropriated under this heading*

1294

1 *shall be subject to the regular notification procedures of the*
2 *Committees on Appropriations.*

3 *FUNDS APPROPRIATED TO THE PRESIDENT*

4 *INTERNATIONAL MILITARY EDUCATION AND TRAINING*

5 *For necessary expenses to carry out the provisions of*
6 *section 541 of the Foreign Assistance Act of 1961,*
7 *\$112,925,000, to remain available until September 30,*
8 *2024: Provided, That the civilian personnel for whom mili-*
9 *tary education and training may be provided under this*
10 *heading may include civilians who are not members of a*
11 *government whose participation would contribute to im-*
12 *proved civil-military relations, civilian control of the mili-*
13 *tary, or respect for human rights: Provided further, That*
14 *of the funds appropriated under this heading, \$3,000,000*
15 *shall remain available until expended to increase the par-*
16 *ticipation of women in programs and activities funded*
17 *under this heading, following consultation with the Com-*
18 *mittees on Appropriations: Provided further, That of the*
19 *funds appropriated under this heading, not to exceed*
20 *\$50,000 may be available for entertainment expenses.*

21 *FOREIGN MILITARY FINANCING PROGRAM*

22 *For necessary expenses for grants to enable the Presi-*
23 *dent to carry out the provisions of section 23 of the Arms*
24 *Export Control Act (22 U.S.C. 2763), \$6,053,049,000: Pro-*
25 *vided, That to expedite the provision of assistance to foreign*

1295

1 *countries and international organizations, the Secretary of*
2 *State, following consultation with the Committees on Ap-*
3 *propriations and subject to the regular notification proce-*
4 *dures of such Committees, may use the funds appropriated*
5 *under this heading to procure defense articles and services*
6 *to enhance the capacity of foreign security forces: Provided*
7 *further, That funds appropriated or otherwise made avail-*
8 *able under this heading shall be nonrepayable notwith-*
9 *standing any requirement in section 23 of the Arms Export*
10 *Control Act: Provided further, That funds made available*
11 *under this heading shall be obligated upon apportionment*
12 *in accordance with paragraph (5)(C) of section 1501(a) of*
13 *title 31, United States Code.*

14 *None of the funds made available under this heading*
15 *shall be available to finance the procurement of defense arti-*
16 *cles, defense services, or design and construction services*
17 *that are not sold by the United States Government under*
18 *the Arms Export Control Act unless the foreign country pro-*
19 *posing to make such procurement has first signed an agree-*
20 *ment with the United States Government specifying the*
21 *conditions under which such procurement may be financed*
22 *with such funds: Provided, That all country and funding*
23 *level increases in allocations shall be submitted through the*
24 *regular notification procedures of section 7015 of this Act:*
25 *Provided further, That funds made available under this*

1296

1 *heading may be used, notwithstanding any other provision*
2 *of law, for demining, the clearance of unexploded ordnance,*
3 *and related activities, and may include activities imple-*
4 *mented through nongovernmental and international organi-*
5 *zations: Provided further, That a country that is a member*
6 *of the North Atlantic Treaty Organization (NATO) or is*
7 *a major non-NATO ally designated by section 517(b) of the*
8 *Foreign Assistance Act of 1961 may utilize funds made*
9 *available under this heading for procurement of defense ar-*
10 *ticles, defense services, or design and construction services*
11 *that are not sold by the United States Government under*
12 *the Arms Export Control Act: Provided further, That funds*
13 *appropriated under this heading shall be expended at the*
14 *minimum rate necessary to make timely payment for de-*
15 *fense articles and services: Provided further, That not more*
16 *than \$70,000,000 of the funds appropriated under this*
17 *heading may be obligated for necessary expenses, including*
18 *the purchase of passenger motor vehicles for replacement*
19 *only for use outside of the United States, for the general*
20 *costs of administering military assistance and sales, except*
21 *that this limitation may be exceeded only through the reg-*
22 *ular notification procedures of the Committees on Appro-*
23 *priations: Provided further, That of the funds made avail-*
24 *able under this heading for general costs of administering*
25 *military assistance and sales, not to exceed \$4,000 may be*

1297

1 *available for entertainment expenses and not to exceed*
2 *\$130,000 may be available for representation expenses: Pro-*
3 *vided further, That not more than \$1,253,810,229 of funds*
4 *realized pursuant to section 21(e)(1)(A) of the Arms Export*
5 *Control Act (22 U.S.C. 2761(e)(1)(A)) may be obligated for*
6 *expenses incurred by the Department of Defense during fis-*
7 *cal year 2023 pursuant to section 43(b) of the Arms Export*
8 *Control Act (22 U.S.C. 2792(b)), except that this limitation*
9 *may be exceeded only through the regular notification pro-*
10 *cedures of the Committees on Appropriations.*

1298

1 *TITLE V*2 *MULTILATERAL ASSISTANCE*3 *FUNDS APPROPRIATED TO THE PRESIDENT*4 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

5 *For necessary expenses to carry out the provisions of*
6 *section 301 of the Foreign Assistance Act of 1961,*
7 *\$508,600,000: Provided, That section 307(a) of the Foreign*
8 *Assistance Act of 1961 shall not apply to contributions to*
9 *the United Nations Democracy Fund: Provided further,*
10 *That not later than 60 days after the date of enactment*
11 *of this Act, such funds shall be made available for core con-*
12 *tributions for each entity listed in the table under this head-*
13 *ing in the explanatory statement described in section 4 (in*
14 *the matter preceding division A of this consolidated Act)*
15 *unless otherwise provided for in this Act, or if the Secretary*
16 *of State has justified to the Committees on Appropriations*
17 *the proposed uses of funds other than for core contributions*
18 *following prior consultation with, and subject to the regular*
19 *notification procedures of, such Committees.*

20 *INTERNATIONAL FINANCIAL INSTITUTIONS*21 *GLOBAL ENVIRONMENT FACILITY*

22 *For payment to the International Bank for Recon-*
23 *struction and Development as trustee for the Global Envi-*
24 *ronment Facility by the Secretary of the Treasury,*
25 *\$150,200,000, to remain available until expended.*

1299

1 *CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND*

2 *For contribution to the Clean Technology Fund,*
3 *\$125,000,000, to remain available until expended: Pro-*
4 *vided, That up to \$125,000,000 of such amount shall be*
5 *available to cover costs, as defined in section 502 of the Con-*
6 *gressional Budget Act of 1974, of direct loans issued to the*
7 *Clean Technology Fund: Provided further, That such funds*
8 *are available to subsidize gross obligations for the principal*
9 *amount of direct loans without limitation.*

10 *CONTRIBUTION TO THE INTERNATIONAL BANK FOR*11 *RECONSTRUCTION AND DEVELOPMENT*

12 *For payment to the International Bank for Recon-*
13 *struction and Development by the Secretary of the Treasury*
14 *for the United States share of the paid-in portion of the*
15 *increases in capital stock, \$206,500,000, to remain avail-*
16 *able until expended.*

17 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

18 *The United States Governor of the International Bank*
19 *for Reconstruction and Development may subscribe without*
20 *fiscal year limitation to the callable capital portion of the*
21 *United States share of increases in capital stock in an*
22 *amount not to exceed \$1,421,275,728.70.*

1300

1 *CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT*2 *ASSOCIATION*

3 *For payment to the International Development Asso-*
4 *ciation by the Secretary of the Treasury, \$1,430,256,000,*
5 *to remain available until expended.*

6 *CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND*

7 *For payment to the Asian Development Bank's Asian*
8 *Development Fund by the Secretary of the Treasury,*
9 *\$43,610,000, to remain available until expended.*

10 *CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK*

11 *For payment to the African Development Bank by the*
12 *Secretary of the Treasury for the United States share of*
13 *the paid-in portion of the increases in capital stock,*
14 *\$54,648,752, to remain available until expended.*

15 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

16 *The United States Governor of the African Develop-*
17 *ment Bank may subscribe without fiscal year limitation to*
18 *the callable capital portion of the United States share of*
19 *increases in capital stock in an amount not to exceed*
20 *\$856,174,624.*

21 *CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND*

22 *For payment to the African Development Fund by the*
23 *Secretary of the Treasury, \$171,300,000, to remain avail-*
24 *able until expended.*

1301

1 *CONTRIBUTION TO THE INTERNATIONAL FUND FOR*
2 *AGRICULTURAL DEVELOPMENT*

3 *For payment to the International Fund for Agricul-*
4 *tural Development by the Secretary of the Treasury,*
5 *\$43,000,000, to remain available until expended.*

6 *GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM*

7 *For payment to the Global Agriculture and Food Secu-*
8 *rity Program by the Secretary of the Treasury,*
9 *\$10,000,000, to remain available until expended.*

10 *CONTRIBUTIONS TO THE INTERNATIONAL MONETARY FUND*

11 *FACILITIES AND TRUST FUNDS*

12 *For contribution by the Secretary of the Treasury to*
13 *the Poverty Reduction and Growth Trust or the Resilience*
14 *and Sustainability Trust of the International Monetary*
15 *Fund, \$20,000,000, to remain available until September 30,*
16 *2031.*

1302

1 *TITLE VI*2 *EXPORT AND INVESTMENT ASSISTANCE*3 *EXPORT-IMPORT BANK OF THE UNITED STATES*4 *INSPECTOR GENERAL*

5 *For necessary expenses of the Office of Inspector Gen-*
6 *eral in carrying out the provisions of the Inspector General*
7 *Act of 1978 (5 U.S.C. App.), \$7,500,000, of which up to*
8 *\$1,125,000 may remain available until September 30, 2024.*

9 *PROGRAM ACCOUNT*

10 *The Export-Import Bank of the United States is au-*
11 *thorized to make such expenditures within the limits of*
12 *funds and borrowing authority available to such corpora-*
13 *tion, and in accordance with law, and to make such con-*
14 *tracts and commitments without regard to fiscal year limi-*
15 *tations, as provided by section 9104 of title 31, United*
16 *States Code, as may be necessary in carrying out the pro-*
17 *gram for the current fiscal year for such corporation: Pro-*
18 *vided, That none of the funds available during the current*
19 *fiscal year may be used to make expenditures, contracts,*
20 *or commitments for the export of nuclear equipment, fuel,*
21 *or technology to any country, other than a nuclear-weapon*
22 *state as defined in Article IX of the Treaty on the Non-*
23 *Proliferation of Nuclear Weapons eligible to receive eco-*
24 *nomie or military assistance under this Act, that has deto-*

1303

1 *nated a nuclear explosive after the date of enactment of this*
2 *Act.*

3 *ADMINISTRATIVE EXPENSES*

4 *For administrative expenses to carry out the direct*
5 *and guaranteed loan and insurance programs, including*
6 *hire of passenger motor vehicles and services as authorized*
7 *by section 3109 of title 5, United States Code, and not to*
8 *exceed \$30,000 for official reception and representation ex-*
9 *penses for members of the Board of Directors, not to exceed*
10 *\$125,000,000, of which up to \$18,750,000 may remain*
11 *available until September 30, 2024: Provided, That the Ex-*
12 *port-Import Bank (the Bank) may accept, and use, pay-*
13 *ment or services provided by transaction participants for*
14 *legal, financial, or technical services in connection with any*
15 *transaction for which an application for a loan, guarantee*
16 *or insurance commitment has been made: Provided further,*
17 *That notwithstanding subsection (b) of section 117 of the*
18 *Export Enhancement Act of 1992, subsection (a) of such*
19 *section shall remain in effect until September 30, 2023:*
20 *Provided further, That the Bank shall charge fees for nec-*
21 *essary expenses (including special services performed on a*
22 *contract or fee basis, but not including other personal serv-*
23 *ices) in connection with the collection of moneys owed the*
24 *Bank, repossession or sale of pledged collateral or other as-*
25 *sets acquired by the Bank in satisfaction of moneys owed*

1304

1 *the Bank, or the investigation or appraisal of any property,*
2 *or the evaluation of the legal, financial, or technical aspects*
3 *of any transaction for which an application for a loan,*
4 *guarantee or insurance commitment has been made, or sys-*
5 *tems infrastructure directly supporting transactions: Pro-*
6 *vided further, That in addition to other funds appropriated*
7 *for administrative expenses, such fees shall be credited to*
8 *this account for such purposes, to remain available until*
9 *expended.*

10 *PROGRAM BUDGET APPROPRIATIONS*

11 *For the cost of direct loans, loan guarantees, insurance,*
12 *and tied-aid grants as authorized by section 10 of the Ex-*
13 *port-Import Bank Act of 1945, as amended, not to exceed*
14 *\$15,000,000, to remain available until September 30, 2026:*
15 *Provided, That such costs, including the cost of modifying*
16 *such loans, shall be as defined in section 502 of the Congres-*
17 *sional Budget Act of 1974: Provided further, That such*
18 *funds shall remain available until September 30, 2038, for*
19 *the disbursement of direct loans, loan guarantees, insurance*
20 *and tied-aid grants obligated in fiscal years 2023 through*
21 *2026.*

22 *RECEIPTS COLLECTED*

23 *Receipts collected pursuant to the Export-Import Bank*
24 *Act of 1945 (Public Law 79–173) and the Federal Credit*
25 *Reform Act of 1990, in an amount not to exceed the amount*

1305

1 *appropriated herein, shall be credited as offsetting collec-*
2 *tions to this account: Provided, That the sums herein appro-*
3 *priated from the General Fund shall be reduced on a dollar-*
4 *for-dollar basis by such offsetting collections so as to result*
5 *in a final fiscal year appropriation from the General Fund*
6 *estimated at \$0.*

7 *UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE*

8 *CORPORATION*

9 *INSPECTOR GENERAL*

10 *For necessary expenses of the Office of Inspector Gen-*
11 *eral in carrying out the provisions of the Inspector General*
12 *Act of 1978 (5 U.S.C. App.), \$5,583,000, to remain avail-*
13 *able until September 30, 2024.*

14 *CORPORATE CAPITAL ACCOUNT*

15 *The United States International Development Finance*
16 *Corporation (the Corporation) is authorized to make such*
17 *expenditures and commitments within the limits of funds*
18 *and borrowing authority available to the Corporation, and*
19 *in accordance with the law, and to make such expenditures*
20 *and commitments without regard to fiscal year limitations,*
21 *as provided by section 9104 of title 31, United States Code,*
22 *as may be necessary in carrying out the programs for the*
23 *current fiscal year for the Corporation: Provided, That for*
24 *necessary expenses of the activities described in subsections*
25 *(b), (c), (e), (f), and (g) of section 1421 of the BUILD Act*

1306

1 *of 2018 (division F of Public Law 115–254) and for admin-*
2 *istrative expenses to carry out authorized activities and*
3 *project-specific transaction costs described in section*
4 *1434(d) of such Act, \$1,000,000,000: Provided further, That*
5 *of the amount provided—*

6 (1) *\$220,000,000 shall remain available until*
7 *September 30, 2025, for administrative expenses to*
8 *carry out authorized activities (including an amount*
9 *for official reception and representation expenses*
10 *which shall not exceed \$25,000) and project-specific*
11 *transaction costs as described in section 1434(k) of*
12 *such Act; and*

13 (2) *\$780,000,000 shall remain available until*
14 *September 30, 2025, for the activities described in*
15 *subsections (b), (c), (e), (f), and (g) of section 1421*
16 *of the BUILD Act of 2018, except such amounts obli-*
17 *gated in a fiscal year for activities described in sec-*
18 *tion 1421(c) of such Act shall remain available for*
19 *disbursement for the term of the underlying project:*
20 *Provided further, That amounts made available under*
21 *this paragraph may be paid to the “United States*
22 *International Development Finance Corporation—*
23 *Program Account” for programs authorized by sub-*
24 *sections (b), (e), (f), and (g) of section 1421 of the*
25 *BUILD Act of 2018:*

1307

1 *Provided further, That funds may only be obligated pursu-*
2 *ant to section 1421(g) of the BUILD Act of 2018 subject*
3 *to prior consultation with the appropriate congressional*
4 *committees and the regular notification procedures of the*
5 *Committees on Appropriations: Provided further, That*
6 *funds appropriated by this Act and prior Acts making ap-*
7 *propriations for the Department of State, foreign oper-*
8 *ations, and related programs for support by the Corpora-*
9 *tion in upper-middle income countries shall be subject to*
10 *prior consultation with the Committees on Appropriations:*
11 *Provided further, That in fiscal year 2023 collections of*
12 *amounts described in section 1434(h) of the BUILD Act of*
13 *2018 shall be credited as offsetting collections to this appro-*
14 *priation: Provided further, That such collections collected*
15 *in fiscal year 2023 in excess of \$1,000,000,000 shall be cred-*
16 *ited to this account and shall be available in future fiscal*
17 *years only to the extent provided in advance in appropria-*
18 *tions Acts: Provided further, That in fiscal year 2023, if*
19 *such collections are less than \$1,000,000,000, receipts col-*
20 *lected pursuant to the BUILD Act of 2018 and the Federal*
21 *Credit Reform Act of 1990, in an amount equal to such*
22 *shortfall, shall be credited as offsetting collections to this*
23 *appropriation: Provided further, That funds appropriated*
24 *or otherwise made available under this heading may not*
25 *be used to provide any type of assistance that is otherwise*

1308

1 *prohibited by any other provision of law or to provide as-*
2 *sistance to any foreign country that is otherwise prohibited*
3 *by any other provision of law: Provided further, That the*
4 *sums herein appropriated from the General Fund shall be*
5 *reduced on a dollar-for-dollar basis by the offsetting collec-*
6 *tions described under this heading so as to result in a final*
7 *fiscal year appropriation from the General Fund estimated*
8 *at \$588,000,000.*

9 *PROGRAM ACCOUNT*

10 *Amounts paid from “United States International De-*
11 *velopment Finance Corporation—Corporate Capital Ac-*
12 *count” (CCA) shall remain available until September 30,*
13 *2025: Provided, That amounts paid to this account from*
14 *CCA or transferred to this account pursuant to section*
15 *1434(j) of the BUILD Act of 2018 (division F of Public*
16 *Law 115–254) shall be available for the costs of direct and*
17 *guaranteed loans provided by the Corporation pursuant to*
18 *section 1421(b) of such Act and the costs of modifying loans*
19 *and loan guarantees transferred to the Corporation pursu-*
20 *ant to section 1463 of such Act: Provided further, That such*
21 *costs, including the cost of modifying such loans, shall be*
22 *as defined in section 502 of the Congressional Budget Act*
23 *of 1974: Provided further, That such amounts obligated in*
24 *a fiscal year shall remain available for disbursement for*
25 *the following 8 fiscal years: Provided further, That funds*

1309

1 *made available in this Act and transferred to carry out the*
2 *Foreign Assistance Act of 1961 pursuant to section 1434(j)*
3 *of the BUILD Act of 2018 may remain available for obliga-*
4 *tion for 1 additional fiscal year: Provided further, That the*
5 *total loan principal or guaranteed principal amount shall*
6 *not exceed \$8,000,000,000.*

7 *TRADE AND DEVELOPMENT AGENCY*

8 *For necessary expenses to carry out the provisions of*
9 *section 661 of the Foreign Assistance Act of 1961,*
10 *\$87,000,000, to remain available until September 30, 2024,*
11 *of which no more than \$21,000,000 may be used for admin-*
12 *istrative expenses: Provided, That of the funds appropriated*
13 *under this heading, not more than \$5,000 may be available*
14 *for representation and entertainment expenses.*

1310

1 *TITLE VII*2 *GENERAL PROVISIONS*3 *ALLOWANCES AND DIFFERENTIALS*

4 *SEC. 7001. Funds appropriated under title I of this*
5 *Act shall be available, except as otherwise provided, for al-*
6 *lowances and differentials as authorized by subchapter 59*
7 *of title 5, United States Code; for services as authorized by*
8 *section 3109 of such title and for hire of passenger transpor-*
9 *tation pursuant to section 1343(b) of title 31, United States*
10 *Code.*

11 *UNOBLIGATED BALANCES REPORT*

12 *SEC. 7002. Any department or agency of the United*
13 *States Government to which funds are appropriated or oth-*
14 *erwise made available by this Act shall provide to the Com-*
15 *mittees on Appropriations a quarterly accounting of cumu-*
16 *lative unobligated balances and obligated, but unexpended,*
17 *balances by program, project, and activity, and Treasury*
18 *Account Fund Symbol of all funds received by such depart-*
19 *ment or agency in fiscal year 2023 or any previous fiscal*
20 *year, disaggregated by fiscal year: Provided, That the report*
21 *required by this section shall be submitted not later than*
22 *30 days after the end of each fiscal quarter and should*
23 *specify by account the amount of funds obligated pursuant*
24 *to bilateral agreements which have not been further sub-obli-*
25 *gated.*

1311

1 CONSULTING SERVICES

2 *SEC. 7003. The expenditure of any appropriation*
3 *under title I of this Act for any consulting service through*
4 *procurement contract, pursuant to section 3109 of title 5,*
5 *United States Code, shall be limited to those contracts where*
6 *such expenditures are a matter of public record and avail-*
7 *able for public inspection, except where otherwise provided*
8 *under existing law, or under existing Executive order issued*
9 *pursuant to existing law.*

10 DIPLOMATIC FACILITIES

11 *SEC. 7004. (a) CAPITAL SECURITY COST SHARING EX-*
12 *CEPTION.—Notwithstanding paragraph (2) of section*
13 *604(e) of the Secure Embassy Construction and Counterter-*
14 *rорism Act of 1999 (title VI of division A of H.R. 3427,*
15 *as enacted into law by section 1000(a)(7) of Public Law*
16 *106–113 and contained in appendix G of that Act), as*
17 *amended by section 111 of the Department of State Authori-*
18 *ties Act, Fiscal Year 2017 (Public Law 114–323), a project*
19 *to construct a facility of the United States may include of-*
20 *fice space or other accommodations for members of the*
21 *United States Marine Corps.*

22 *(b) CONSULTATION AND NOTIFICATION.—Funds ap-*
23 *propriated by this Act and prior Acts making appropria-*
24 *tions for the Department of State, foreign operations, and*
25 *related programs, which may be made available for the ac-*

1312

1 *quisition of property or award of construction contracts for*
2 *overseas United States diplomatic facilities during fiscal*
3 *year 2023, shall be subject to prior consultation with, and*
4 *the regular notification procedures of, the Committees on*
5 *Appropriations: Provided, That notifications pursuant to*
6 *this subsection shall include the information enumerated*
7 *under the heading “Embassy Security, Construction, and*
8 *Maintenance” in House Report 117–401.*

9 *(c) INTERIM AND TEMPORARY FACILITIES ABROAD.—*

10 *(1) SECURITY VULNERABILITIES.—Funds appro-*
11 *priated by this Act under the heading “Embassy Se-*
12 *curity, Construction, and Maintenance” may be made*
13 *available, following consultation with the appropriate*
14 *congressional committees, to address security*
15 *vulnerabilities at interim and temporary United*
16 *States diplomatic facilities abroad, including physical*
17 *security upgrades and local guard staffing.*

18 *(2) CONSULTATION.—Notwithstanding any other*
19 *provision of law, the opening, closure, or any signifi-*
20 *cant modification to an interim or temporary United*
21 *States diplomatic facility shall be subject to prior*
22 *consultation with the appropriate congressional com-*
23 *mittees and the regular notification procedures of the*
24 *Committees on Appropriations, except that such con-*

1313

1 *sultation and notification may be waived if there is*
2 *a security risk to personnel.*

3 (d) *SOFT TARGETS.*—Funds appropriated by this Act
4 under the heading “Embassy Security, Construction, and
5 Maintenance” may be made available for security upgrades
6 to soft targets, including schools, recreational facilities, and
7 residences used by United States diplomatic personnel and
8 their dependents.

PERSONNEL ACTIONS

10 *SEC. 7005. Any costs incurred by a department or*
11 *agency funded under title I of this Act resulting from per-*
12 *sonnel actions taken in response to funding reductions in-*
13 *cluded in this Act shall be absorbed within the total budg-*
14 *etary resources available under title I to such department*
15 *or agency: Provided, That the authority to transfer funds*
16 *between appropriations accounts as may be necessary to*
17 *carry out this section is provided in addition to authorities*
18 *included elsewhere in this Act: Provided further, That use*
19 *of funds to carry out this section shall be treated as a re-*
20 *programming of funds under section 7015 of this Act.*

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7006. No part of any appropriation contained
in this Act shall be used for publicity or propaganda pur-
poses within the United States not authorized before enact-
ment of this Act by Congress: Provided, That up to \$25,000

1314

1 *may be made available to carry out the provisions of section*
2 *316 of the International Security and Development Co-*
3 *operation Act of 1980 (Public Law 96–533; 22 U.S.C.*
4 *2151a note).*

5 *PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN*
6 *COUNTRIES*

7 *SEC. 7007. None of the funds appropriated or other-*
8 *wise made available pursuant to titles III through VI of*
9 *this Act shall be obligated or expended to finance directly*
10 *any assistance or reparations for the governments of Cuba,*
11 *North Korea, Iran, or Syria: Provided, That for purposes*
12 *of this section, the prohibition on obligations or expendi-*
13 *tures shall include direct loans, credits, insurance, and*
14 *guarantees of the Export-Import Bank or its agents.*

15 *COUPS D'ÉTAT*

16 *SEC. 7008. (a) PROHIBITION.—None of the funds ap-*
17 *propriated or otherwise made available pursuant to titles*
18 *III through VI of this Act shall be obligated or expended*
19 *to finance directly any assistance to the government of any*
20 *country whose duly elected head of government is deposed*
21 *by military coup d'état or decree or, after the date of enact-*
22 *ment of this Act, a coup d'état or decree in which the mili-*
23 *tary plays a decisive role: Provided, That assistance may*
24 *be resumed to such government if the Secretary of State cer-*
25 *tifies and reports to the appropriate congressional commit-*

1315

1 *tees that subsequent to the termination of assistance a demo-*
2 *cratically elected government has taken office: Provided fur-*
3 *ther, That the provisions of this section shall not apply to*
4 *assistance to promote democratic elections or public partici-*
5 *pation in democratic processes, or to support a democratic*
6 *transition: Provided further, That funds made available*
7 *pursuant to the previous provisos shall be subject to prior*
8 *consultation with, and the regular notification procedures*
9 *of, the Committees on Appropriations.*

10 *(b) WAIVER.—The Secretary of State, following con-*
11 *sultation with the heads of relevant Federal agencies, may*
12 *waive the restriction in this section on a program-by-pro-*
13 *gram basis if the Secretary certifies and reports to the Com-*
14 *mittees on Appropriations that such waiver is in the na-*
15 *tional security interest of the United States: Provided, That*
16 *funds made available pursuant to such waiver shall be sub-*
17 *ject to prior consultation with, and the regular notification*
18 *procedures of, the Committees on Appropriations.*

19 *TRANSFER OF FUNDS AUTHORITY*

20 *SEC. 7009. (a) DEPARTMENT OF STATE AND UNITED*
21 *STATES AGENCY FOR GLOBAL MEDIA.—*

22 *(1) DEPARTMENT OF STATE.—*

23 *(A) IN GENERAL.—Not to exceed 5 percent*
24 *of any appropriation made available for the cur-*
25 *rent fiscal year for the Department of State*

1316

1 *under title I of this Act may be transferred be-*
2 *tween, and merged with, such appropriations,*
3 *but no such appropriation, except as otherwise*
4 *specifically provided, shall be increased by more*
5 *than 10 percent by any such transfers, and no*
6 *such transfer may be made to increase the ap-*
7 *propriation under the heading “Representation*
8 *Expenses”.*

9 (B) *EMBASSY SECURITY.—Funds appro-*
10 *priated under the headings “Diplomatic Pro-*
11 *grams”, including for Worldwide Security Pro-*
12 *tection, “Embassy Security, Construction, and*
13 *Maintenance”, and “Emergencies in the Diplo-*
14 *matic and Consular Service” in this Act may be*
15 *transferred to, and merged with, funds appro-*
16 *priated under such headings if the Secretary of*
17 *State determines and reports to the Committees*
18 *on Appropriations that to do so is necessary to*
19 *implement the recommendations of the Benghazi*
20 *Accountability Review Board, for emergency*
21 *evacuations, or to prevent or respond to security*
22 *situations and requirements, following consulta-*
23 *tion with, and subject to the regular notification*
24 *procedures of, such Committees: Provided, That*
25 *such transfer authority is in addition to any*

1317

1 *transfer authority otherwise available in this Act*
2 *and under any other provision of law.*

3 (2) *UNITED STATES AGENCY FOR GLOBAL*
4 *MEDIA.—Not to exceed 5 percent of any appropria-*
5 *tion made available for the current fiscal year for the*
6 *United States Agency for Global Media under title I*
7 *of this Act may be transferred between, and merged*
8 *with, such appropriations, but no such appropriation,*
9 *except as otherwise specifically provided, shall be in-*
10 *creased by more than 10 percent by any such trans-*
11 *fers.*

12 (3) *TREATMENT AS REPROGRAMMING.—Any*
13 *transfer pursuant to this subsection shall be treated as*
14 *a reprogramming of funds under section 7015 of this*
15 *Act and shall not be available for obligation or ex-*
16 *penditure except in compliance with the procedures*
17 *set forth in that section.*

18 (b) *LIMITATION ON TRANSFERS OF FUNDS BETWEEN*
19 *AGENCIES.—*

20 (1) *IN GENERAL.—None of the funds made avail-*
21 *able under titles II through V of this Act may be*
22 *transferred to any department, agency, or instrumen-*
23 *tality of the United States Government, except pursu-*
24 *ant to a transfer made by, or transfer authority pro-*
25 *vided in, this Act or any other appropriations Act.*

1318

1 (2) *ALLOCATION AND TRANSFERS.*—*Notwith-*
2 *standing paragraph (1), in addition to transfers*
3 *made by, or authorized elsewhere in, this Act, funds*
4 *appropriated by this Act to carry out the purposes of*
5 *the Foreign Assistance Act of 1961 may be allocated*
6 *or transferred to agencies of the United States Gov-*
7 *ernment pursuant to the provisions of sections 109,*
8 *610, and 632 of the Foreign Assistance Act of 1961,*
9 *and section 1434(j) of the BUILD Act of 2018 (divi-*
10 *sion F of Public Law 115–254).*

11 (3) *NOTIFICATION.*—*Any agreement entered into*
12 *by the United States Agency for International Devel-*
13 *opment or the Department of State with any depart-*
14 *ment, agency, or instrumentality of the United States*
15 *Government pursuant to section 632(b) of the Foreign*
16 *Assistance Act of 1961 valued in excess of \$1,000,000*
17 *and any agreement made pursuant to section 632(a)*
18 *of such Act, with funds appropriated by this Act or*
19 *prior Acts making appropriations for the Department*
20 *of State, foreign operations, and related programs*
21 *under the headings “Global Health Programs”, “De-*
22 *velopment Assistance”, “Economic Support Fund”,*
23 *and “Assistance for Europe, Eurasia and Central*
24 *Asia” shall be subject to the regular notification pro-*
25 *cedures of the Committees on Appropriations: Pro-*

† HR 2617 EAS2

1319

1 *vided, That the requirement in the previous sentence*
2 *shall not apply to agreements entered into between*
3 *USAID and the Department of State.*

4 *(c) UNITED STATES INTERNATIONAL DEVELOPMENT*
5 *FINANCE CORPORATION.—*

6 *(1) TRANSFERS.—Amounts transferred pursuant*
7 *to section 1434(j) of the BUILD Act of 2018 (division*
8 *F of Public Law 115–254) may only be transferred*
9 *from funds made available under title III of this Act:*
10 *Provided, That any such transfers, and any amounts*
11 *transferred to the United States International Devel-*
12 *opment Finance Corporation (the Corporation) pur-*
13 *suant to section 632 of the Foreign Assistance Act of*
14 *1961, shall be subject to prior consultation with, and*
15 *the regular notification procedures of, the Committees*
16 *on Appropriations: Provided further, That the Sec-*
17 *retary of State, the Administrator of the United*
18 *States Agency for International Development, and the*
19 *Chief Executive Officer of the Corporation, as appro-*
20 *priate, shall ensure that the programs funded by such*
21 *transfers are coordinated with, and complement, for-*
22 *oreign assistance programs implemented by the Depart-*
23 *ment of State and USAID: Provided further, That no*
24 *funds transferred pursuant to section 1434(j) of the*

1320

1 *BUILD Act of 2018 may be used by the Corporation*
2 *to post personnel abroad.*

3 (2) *TRANSFER OF FUNDS FROM MILLENNIUM*
4 *CHALLENGE CORPORATION.—Funds appropriated*
5 *under the heading “Millennium Challenge Corpora-*
6 *tion” in this Act or prior Acts making appropri-*
7 *ations for the Department of State, foreign operations,*
8 *and related programs may be transferred to accounts*
9 *under the heading “United States International De-*
10 *velopment Finance Corporation” and, when so trans-*
11 *ferred, may be used for the costs of activities described*
12 *in subsections (b) and (c) of section 1421 of the*
13 *BUILD Act of 2018: Provided, That such funds shall*
14 *be subject to the limitations provided in the second,*
15 *third, and fifth provisos under the heading “United*
16 *States International Development Finance Corpora-*
17 *tion—Program Account” in this Act: Provided fur-*
18 *ther, That any transfer executed pursuant to the*
19 *transfer authority provided in this paragraph shall*
20 *not exceed 10 percent of an individual Compact*
21 *awarded pursuant to section 609(a) of the Millen-*
22 *num Challenge Act of 2003 (title VI of Public Law*
23 *108–199): Provided further, That such funds shall not*
24 *be available for administrative expenses of the United*
25 *States International Development Finance Corpora-*

1321

1 *tion: Provided further, That such authority shall be*
2 *subject to prior consultation with, and the regular no-*
3 *tification procedures of, the Committees on Appro-*
4 *priations: Provided further, That the transfer author-*
5 *ity provided in this section is in addition to any*
6 *other transfer authority provided by law: Provided*
7 *further, That within 60 days of the termination in*
8 *whole or in part of the Compact from which funds*
9 *were transferred under this authority to the United*
10 *States International Development Finance Corpora-*
11 *tion, any unobligated balances shall be transferred*
12 *back to the Millennium Challenge Corporation, subject*
13 *to the regular notification procedures of the Commit-*
14 *tees on Appropriations.*

15 *(d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—*
16 *None of the funds made available under titles II through*
17 *V of this Act may be obligated under an appropriations*
18 *account to which such funds were not appropriated, except*
19 *for transfers specifically provided for in this Act, unless the*
20 *President, not less than 5 days prior to the exercise of any*
21 *authority contained in the Foreign Assistance Act of 1961*
22 *to transfer funds, consults with and provides a written pol-*
23 *icy justification to the Committees on Appropriations.*

24 *(e) AUDIT OF INTER-AGENCY TRANSFERS OF*
25 *FUNDS.—Any agreement for the transfer or allocation of*

1322

1 *funds appropriated by this Act or prior Acts making appro-*
2 *priations for the Department of State, foreign operations,*
3 *and related programs entered into between the Department*
4 *of State or USAID and another agency of the United States*
5 *Government under the authority of section 632(a) of the*
6 *Foreign Assistance Act of 1961, or any comparable provi-*
7 *sion of law, shall expressly provide that the Inspector Gen-*
8 *eral (IG) for the agency receiving the transfer or allocation*
9 *of such funds, or other entity with audit responsibility if*
10 *the receiving agency does not have an IG, shall perform*
11 *periodic program and financial audits of the use of such*
12 *funds and report to the Department of State or USAID,*
13 *as appropriate, upon completion of such audits: Provided,*
14 *That such audits shall be transmitted to the Committees*
15 *on Appropriations by the Department of State or USAID,*
16 *as appropriate: Provided further, That funds transferred*
17 *under such authority may be made available for the cost*
18 *of such audits.*

19 *PROHIBITION AND LIMITATION ON CERTAIN EXPENSES*

20 *SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the*
21 *funds made available by this Act may be used for first-class*
22 *travel by employees of United States Government depart-*
23 *ments and agencies funded by this Act in contravention of*
24 *section 301–10.122 through 301–10.124 of title 41, Code of*
25 *Federal Regulations.*

1323

1 (b) *COMPUTER NETWORKS.*—None of the funds made
2 available by this Act for the operating expenses of any
3 United States Government department or agency may be
4 used to establish or maintain a computer network for use
5 by such department or agency unless such network has fil-
6 ters designed to block access to sexually explicit websites:
7 Provided, That nothing in this subsection shall limit the
8 use of funds necessary for any Federal, State, Tribal, or
9 local law enforcement agency, or any other entity carrying
10 out the following activities: criminal investigations, pros-
11 ecutions, and adjudications; administrative discipline; and
12 the monitoring of such websites undertaken as part of offi-
13 cial business.

14 (c) *PROHIBITION ON PROMOTION OF TOBACCO.*—None
15 of the funds made available by this Act shall be available
16 to promote the sale or export of tobacco or tobacco products
17 (including electronic nicotine delivery systems), or to seek
18 the reduction or removal by any foreign country of restric-
19 tions on the marketing of tobacco or tobacco products (in-
20 cluding electronic nicotine delivery systems), except for re-
21 strictions which are not applied equally to all tobacco or
22 tobacco products (including electronic nicotine delivery sys-
23 tems) of the same type.

24 (d) *EMAIL SERVERS OUTSIDE THE .GOV DOMAIN.*—
25 None of the funds appropriated by this Act under the head-

1324

1 ings “Diplomatic Programs” and “Capital Investment
2 Fund” in title I, and “Operating Expenses” and “Capital
3 Investment Fund” in title II that are made available to
4 the Department of State and the United States Agency for
5 International Development may be made available to sup-
6 port the use or establishment of email accounts or email
7 servers created outside the .gov domain or not fitted for
8 automated records management as part of a Federal gov-
9 ernment records management program in contravention of
10 the Presidential and Federal Records Act Amendments of
11 2014 (Public Law 113–187).

12 (e) REPRESENTATION AND ENTERTAINMENT EX-
13 PENSES.—Each Federal department, agency, or entity
14 funded in titles I or II of this Act, and the Department
15 of the Treasury and independent agencies funded in titles
16 III or VI of this Act, shall take steps to ensure that domestic
17 and overseas representation and entertainment expenses
18 further official agency business and United States foreign
19 policy interests, and—

20 (1) are primarily for fostering relations outside
21 of the Executive Branch;

22 (2) are principally for meals and events of a
23 protocol nature;

24 (3) are not for employee-only events; and

1325

1 (4) *do not include activities that are substan-*
2 *tially of a recreational character.*

3 (f) *LIMITATIONS ON ENTERTAINMENT EXPENSES.—*
4 *None of the funds appropriated or otherwise made available*
5 *by this Act under the headings “International Military*
6 *Education and Training” or “Foreign Military Financing*
7 *Program” for Informational Program activities or under*
8 *the headings “Global Health Programs”, “Development As-*
9 *sistance”, “Economic Support Fund”, and “Assistance for*
10 *Europe, Eurasia and Central Asia” may be obligated or*
11 *expended to pay for—*

12 (1) *alcoholic beverages; or*

13 (2) *entertainment expenses for activities that are*
14 *substantially of a recreational character, including*
15 *entrance fees at sporting events, theatrical and musi-*
16 *cal productions, and amusement parks.*

17 *AVAILABILITY OF FUNDS*

18 *SEC. 7011. No part of any appropriation contained*
19 *in this Act shall remain available for obligation after the*
20 *expiration of the current fiscal year unless expressly so pro-*
21 *vided by this Act: Provided, That funds appropriated for*
22 *the purposes of chapters 1 and 8 of part I, section 661,*
23 *chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assist-*
24 *ance Act of 1961, section 23 of the Arms Export Control*
25 *Act (22 U.S.C. 2763), and funds made available for*

1326

1 *“United States International Development Finance Cor-*
2 *poration” and under the heading “Assistance for Europe,*
3 *Eurasia and Central Asia” shall remain available for an*
4 *additional 4 years from the date on which the availability*
5 *of such funds would otherwise have expired, if such funds*
6 *are initially obligated before the expiration of their respec-*
7 *tive periods of availability contained in this Act: Provided*
8 *further, That notwithstanding any other provision of this*
9 *Act, any funds made available for the purposes of chapter*
10 *1 of part I and chapter 4 of part II of the Foreign Assist-*
11 *ance Act of 1961 which are allocated or obligated for cash*
12 *disbursements in order to address balance of payments or*
13 *economic policy reform objectives, shall remain available for*
14 *an additional 4 years from the date on which the avail-*
15 *ability of such funds would otherwise have expired, if such*
16 *funds are initially allocated or obligated before the expira-*
17 *tion of their respective periods of availability contained in*
18 *this Act: Provided further, That the Secretary of State and*
19 *the Administrator of the United States Agency for Inter-*
20 *national Development shall provide a report to the Commit-*
21 *tees on Appropriations not later than October 31, 2023, de-*
22 *tailing by account and source year, the use of this authority*
23 *during the previous fiscal year.*

1327

1 *LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT*

2 *SEC. 7012. No part of any appropriation provided*
3 *under titles III through VI in this Act shall be used to fur-*
4 *nish assistance to the government of any country which is*
5 *in default during a period in excess of 1 calendar year in*
6 *payment to the United States of principal or interest on*
7 *any loan made to the government of such country by the*
8 *United States pursuant to a program for which funds are*
9 *appropriated under this Act unless the President deter-*
10 *mines, following consultation with the Committees on Ap-*
11 *propriations, that assistance for such country is in the na-*
12 *tional interest of the United States.*

13 *PROHIBITION ON TAXATION OF UNITED STATES*14 *ASSISTANCE*

15 *SEC. 7013. (a) PROHIBITION ON TAXATION.—None of*
16 *the funds appropriated under titles III through VI of this*
17 *Act may be made available to provide assistance for a for-*
18 *eign country under a new bilateral agreement governing the*
19 *terms and conditions under which such assistance is to be*
20 *provided unless such agreement includes a provision stating*
21 *that assistance provided by the United States shall be ex-*
22 *empt from taxation, or reimbursed, by the foreign govern-*
23 *ment, and the Secretary of State and the Administrator of*
24 *the United States Agency for International Development*
25 *shall expeditiously seek to negotiate amendments to existing*

1328

1 *bilateral agreements, as necessary, to conform with this re-*
2 *quirement.*

3 **(b) NOTIFICATION AND REIMBURSEMENT OF FOREIGN**
4 *TAXES.*—*An amount equivalent to 200 percent of the total*
5 *taxes assessed during fiscal year 2023 on funds appro-*
6 *priated by this Act and prior Acts making appropriations*
7 *for the Department of State, foreign operations, and related*
8 *programs by a foreign government or entity against United*
9 *States assistance programs, either directly or through*
10 *grantees, contractors, and subcontractors, shall be withheld*
11 *from obligation from funds appropriated for assistance for*
12 *fiscal year 2024 and for prior fiscal years and allocated*
13 *for the central government of such country or for the West*
14 *Bank and Gaza program, as applicable, if, not later than*
15 *September 30, 2024, such taxes have not been reimbursed.*

16 **(c) DE MINIMIS EXCEPTION.**—*Foreign taxes of a de*
17 *minimis nature shall not be subject to the provisions of sub-*
18 *section (b).*

19 **(d) REPROGRAMMING OF FUNDS.**—*Funds withheld*
20 *from obligation for each foreign government or entity pur-*
21 *suant to subsection (b) shall be reprogrammed for assistance*
22 *for countries which do not assess taxes on United States*
23 *assistance or which have an effective arrangement that is*
24 *providing substantial reimbursement of such taxes, and that*

1329

1 *can reasonably accommodate such assistance in a program-*
2 *matically responsible manner.*

3 *(e) DETERMINATIONS.—*

4 *(1) IN GENERAL.—The provisions of this section*
5 *shall not apply to any foreign government or entity*
6 *that assesses such taxes if the Secretary of State re-*
7 *ports to the Committees on Appropriations that—*

8 *(A) such foreign government or entity has*
9 *an effective arrangement that is providing sub-*
10 *stantial reimbursement of such taxes; or*

11 *(B) the foreign policy interests of the United*
12 *States outweigh the purpose of this section to en-*
13 *sure that United States assistance is not subject*
14 *to taxation.*

15 *(2) CONSULTATION.—The Secretary of State*
16 *shall consult with the Committees on Appropriations*
17 *at least 15 days prior to exercising the authority of*
18 *this subsection with regard to any foreign government*
19 *or entity.*

20 *(f) IMPLEMENTATION.—The Secretary of State shall*
21 *issue and update rules, regulations, or policy guidance, as*
22 *appropriate, to implement the prohibition against the tax-*
23 *ation of assistance contained in this section.*

24 *(g) DEFINITIONS.—As used in this section:*

1330

(1) *BILATERAL AGREEMENT.*—The term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(2) *TAXES AND TAXATION.*—The term “taxes and taxation” shall include value added taxes and customs duties but shall not include individual income taxes assessed to local staff.

17 *RESERVATIONS OF FUNDS*

18 *SEC. 7014. (a) REPROGRAMMING.—Funds appro-*
19 *priated under titles III through VI of this Act which are*
20 *specifically designated may be reprogrammed for other pro-*
21 *grams within the same account notwithstanding the des-*
22 *ignation if compliance with the designation is made impos-*
23 *sible by operation of any provision of this or any other Act:*
24 *Provided, That any such reprogramming shall be subject*
25 *to the regular notification procedures of the Committees on*

† HR 2617 EAS2

1331

1 *Appropriations: Provided further, That assistance that is*
2 *reprogrammed pursuant to this subsection shall be made*
3 *available under the same terms and conditions as originally*
4 *provided.*

5 (b) *EXTENSION OF AVAILABILITY.—In addition to the*
6 *authority contained in subsection (a), the original period*
7 *of availability of funds appropriated by this Act and ad-*
8 *ministered by the Department of State or the United States*
9 *Agency for International Development that are specifically*
10 *designated for particular programs or activities by this or*
11 *any other Act may be extended for an additional fiscal year*
12 *if the Secretary of State or the USAID Administrator, as*
13 *appropriate, determines and reports promptly to the Com-*
14 *mittees on Appropriations that the termination of assist-*
15 *ance to a country or a significant change in circumstances*
16 *makes it unlikely that such designated funds can be obli-*
17 *gated during the original period of availability: Provided,*
18 *That such designated funds that continue to be available*
19 *for an additional fiscal year shall be obligated only for the*
20 *purpose of such designation.*

21 (c) *OTHER ACTS.—Ceilings and specifically des-*
22 *ignated funding levels contained in this Act shall not be*
23 *applicable to funds or authorities appropriated or otherwise*
24 *made available by any subsequent Act unless such Act spe-*
25 *cifically so directs: Provided, That specifically designated*

1332

1 *funding levels or minimum funding requirements contained*
2 *in any other Act shall not be applicable to funds appro-*
3 *priated by this Act.*

4 *NOTIFICATION REQUIREMENTS*

5 *SEC. 7015. (a) NOTIFICATION OF CHANGES IN PRO-*
6 *GRAMS, PROJECTS, AND ACTIVITIES.—None of the funds*
7 *made available in titles I, II, and VI, and under the head-*
8 *ings “Peace Corps” and “Millennium Challenge Corpora-*
9 *tion”, of this Act or prior Acts making appropriations for*
10 *the Department of State, foreign operations, and related*
11 *programs to the departments and agencies funded by this*
12 *Act that remain available for obligation in fiscal year 2023,*
13 *or provided from any accounts in the Treasury of the*
14 *United States derived by the collection of fees or of currency*
15 *reflows or other offsetting collections, or made available by*
16 *transfer, to the departments and agencies funded by this*
17 *Act, shall be available for obligation to—*

18 *(1) create new programs;*

19 *(2) suspend or eliminate a program, project, or*
20 *activity;*

21 *(3) close, suspend, open, or reopen a mission or*
22 *post;*

23 *(4) create, close, reorganize, downsize, or rename*
24 *bureaus, centers, or offices; or*

1333

1 (5) *contract out or privatize any functions or ac-*
2 *tivities presently performed by Federal employees;*
3 *unless previously justified to the Committees on Appropria-*
4 *tions or such Committees are notified 15 days in advance*
5 *of such obligation.*

6 (b) *NOTIFICATION OF REPROGRAMMING OF FUNDS.—*
7 *None of the funds provided under titles I, II, and VI of*
8 *this Act or prior Acts making appropriations for the De-*
9 *partment of State, foreign operations, and related pro-*
10 *grams, to the departments and agencies funded under such*
11 *titles that remain available for obligation in fiscal year*
12 *2023, or provided from any accounts in the Treasury of*
13 *the United States derived by the collection of fees available*
14 *to the department and agency funded under title I of this*
15 *Act, shall be available for obligation or expenditure for pro-*
16 *grams, projects, or activities through a reprogramming of*
17 *funds in excess of \$1,000,000 or 10 percent, whichever is*
18 *less, that—*

19 (1) *augments or changes existing programs,*
20 *projects, or activities;*

21 (2) *relocates an existing office or employees;*

22 (3) *reduces by 10 percent funding for any exist-*
23 *ing program, project, or activity, or numbers of per-*
24 *sonnel by 10 percent as approved by Congress; or*

1334

1 (4) results from any general savings, including
2 savings from a reduction in personnel, which would
3 result in a change in existing programs, projects, or
4 activities as approved by Congress;
5 unless the Committees on Appropriations are notified 15
6 days in advance of such reprogramming of funds.

7 (c) NOTIFICATION REQUIREMENT.—None of the funds
8 made available by this Act under the headings “Global
9 Health Programs”, “Development Assistance”, “Economic
10 Support Fund”, “Democracy Fund”, “Assistance for Eu-
11 rope, Eurasia and Central Asia”, “Peace Corps”, “Millen-
12 nium Challenge Corporation”, “International Narcotics
13 Control and Law Enforcement”, “Nonproliferation, Anti-
14 terrorism, Demining and Related Programs”, “Peace-
15 keeping Operations”, “International Military Education
16 and Training”, “Foreign Military Financing Program”,
17 “International Organizations and Programs”, “United
18 States International Development Finance Corporation”,
19 and “Trade and Development Agency” shall be available
20 for obligation for programs, projects, activities, type of ma-
21 teriel assistance, countries, or other operations not justified
22 or in excess of the amount justified to the Committees on
23 Appropriations for obligation under any of these specific
24 headings unless the Committees on Appropriations are noti-
25 fied 15 days in advance of such obligation: Provided, That

1335

1 *the President shall not enter into any commitment of funds*
2 *appropriated for the purposes of section 23 of the Arms Ex-*
3 *port Control Act for the provision of major defense equip-*
4 *ment, other than conventional ammunition, or other major*
5 *defense items defined to be aircraft, ships, missiles, or com-*
6 *bat vehicles, not previously justified to Congress or 20 per-*
7 *cent in excess of the quantities justified to Congress unless*
8 *the Committees on Appropriations are notified 15 days in*
9 *advance of such commitment: Provided further, That re-*
10 *quirements of this subsection or any similar provision of*
11 *this or any other Act shall not apply to any reprogramming*
12 *for a program, project, or activity for which funds are ap-*
13 *propriated under titles III through VI of this Act of less*
14 *than 10 percent of the amount previously justified to Con-*
15 *gress for obligation for such program, project, or activity*
16 *for the current fiscal year: Provided further, That any noti-*
17 *fication submitted pursuant to subsection (f) of this section*
18 *shall include information (if known on the date of trans-*
19 *mittal of such notification) on the use of notwithstanding*
20 *authority.*

21 *(d) DEPARTMENT OF DEFENSE PROGRAMS AND FUND-*
22 *ING NOTIFICATIONS.—*

23 *(1) PROGRAMS.—None of the funds appropriated*
24 *by this Act or prior Acts making appropriations for*
25 *the Department of State, foreign operations, and re-*

1336

1 *lated programs may be made available to support or*
2 *continue any program initially funded under any au-*
3 *thority of title 10, United States Code, or any Act*
4 *making or authorizing appropriations for the Depart-*
5 *ment of Defense, unless the Secretary of State, in con-*
6 *sultation with the Secretary of Defense and in accord-*
7 *ance with the regular notification procedures of the*
8 *Committees on Appropriations, submits a justifica-*
9 *tion to such Committees that includes a description*
10 *of, and the estimated costs associated with, the sup-*
11 *port or continuation of such program.*

12 *(2) FUNDING.—Notwithstanding any other pro-*
13 *vision of law, funds transferred by the Department of*
14 *Defense to the Department of State and the United*
15 *States Agency for International Development for as-*
16 *sistance for foreign countries and international orga-*
17 *nizations shall be subject to the regular notification*
18 *procedures of the Committees on Appropriations.*

19 *(3) NOTIFICATION ON EXCESS DEFENSE ARTI-*
20 *CLES.—Prior to providing excess Department of De-*
21 *fense articles in accordance with section 516(a) of the*
22 *Foreign Assistance Act of 1961, the Department of*
23 *Defense shall notify the Committees on Appropria-*
24 *tions to the same extent and under the same condi-*
25 *tions as other committees pursuant to subsection (f)*

1337

1 *of that section: Provided, That before issuing a letter*
2 *of offer to sell excess defense articles under the Arms*
3 *Export Control Act, the Department of Defense shall*
4 *notify the Committees on Appropriations in accord-*
5 *ance with the regular notification procedures of such*
6 *Committees if such defense articles are significant*
7 *military equipment (as defined in section 47(9) of the*
8 *Arms Export Control Act) or are valued (in terms of*
9 *original acquisition cost) at \$7,000,000 or more, or if*
10 *notification is required elsewhere in this Act for the*
11 *use of appropriated funds for specific countries that*
12 *would receive such excess defense articles: Provided*
13 *further, That such Committees shall also be informed*
14 *of the original acquisition cost of such defense articles.*
15 *(e) WAIVER.—The requirements of this section or any*
16 *similar provision of this Act or any other Act, including*
17 *any prior Act requiring notification in accordance with the*
18 *regular notification procedures of the Committees on Appro-*
19 *priations, may be waived if failure to do so would pose a*
20 *substantial risk to human health or welfare: Provided, That*
21 *in case of any such waiver, notification to the Committees*
22 *on Appropriations shall be provided as early as practicable,*
23 *but in no event later than 3 days after taking the action*
24 *to which such notification requirement was applicable, in*
25 *the context of the circumstances necessitating such waiver:*

1338

1 *Provided further, That any notification provided pursuant*
2 *to such a waiver shall contain an explanation of the emer-*
3 *gency circumstances.*

4 (f) *COUNTRY NOTIFICATION REQUIREMENTS.—None of*
5 *the funds appropriated under titles III through VI of this*
6 *Act may be obligated or expended for assistance for Afghan-*
7 *istan, Bahrain, Burma, Cambodia, Colombia, Cuba, Egypt,*
8 *El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iran,*
9 *Iraq, Lebanon, Libya, Mexico, Nicaragua, Pakistan, Phil-*
10 *ippines, the Russian Federation, Rwanda, Somalia, South*
11 *Sudan, Sri Lanka, Sudan, Syria, Tunisia, Venezuela,*
12 *Yemen, and Zimbabwe except as provided through the reg-*
13 *ular notification procedures of the Committees on Appro-*
14 *priations.*

15 (g) *TRUST FUNDS.—Funds appropriated or otherwise*
16 *made available in title III of this Act and prior Acts mak-*
17 *ing funds available for the Department of State, foreign op-*
18 *erations, and related programs that are made available for*
19 *a trust fund held by an international financial institution*
20 *shall be subject to the regular notification procedures of the*
21 *Committees on Appropriations, and such notification shall*
22 *include the information specified under this section in*
23 *House Report 117–401.*

24 (h) *OTHER PROGRAM NOTIFICATION REQUIREMENT.—*

1339

1 (1) *DIPLOMATIC PROGRAMS.*—*Funds appro-*
2 *priated under title I of this Act under the heading*
3 *“Diplomatic Programs” that are made available for*
4 *lateral entry into the Foreign Service shall be subject*
5 *to prior consultation with, and the regular notifica-*
6 *tion procedures of, the Committees on Appropriations.*

7 (2) *OTHER PROGRAMS.*—*Funds appropriated by*
8 *this Act that are made available for the following pro-*
9 *grams and activities shall be subject to the regular no-*
10 *tification procedures of the Committees on Appropria-*
11 *tions:*

12 (A) *the Global Engagement Center;*

13 (B) *the Power Africa and Prosper Africa*
14 *initiatives;*

15 (C) *community-based police assistance con-*
16 *ducted pursuant to the authority of section*
17 *7035(a)(1) of this Act;*

18 (D) *the Prevention and Stabilization Fund*
19 *and the Multi-Donor Global Fragility Fund;*

20 (E) *the Indo-Pacific Strategy;*

21 (F) *the Countering PRC Influence Fund*
22 *and the Countering Russian Influence Fund;*

23 (G) *the Gender Equity and Equality Action*
24 *Fund; and*

1340

1 (H) funds specifically allocated for the
2 Partnership for Global Infrastructure and In-
3 vestment.

4 (3) DEMOCRACY PROGRAM POLICY AND PROCE-
5 DURES.—Modifications to democracy program policy
6 and procedures, including relating to the use of con-
7 sortia, by the Department of State and USAID shall
8 be subject to prior consultation with, and the regular
9 notification procedures of, the Committees on Appro-
10 priations.

11 (4) ARMS SALES.—The reports, notifications,
12 and certifications, and any other documents, required
13 to be submitted pursuant to section 36(a) of the Arms
14 Export Control Act (22 U.S.C. 2776), and such docu-
15 ments submitted pursuant to section 36(b) through
16 (d) of such Act with respect to countries that have re-
17 ceived assistance provided with funds appropriated by
18 this Act or prior Acts making appropriations for the
19 Department of State, foreign operations, and related
20 programs, shall be concurrently submitted to the Com-
21 mittees on Appropriations and shall include informa-
22 tion about the source of funds for any sale or transfer,
23 as applicable, if known at the time of submission.

24 (i) WITHHOLDING OF FUNDS.—Funds appropriated
25 by this Act under titles III and IV that are withheld from

1341

1 *obligation or otherwise not programmed as a result of ap-*
2 *plication of a provision of law in this or any other Act*
3 *shall, if reprogrammed, be subject to the regular notification*
4 *procedures of the Committees on Appropriations.*

5 (j) *PRIOR CONSULTATION REQUIREMENT.—The Sec-*
6 *retary of State, the Administrator of the United States*
7 *Agency for International Development, the Chief Executive*
8 *Officer of the United States International Development Fi-*
9 *nance Corporation, and the Chief Executive Officer of the*
10 *Millennium Challenge Corporation shall consult with the*
11 *Committees on Appropriations at least 7 days prior to in-*
12 *forming a government of, or publicly announcing a decision*
13 *on, the suspension or early termination of assistance to a*
14 *country or a territory, including as a result of an inter-*
15 *agency review of such assistance, from funds appropriated*
16 *by this Act or prior Acts making appropriations for the*
17 *Department of State, foreign operations, and related pro-*
18 *grams: Provided, That such consultation shall include a de-*
19 *tailed justification for such suspension, including a descrip-*
20 *tion of the assistance being suspended.*

21 *DOCUMENTS, REPORT POSTING, RECORDS MANAGEMENT,*
22 *AND RELATED CYBERSECURITY PROTECTIONS*

23 SEC. 7016. (a) *DOCUMENT REQUESTS.—None of the*
24 *funds appropriated or made available pursuant to titles III*
25 *through VI of this Act shall be available to a nongovern-*

1342

1 *mental organization, including any contractor, which fails*
2 *to provide upon timely request any document, file, or record*
3 *necessary to the auditing requirements of the Department*
4 *of State and the United States Agency for International*
5 *Development.*

6 *(b) PUBLIC POSTING OF REPORTS.—*

7 *(1) Except as provided in paragraphs (2) and*
8 *(3), any report required by this Act to be submitted*
9 *to Congress by any Federal agency receiving funds*
10 *made available by this Act shall be posted on the pub-*
11 *lic Web site of such agency not later than 45 days fol-*
12 *lowing the receipt of such report by Congress.*

13 *(2) Paragraph (1) shall not apply to a report*
14 *if—*

15 *(A) the public posting of the report would*
16 *compromise national security, including the con-*
17 *duct of diplomacy;*

18 *(B) the report contains proprietary or other*
19 *privileged information; or*

20 *(C) the public posting of the report is spe-*
21 *cifically exempted in the explanatory statement*
22 *described in section 4 (in the matter preceding*
23 *division A of this consolidated Act).*

1343

1 (3) *The agency posting such report shall do so*
2 *only after the report has been made available to the*
3 *Committees on Appropriations.*

4 (c) *RECORDS MANAGEMENT AND RELATED CYBERSE-*
5 *URITY PROTECTIONS.—The Secretary of State and USAID*
6 *Administrator shall—*

7 (1) *regularly review and update the policies, di-*
8 *rectives, and oversight necessary to comply with Fed-*
9 *eral statutes, regulations, and presidential executive*
10 *orders and memoranda concerning the preservation of*
11 *all records made or received in the conduct of official*
12 *business, including record emails, instant messaging,*
13 *and other online tools;*

14 (2) *use funds appropriated by this Act under the*
15 *headings “Diplomatic Programs” and “Capital In-*
16 *vestment Fund” in title I, and “Operating Expenses”*
17 *and “Capital Investment Fund” in title II, as appro-*
18 *priate, to improve Federal records management pur-*
19 *suant to the Federal Records Act (44 U.S.C. Chapters*
20 *21, 29, 31, and 33) and other applicable Federal*
21 *records management statutes, regulations, or policies*
22 *for the Department of State and USAID;*

23 (3) *direct departing employees, including senior*
24 *officials, that all Federal records generated by such*
25 *employees belong to the Federal Government;*

1344

1 (4) substantially reduce, compared to the pre-
2 vious fiscal year, the response time for identifying
3 and retrieving Federal records, including requests
4 made pursuant to section 552 of title 5, United States
5 Code (commonly known as the “Freedom of Informa-
6 tion Act”); and

7 (5) strengthen cybersecurity measures to mitigate
8 vulnerabilities, including those resulting from the use
9 of personal email accounts or servers outside the .gov
10 domain, improve the process to identify and remove
11 inactive user accounts, update and enforce guidance
12 related to the control of national security informa-
13 tion, and implement the recommendations of the ap-
14 plicable reports of the cognizant Office of Inspector
15 General.

16 *USE OF FUNDS IN CONTRAVENTION OF THIS ACT*

17 *SEC. 7017. If the President makes a determination not*
18 *to comply with any provision of this Act on constitutional*
19 *grounds, the head of the relevant Federal agency shall notify*
20 *the Committees on Appropriations in writing within 5 days*
21 *of such determination, the basis for such determination and*
22 *any resulting changes to program or policy.*

1345

1 *PROHIBITION ON FUNDING FOR ABORTIONS AND*
2 *INVOLUNTARY STERILIZATION*

3 *SEC. 7018. None of the funds made available to carry*
4 *out part I of the Foreign Assistance Act of 1961, as amend-*
5 *ed, may be used to pay for the performance of abortions*
6 *as a method of family planning or to motivate or coerce*
7 *any person to practice abortions. None of the funds made*
8 *available to carry out part I of the Foreign Assistance Act*
9 *of 1961, as amended, may be used to pay for the perform-*
10 *ance of involuntary sterilization as a method of family*
11 *planning or to coerce or provide any financial incentive*
12 *to any person to undergo sterilizations. None of the funds*
13 *made available to carry out part I of the Foreign Assistance*
14 *Act of 1961, as amended, may be used to pay for any bio-*
15 *medical research which relates in whole or in part, to meth-*
16 *ods of, or the performance of, abortions or involuntary steri-*
17 *lization as a means of family planning. None of the funds*
18 *made available to carry out part I of the Foreign Assistance*
19 *Act of 1961, as amended, may be obligated or expended for*
20 *any country or organization if the President certifies that*
21 *the use of these funds by any such country or organization*
22 *would violate any of the above provisions related to abor-*
23 *tions and involuntary sterilizations.*

1346

1 *ALLOCATIONS AND REPORTS*

2 *SEC. 7019. (a) ALLOCATION TABLES.—Subject to sub-*
3 *section (b), funds appropriated by this Act under titles III*
4 *through V shall be made available in the amounts specifi-*
5 *cally designated in the respective tables included in the ex-*
6 *planatory statement described in section 4 (in the matter*
7 *preceding division A of this consolidated Act): Provided,*
8 *That such designated amounts for foreign countries and*
9 *international organizations shall serve as the amounts for*
10 *such countries and international organizations transmitted*
11 *to Congress in the report required by section 653(a) of the*
12 *Foreign Assistance Act of 1961, and shall be made available*
13 *for such foreign countries and international organizations*
14 *notwithstanding the date of the transmission of such report.*

15 *(b) AUTHORIZED DEVIATIONS.—Unless otherwise pro-*
16 *vided for by this Act, the Secretary of State and the Admin-*
17 *istrator of the United States Agency for International De-*
18 *velopment, as applicable, may only deviate up to 10 percent*
19 *from the amounts specifically designated in the respective*
20 *tables included in the explanatory statement described in*
21 *section 4 (in the matter preceding division A of this consoli-*
22 *dated Act): Provided, That such percentage may be exceeded*
23 *only if the Secretary of State or USAID Administrator, as*
24 *applicable, determines and reports in writing to the Com-*
25 *mittees on Appropriations on a case-by-case basis that such*

1347

1 *deviation is necessary to respond to significant, exigent, or*
2 *unforeseen events, or to address other exceptional cir-*
3 *cumstances directly related to the national security interest*
4 *of the United States, including a description of such events*
5 *or circumstances: Provided further, That deviations pursu-*
6 *ant to the preceding proviso shall be subject to prior con-*
7 *sultation with, and the regular notification procedures of,*
8 *the Committees on Appropriations.*

9 (c) *LIMITATION.—For specifically designated amounts*
10 *that are included, pursuant to subsection (a), in the report*
11 *required by section 653(a) of the Foreign Assistance Act of*
12 *1961, deviations authorized by subsection (b) may only take*
13 *place after submission of such report.*

14 (d) *EXCEPTIONS.—*

15 (1) *Subsections (a) and (b) shall not apply to—*

16 (A) *amounts designated for “International*
17 *Military Education and Training” in the respec-*
18 *tive tables included in the explanatory statement*
19 *described in section 4 (in the matter preceding*
20 *division A of this consolidated Act);*

21 (B) *funds for which the initial period of*
22 *availability has expired; and*

23 (C) *amounts designated by this Act as min-*
24 *imum funding requirements.*

1 (2) *The authority of subsection (b) to deviate*
2 *from amounts designated in the respective tables in-*
3 *cluded in the explanatory statement described in sec-*
4 *tion 4 (in the matter preceding division A of this con-*
5 *solidated Act) shall not apply to the table included*
6 *under the heading “Global Health Programs” in such*
7 *statement.*

8 (3) *With respect to the amounts designated for*
9 *“Global Programs” in the table under the heading*
10 *“Economic Support Fund” included in the explana-*
11 *tory statement described in section 4 (in the matter*
12 *preceding division A of this consolidated Act), the*
13 *matter preceding the first proviso in subsection (b) of*
14 *this section shall be applied by substituting “5 per-*
15 *cent” for “10 percent”, and the provisos in such sub-*
16 *section (b) shall not apply.*

17 (e) *REPORTS.—The Secretary of State, USAID Ad-*
18 *ministrator, and other designated officials, as appropriate,*
19 *shall submit the reports required, in the manner described,*
20 *in House Report 117–401 and the explanatory statement*
21 *described in section 4 (in the matter preceding division A*
22 *of this consolidated Act), unless otherwise directed in such*
23 *explanatory statement.*

24 (f) *CLARIFICATION.—Funds appropriated by this Act*
25 *under the headings “International Disaster Assistance” and*

1349

1 *“Migration and Refugee Assistance” shall not be included*
2 *for purposes of meeting amounts designated for countries*
3 *in this Act, unless such headings are specifically designated*
4 *as the source of funds.*

5 *MULTI-YEAR PLEDGES*

6 *SEC. 7020. None of the funds appropriated or other-*
7 *wise made available by this Act may be used to make any*
8 *pledge for future year funding for any multilateral or bilat-*
9 *eral program funded in titles III through VI of this Act*
10 *unless such pledge was: (1) previously justified, including*
11 *the projected future year costs, in a congressional budget*
12 *justification; (2) included in an Act making appropriations*
13 *for the Department of State, foreign operations, and related*
14 *programs or previously authorized by an Act of Congress;*
15 *(3) notified in accordance with the regular notification pro-*
16 *cedures of the Committees on Appropriations, including the*
17 *projected future year costs; or (4) the subject of prior con-*
18 *sultation with the Committees on Appropriations and such*
19 *consultation was conducted at least 7 days in advance of*
20 *the pledge.*

21 *PROHIBITION ON ASSISTANCE TO GOVERNMENTS*22 *SUPPORTING INTERNATIONAL TERRORISM*

23 *SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EX-*
24 *PORTS.—*

1350

1 (1) *PROHIBITION.*—None of the funds appro-
2 priated or otherwise made available under titles III
3 through VI of this Act may be made available to any
4 foreign government which provides lethal military
5 equipment to a country the government of which the
6 Secretary of State has determined supports inter-
7 national terrorism for purposes of section 1754(c) of
8 the Export Reform Control Act of 2018 (50 U.S.C.
9 4813(c)): Provided, That the prohibition under this
10 section with respect to a foreign government shall ter-
11 minate 12 months after that government ceases to
12 provide such military equipment: Provided further,
13 That this section applies with respect to lethal mili-
14 tary equipment provided under a contract entered
15 into after October 1, 1997.

16 (2) *DETERMINATION.*—Assistance restricted by
17 paragraph (1) or any other similar provision of law,
18 may be furnished if the President determines that to
19 do so is important to the national interest of the
20 United States.

21 (3) *REPORT.*—Whenever the President makes a
22 determination pursuant to paragraph (2), the Presi-
23 dent shall submit to the Committees on Appropria-
24 tions a report with respect to the furnishing of such
25 assistance, including a detailed explanation of the as-

1351

1 *sistance to be provided, the estimated dollar amount*
2 *of such assistance, and an explanation of how the as-*
3 *sistance furthers the United States national interest.*

4 *(b) BILATERAL ASSISTANCE.—*

5 *(1) LIMITATIONS.—Funds appropriated for bi-*
6 *lateral assistance in titles III through VI of this Act*
7 *and funds appropriated under any such title in prior*
8 *Acts making appropriations for the Department of*
9 *State, foreign operations, and related programs, shall*
10 *not be made available to any foreign government*
11 *which the President determines—*

12 *(A) grants sanctuary from prosecution to*
13 *any individual or group which has committed*
14 *an act of international terrorism;*

15 *(B) otherwise supports international ter-*
16 *rorism; or*

17 *(C) is controlled by an organization des-*
18 *ignated as a terrorist organization under section*
19 *219 of the Immigration and Nationality Act (8*
20 *U.S.C. 1189).*

21 *(2) WAIVER.—The President may waive the ap-*
22 *plication of paragraph (1) to a government if the*
23 *President determines that national security or hu-*
24 *manitarian reasons justify such waiver: Provided,*
25 *That the President shall publish each such waiver in*

1352

1 *the Federal Register and, at least 15 days before the*
2 *waiver takes effect, shall notify the Committees on Ap-*
3 *propriations of the waiver (including the justification*
4 *for the waiver) in accordance with the regular notifi-*
5 *cation procedures of the Committees on Appropria-*
6 *tions.*

7 *AUTHORIZATION REQUIREMENTS*

8 *SEC. 7022. Funds appropriated by this Act, except*
9 *funds appropriated under the heading “Trade and Develop-*
10 *ment Agency”, may be obligated and expended notwith-*
11 *standing section 10 of Public Law 91–672 (22 U.S.C.*
12 *2412), section 15 of the State Department Basic Authorities*
13 *Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign*
14 *Relations Authorization Act, Fiscal Years 1994 and 1995*
15 *(22 U.S.C. 6212), and section 504(a)(1) of the National Se-*
16 *curity Act of 1947 (50 U.S.C. 3094(a)(1)).*

17 *DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY*

18 *SEC. 7023. For the purpose of titles II through VI of*
19 *this Act, “program, project, and activity” shall be defined*
20 *at the appropriations Act account level and shall include*
21 *all appropriations and authorizations Acts funding direc-*
22 *tives, ceilings, and limitations with the exception that for*
23 *the “Economic Support Fund”, “Assistance for Europe,*
24 *Eurasia and Central Asia”, and “Foreign Military Financ-*
25 *ing Program” accounts, “program, project, and activity”*

1353

1 *shall also be considered to include country, regional, and*
2 *central program level funding within each such account,*
3 *and for the development assistance accounts of the United*
4 *States Agency for International Development, “program,*
5 *project, and activity” shall also be considered to include*
6 *central, country, regional, and program level funding, ei-*
7 *ther as—*

8 *(1) justified to Congress; or*

9 *(2) allocated by the Executive Branch in accord-*
10 *ance with the report required by section 653(a) of the*
11 *Foreign Assistance Act of 1961 or as modified pursu-*
12 *ant to section 7019 of this Act.*

13 *AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN*
14 *FOUNDATION, AND UNITED STATES AFRICAN DEVELOP-*
15 *MENT FOUNDATION*

16 *SEC. 7024. Unless expressly provided to the contrary,*
17 *provisions of this or any other Act, including provisions*
18 *contained in prior Acts authorizing or making appropria-*
19 *tions for the Department of State, foreign operations, and*
20 *related programs, shall not be construed to prohibit activi-*
21 *ties authorized by or conducted under the Peace Corps Act,*
22 *the Inter-American Foundation Act, or the African Devel-*
23 *opment Foundation Act: Provided, That prior to con-*
24 *ducting activities in a country for which assistance is pro-*
25 *hibited, the agency shall consult with the Committees on*

1354

1 *Appropriations and report to such Committees within 15*
2 *days of taking such action.*

3 *COMMERCE, TRADE AND SURPLUS COMMODITIES*

4 *SEC. 7025. (a) WORLD MARKETS.—None of the funds*
5 *appropriated or made available pursuant to titles III*
6 *through VI of this Act for direct assistance and none of the*
7 *funds otherwise made available to the Export-Import Bank*
8 *and the United States International Development Finance*
9 *Corporation shall be obligated or expended to finance any*
10 *loan, any assistance, or any other financial commitments*
11 *for establishing or expanding production of any commodity*
12 *for export by any country other than the United States,*
13 *if the commodity is likely to be in surplus on world markets*
14 *at the time the resulting productive capacity is expected to*
15 *become operative and if the assistance will cause substantial*
16 *injury to United States producers of the same, similar, or*
17 *competing commodity: Provided, That such prohibition*
18 *shall not apply to the Export-Import Bank if in the judg-*
19 *ment of its Board of Directors the benefits to industry and*
20 *employment in the United States are likely to outweigh the*
21 *injury to United States producers of the same, similar, or*
22 *competing commodity, and the Chairman of the Board so*
23 *notifies the Committees on Appropriations: Provided fur-*
24 *ther, That this subsection shall not prohibit—*

1355

1 (1) *activities in a country that is eligible for as-*
2 *istance from the International Development Associa-*
3 *tion, is not eligible for assistance from the Inter-*
4 *national Bank for Reconstruction and Development,*
5 *and does not export on a consistent basis the agricul-*
6 *tural commodity with respect to which assistance is*
7 *furnished; or*

8 (2) *activities in a country the President deter-*
9 *mines is recovering from widespread conflict, a hu-*
10 *manitarian crisis, or a complex emergency.*

11 (b) *EXPORTS.—None of the funds appropriated by this*
12 *or any other Act to carry out chapter 1 of part I of the*
13 *Foreign Assistance Act of 1961 shall be available for any*
14 *testing or breeding feasibility study, variety improvement*
15 *or introduction, consultancy, publication, conference, or*
16 *training in connection with the growth or production in*
17 *a foreign country of an agricultural commodity for export*
18 *which would compete with a similar commodity grown or*
19 *produced in the United States: Provided, That this sub-*
20 *section shall not prohibit—*

21 (1) *activities designed to increase food security*
22 *in developing countries where such activities will not*
23 *have a significant impact on the export of agricul-*
24 *tural commodities of the United States;*

1356

1 (2) research activities intended primarily to ben-
2 efit United States producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(c) *INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance by such institution, using funds appropriated or otherwise made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.*

23 *SEPARATE ACCOUNTS*

24 *SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CUR-*
25 *RENCIES.*—

1357

1 (1) *AGREEMENTS.*—*If assistance is furnished to*
2 *the government of a foreign country under chapters 1*
3 *and 10 of part I or chapter 4 of part II of the For-*
4 *ign Assistance Act of 1961 under agreements which*
5 *result in the generation of local currencies of that*
6 *country, the Administrator of the United States Agen-*
7 *cy for International Development shall—*

8 (A) *require that local currencies be depos-*
9 *ited in a separate account established by that*
10 *government;*

11 (B) *enter into an agreement with that gov-*
12 *ernment which sets forth—*

13 (i) *the amount of the local currencies*
14 *to be generated; and*

15 (ii) *the terms and conditions under*
16 *which the currencies so deposited may be*
17 *utilized, consistent with this section; and*

18 (C) *establish by agreement with that gov-*
19 *ernment the responsibilities of USAID and that*
20 *government to monitor and account for deposits*
21 *into and disbursements from the separate ac-*
22 *count.*

23 (2) *USES OF LOCAL CURRENCIES.*—*As may be*
24 *agreed upon with the foreign government, local cur-*
25 *rencies deposited in a separate account pursuant to*

1358

1 *subsection (a), or an equivalent amount of local cur-*
2 *rencies, shall be used only—*

3 *(A) to carry out chapter 1 or 10 of part I*
4 *or chapter 4 of part II of the Foreign Assistance*
5 *Act of 1961 (as the case may be), for such pur-*
6 *poses as—*

7 *(i) project and sector assistance activi-*
8 *ties; or*

9 *(ii) debt and deficit financing; or*

10 *(B) for the administrative requirements of*
11 *the United States Government.*

12 *(3) PROGRAMMING ACCOUNTABILITY.—USAID*
13 *shall take all necessary steps to ensure that the equiv-*
14 *alent of the local currencies disbursed pursuant to*
15 *subsection (a)(2)(A) from the separate account estab-*
16 *lished pursuant to subsection (a)(1) are used for the*
17 *purposes agreed upon pursuant to subsection (a)(2).*

18 *(4) TERMINATION OF ASSISTANCE PROGRAMS.—*
19 *Upon termination of assistance to a country under*
20 *chapter 1 or 10 of part I or chapter 4 of part II of*
21 *the Foreign Assistance Act of 1961 (as the case may*
22 *be), any unencumbered balances of funds which re-*
23 *main in a separate account established pursuant to*
24 *subsection (a) shall be disposed of for such purposes*

1359

1 *as may be agreed to by the government of that coun-*
2 *try and the United States Government.*

3 ***(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—***

4 ***(1) IN GENERAL.—****If assistance is made avail-*
5 *able to the government of a foreign country, under*
6 *chapter 1 or 10 of part I or chapter 4 of part II of*
7 *the Foreign Assistance Act of 1961, as cash transfer*
8 *assistance or as nonproject sector assistance, that*
9 *country shall be required to maintain such funds in*
10 *a separate account and not commingle with any other*
11 *funds.*

12 ***(2) APPLICABILITY OF OTHER PROVISIONS OF***
13 ***LAW.—****Such funds may be obligated and expended*
14 *notwithstanding provisions of law which are incon-*
15 *sistent with the nature of this assistance, including*
16 *provisions which are referenced in the Joint Explana-*
17 *tory Statement of the Committee of Conference accom-*
18 *panying House Joint Resolution 648 (House Report*
19 *No. 98–1159).*

20 ***(3) NOTIFICATION.—****At least 15 days prior to ob-*
21 *ligating any such cash transfer or nonproject sector*
22 *assistance, the President shall submit a notification*
23 *through the regular notification procedures of the*
24 *Committees on Appropriations, which shall include a*
25 *detailed description of how the funds proposed to be*

1360

1 *made available will be used, with a discussion of the*
2 *United States interests that will be served by such as-*
3 *stance (including, as appropriate, a description of*
4 *the economic policy reforms that will be promoted by*
5 *such assistance).*

6 (4) *EXEMPTION.—Nonproject sector assistance*
7 *funds may be exempt from the requirements of para-*
8 *graph (1) only through the regular notification proce-*
9 *dures of the Committees on Appropriations.*

10 *ELIGIBILITY FOR ASSISTANCE*

11 *SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERN-*
12 *MENTAL ORGANIZATIONS.—Restrictions contained in this*
13 *or any other Act with respect to assistance for a country*
14 *shall not be construed to restrict assistance in support of*
15 *programs of nongovernmental organizations from funds ap-*
16 *propriated by this Act to carry out the provisions of chap-*
17 *ters 1, 10, 11, and 12 of part I and chapter 4 of part II*
18 *of the Foreign Assistance Act of 1961 and from funds ap-*
19 *propriated under the heading “Assistance for Europe, Eur-*
20 *asia and Central Asia”: Provided, That before using the au-*
21 *thority of this subsection to furnish assistance in support*
22 *of programs of nongovernmental organizations, the Presi-*
23 *dent shall notify the Committees on Appropriations pursu-*
24 *ant to the regular notification procedures, including a de-*
25 *scription of the program to be assisted, the assistance to*

1361

1 *be provided, and the reasons for furnishing such assistance:*
2 *Provided further, That nothing in this subsection shall be*
3 *construed to alter any existing statutory prohibitions*
4 *against abortion or involuntary sterilizations contained in*
5 *this or any other Act.*

6 (b) *PUBLIC LAW 480.—During fiscal year 2023, re-*
7 *strictions contained in this or any other Act with respect*
8 *to assistance for a country shall not be construed to restrict*
9 *assistance under the Food for Peace Act (Public Law 83–*
10 *480; 7 U.S.C. 1721 et seq.): Provided, That none of the*
11 *funds appropriated to carry out title I of such Act and*
12 *made available pursuant to this subsection may be obligated*
13 *or expended except as provided through the regular notifica-*
14 *tion procedures of the Committees on Appropriations.*

15 (c) *EXCEPTION.—This section shall not apply—*

16 (1) *with respect to section 620A of the Foreign*
17 *Assistance Act of 1961 or any comparable provision*
18 *of law prohibiting assistance to countries that support*
19 *international terrorism; or*

20 (2) *with respect to section 116 of the Foreign As-*
21 *sistance Act of 1961 or any comparable provision of*
22 *law prohibiting assistance to the government of a*
23 *country that violates internationally recognized*
24 *human rights.*

1362

1 *DISABILITY PROGRAMS*

2 *SEC. 7028. (a) ASSISTANCE.—Funds appropriated by*
3 *this Act under the heading “Development Assistance” shall*
4 *be made available for programs and activities administered*
5 *by the United States Agency for International Development*
6 *to address the needs and protect and promote the rights of*
7 *people with disabilities in developing countries, including*
8 *initiatives that focus on independent living, economic self-*
9 *sufficiency, advocacy, education, employment, transpor-*
10 *tation, sports, political and electoral participation, and in-*
11 *tegration of individuals with disabilities, including for the*
12 *cost of translation: Provided, That funds shall be made*
13 *available to support disability rights advocacy organiza-*
14 *tions in developing countries.*

15 *(b) MANAGEMENT, OVERSIGHT, AND TECHNICAL SUP-*
16 *PORT.—Of the funds made available pursuant to this sec-*
17 *tion, 5 percent may be used by USAID for management,*
18 *oversight, and technical support.*

19 *INTERNATIONAL FINANCIAL INSTITUTIONS*

20 *SEC. 7029. (a) EVALUATIONS.—The Secretary of the*
21 *Treasury shall instruct the United States executive director*
22 *of each international financial institution to use the voice*
23 *of the United States to encourage such institution to adopt*
24 *and implement a publicly available policy, including the*
25 *strategic use of peer reviews and external experts, to conduct*

1363

1 *independent, in-depth evaluations of the effectiveness of at*
2 *least 35 percent of all loans, grants, programs, and signifi-*
3 *cant analytical non-lending activities in advancing the in-*
4 *stitution's goals of reducing poverty and promoting equi-*
5 *table economic growth, consistent with relevant safeguards,*
6 *to ensure that decisions to support such loans, grants, pro-*
7 *grams, and activities are based on accurate data and objec-*
8 *tive analysis.*

9 (b) *SAFEGUARDS.*—

10 (1) *STANDARD.*—*The Secretary of the Treasury*
11 *shall instruct the United States Executive Director of*
12 *the International Bank for Reconstruction and Devel-*
13 *opment and the International Development Associa-*
14 *tion to use the voice and vote of the United States to*
15 *oppose any loan, grant, policy, or strategy if such in-*
16 *stitution has adopted and is implementing any social*
17 *or environmental safeguard relevant to such loan,*
18 *grant, policy, or strategy that provides less protection*
19 *than World Bank safeguards in effect on September*
20 *30, 2015.*

21 (2) *ACCOUNTABILITY, STANDARDS, AND BEST*
22 *PRACTICES.*—*The Secretary of the Treasury shall in-*
23 *struct the United States executive director of each*
24 *international financial institution to use the voice*

1364

1 *and vote of the United States to oppose loans or other*
2 *financing for projects unless such projects—*

3 *(A) provide for accountability and trans-*
4 *parency, including the collection, verification,*
5 *and publication of beneficial ownership informa-*
6 *tion related to extractive industries and on-site*
7 *monitoring during the life of the project;*

8 *(B) will be developed and carried out in ac-*
9 *cordance with best practices regarding environ-*
10 *mental conservation, cultural protection, and*
11 *empowerment of local populations, including*
12 *free, prior and informed consent of affected In-*
13 *digenous communities;*

14 *(C) do not provide incentives for, or facili-*
15 *tate, forced displacement or other violations of*
16 *human rights; and*

17 *(D) do not partner with or otherwise in-*
18 *volve enterprises owned or controlled by the*
19 *armed forces.*

20 *(c) COMPENSATION.—None of the funds appropriated*
21 *under title V of this Act may be made as payment to any*
22 *international financial institution while the United States*
23 *executive director to such institution is compensated by the*
24 *institution at a rate which, together with whatever com-*
25 *pensation such executive director receives from the United*

1365

1 *States, is in excess of the rate provided for an individual*
2 *occupying a position at level IV of the Executive Schedule*
3 *under section 5315 of title 5, United States Code, or while*
4 *any alternate United States executive director to such insti-*
5 *tution is compensated by the institution at a rate in excess*
6 *of the rate provided for an individual occupying a position*
7 *at level V of the Executive Schedule under section 5316 of*
8 *title 5, United States Code.*

9 (d) *HUMAN RIGHTS.*—*The Secretary of the Treasury*
10 *shall instruct the United States executive director of each*
11 *international financial institution to use the voice and vote*
12 *of the United States to promote human rights due diligence*
13 *and risk management, as appropriate, in connection with*
14 *any loan, grant, policy, or strategy of such institution in*
15 *accordance with the requirements specified under this sec-*
16 *tion in House Report 117–401.*

17 (e) *FRAUD AND CORRUPTION.*—*The Secretary of the*
18 *Treasury shall instruct the United States executive director*
19 *of each international financial institution to use the voice*
20 *of the United States to include in loan, grant, and other*
21 *financing agreements improvements in borrowing countries’*
22 *financial management and judicial capacity to investigate,*
23 *prosecute, and punish fraud and corruption.*

24 (f) *BENEFICIAL OWNERSHIP INFORMATION.*—*The Sec-*
25 *retary of the Treasury shall instruct the United States exec-*

1366

1 *utive director of each international financial institution to*
2 *use the voice of the United States to encourage such institu-*
3 *tion to collect, verify, and publish, to the maximum extent*
4 *practicable, beneficial ownership information (excluding*
5 *proprietary information) for any corporation or limited li-*
6 *ability company, other than a publicly listed company, that*
7 *receives funds from any such financial institution.*

8 (g) *WHISTLEBLOWER PROTECTIONS.—The Secretary*
9 *of the Treasury shall instruct the United States executive*
10 *director of each international financial institution to use*
11 *the voice of the United States to encourage such institution*
12 *to effectively implement and enforce policies and procedures*
13 *which meet or exceed best practices in the United States*
14 *for the protection of whistleblowers from retaliation, includ-*
15 *ing—*

16 (1) *protection against retaliation for internal*
17 *and lawful public disclosure;*

18 (2) *legal burdens of proof;*

19 (3) *statutes of limitation for reporting retalia-*
20 *tion;*

21 (4) *access to binding independent adjudicative*
22 *bodies, including shared cost and selection external*
23 *arbitration; and*

1367

1 (5) *results that eliminate the effects of proven re-*
2 *taliation, including provision for the restoration of*
3 *prior employment.*

4 (h) *GRIEVANCE MECHANISMS AND PROCEDURES.—*
5 *The Secretary of the Treasury shall instruct the United*
6 *States executive director of each international financial in-*
7 *stitution to use the voice and vote of the United States to*
8 *support independent investigative and adjudicative mecha-*
9 *nisms and procedures that meet or exceed best practices in*
10 *the United States to provide due process and fair compensa-*
11 *tion, including the right to reinstatement, for employees*
12 *who are subjected to harassment, discrimination, retalia-*
13 *tion, false allegations, or other misconduct.*

14 (i) *CAPITAL INCREASES.—None of the funds appro-*
15 *priated by this Act may be made available to support a*
16 *new capital increase for an international financial institu-*
17 *tion unless the President submits a budget request for such*
18 *increase to Congress and determines and reports to the*
19 *Committees on Appropriations that—*

20 (1) *the institution has completed a thorough*
21 *analysis of the development challenges facing the rel-*
22 *evant geographical region, the role of the institution*
23 *in addressing such challenges and its role relative to*
24 *other financing partners, and the steps to be taken to*

1368

1 *enhance the efficiency and effectiveness of the institu-*
2 *tion; and*

3 *(2) the governors of such institution have ap-*
4 *proved the capital increase.*

5 *TECHNOLOGY SECURITY*

6 *SEC. 7030. (a) INSECURE COMMUNICATIONS NET-*
7 *WORKS.—Funds appropriated by this Act shall be made*
8 *available for programs, including through the Digital*
9 *Connectivity and Cybersecurity Partnership, to—*

10 *(1) advance the adoption of secure, next-genera-*
11 *tion communications networks and services, including*
12 *5G, and cybersecurity policies, in countries receiving*
13 *assistance under this Act and prior Acts making ap-*
14 *propriations for the Department of State, foreign op-*
15 *erations, and related programs;*

16 *(2) counter the establishment of insecure commu-*
17 *nications networks and services, including 5G, pro-*
18 *moted by the People’s Republic of China and other*
19 *state-backed enterprises that are subject to undue or*
20 *extrajudicial control by their country of origin; and*

21 *(3) provide policy and technical training on de-*
22 *ploying open, interoperable, reliable, and secure net-*
23 *works to information communication technology pro-*
24 *fessionals in countries receiving assistance under this*
25 *Act, as appropriate:*

1369

1 *Provided, That such funds, including funds appropriated*
2 *under the heading “Economic Support Fund”, may be used*
3 *to strengthen civilian cybersecurity and information and*
4 *communications technology capacity, including participa-*
5 *tion of foreign law enforcement and military personnel in*
6 *non-military activities, notwithstanding any other provi-*
7 *sion of law and following consultation with the Committees*
8 *on Appropriations.*

9 (b) *CHIPS FOR AMERICA INTERNATIONAL TECH-*
10 *NOLOGY SECURITY AND INNOVATION FUND.—*

11 (1) *Within 45 days of enactment of this Act, the*
12 *Secretary of State shall allocate amounts made avail-*
13 *able from the Creating Helpful Incentives to Produce*
14 *Semiconductors (CHIPS) for America International*
15 *Technology Security and Innovation Fund for fiscal*
16 *year 2023 pursuant to the transfer authority in sec-*
17 *tion 102(c)(1) of the CHIPS Act of 2022 (division A*
18 *of Public Law 117–167), to the accounts specified and*
19 *in the amounts specified, in the table titled “CHIPS*
20 *for America International Technology Security and*
21 *Innovation Fund” in the explanatory statement de-*
22 *scribed in section 4 (in the matter preceding division*
23 *A of this consolidated Act): Provided, That such funds*
24 *shall be subject to prior consultation with, and the*

1370

1 *regular notification procedures of, the Committees on*
2 *Appropriations.*

3 *(2) Neither the President nor his designee may*
4 *allocate any amounts that are made available for any*
5 *fiscal year under section 102(c)(2) of the CHIPS Act*
6 *of 2022 if there is in effect an Act making or con-*
7 *tinuing appropriations for part of a fiscal year for*
8 *the Department of State, Foreign Operations, and Re-*
9 *lated Programs: Provided, That in any fiscal year,*
10 *the matter preceding this proviso shall not apply to*
11 *the allocation, apportionment, or allotment of*
12 *amounts for continuing administration of programs*
13 *allocated using funds transferred from the CHIPS for*
14 *America International Technology Security and In-*
15 *novation Fund, which may be allocated pursuant to*
16 *the transfer authority in section 102(c)(1) of the*
17 *CHIPS Act of 2022 only in amounts that are no*
18 *more than the allocation for such purposes in para-*
19 *graph (1) of this subsection.*

20 *(3) Concurrent with the annual budget submis-*
21 *sion of the President for fiscal year 2024, the Sec-*
22 *retary of State shall submit to the Committees on Ap-*
23 *propriations proposed allocations by account and by*
24 *program, project, or activity, with detailed justifica-*
25 *tions, for amounts made available under section*

1371

1 *102(c)(2) of the CHIPS Act of 2022 for fiscal year*
2 *2024.*

3 *(4) The Secretary of State shall provide the*
4 *Committees on Appropriations quarterly reports on*
5 *the status of balances of projects and activities funded*
6 *by the CHIPS for America International Technology*
7 *Security and Innovation Fund for amounts allocated*
8 *pursuant to paragraph (1) of this subsection, includ-*
9 *ing all uncommitted, committed, and unobligated*
10 *funds.*

11 *FINANCIAL MANAGEMENT, BUDGET TRANSPARENCY, AND*
12 *ANTI-CORRUPTION*

13 *SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-*
14 *TO-GOVERNMENT ASSISTANCE.—*

15 *(1) REQUIREMENTS.—Funds appropriated by*
16 *this Act may be made available for direct govern-*
17 *ment-to-government assistance only if—*

18 *(A) the requirements included in section*
19 *7031(a)(1)(A) through (E) of the Department of*
20 *State, Foreign Operations, and Related Pro-*
21 *grams Appropriations Act, 2019 (division F of*
22 *Public Law 116–6) are fully met; and*

23 *(B) the government of the recipient country*
24 *is taking steps to reduce corruption.*

1372

1 (2) *CONSULTATION AND NOTIFICATION.*—*In ad-*
2 *dition to the requirements in paragraph (1), funds*
3 *may only be made available for direct government-to-*
4 *government assistance subject to prior consultation*
5 *with, and the regular notification procedures of, the*
6 *Committees on Appropriations: Provided, That such*
7 *notification shall contain an explanation of how the*
8 *proposed activity meets the requirements of para-*
9 *graph (1): Provided further, That the requirements of*
10 *this paragraph shall only apply to direct government-*
11 *to-government assistance in excess of \$10,000,000 and*
12 *all funds available for cash transfer, budget support,*
13 *and cash payments to individuals.*

14 (3) *SUSPENSION OF ASSISTANCE.*—*The Adminis-*
15 *trator of the United States Agency for International*
16 *Development or the Secretary of State, as appro-*
17 *priate, shall suspend any direct government-to-gov-*
18 *ernment assistance if the Administrator or the Sec-*
19 *retary has credible information of material misuse of*
20 *such assistance, unless the Administrator or the Sec-*
21 *retary reports to the Committees on Appropriations*
22 *that it is in the national interest of the United States*
23 *to continue such assistance, including a justification,*
24 *or that such misuse has been appropriately addressed.*

1373

1 (4) *SUBMISSION OF INFORMATION.*—*The Sec-*
2 *retary of State shall submit to the Committees on Ap-*
3 *propriations, concurrent with the fiscal year 2024*
4 *congressional budget justification materials, amounts*
5 *planned for assistance described in paragraph (1) by*
6 *country, proposed funding amount, source of funds,*
7 *and type of assistance.*

8 (5) *DEBT SERVICE PAYMENT PROHIBITION.*—
9 *None of the funds made available by this Act may be*
10 *used by the government of any foreign country for*
11 *debt service payments owed by any country to any*
12 *international financial institution.*

13 (b) *NATIONAL BUDGET AND CONTRACT TRANS-*
14 *PARENCY.*—

15 (1) *MINIMUM REQUIREMENTS OF FISCAL TRANS-*
16 *PARENCY.*—*The Secretary of State shall continue to*
17 *update and strengthen the “minimum requirements of*
18 *fiscal transparency” for each government receiving*
19 *assistance appropriated by this Act, as identified in*
20 *the report required by section 7031(b) of the Depart-*
21 *ment of State, Foreign Operations, and Related Pro-*
22 *grams Appropriations Act, 2014 (division K of Public*
23 *Law 113–76).*

24 (2) *DETERMINATION AND REPORT.*—*For each*
25 *government identified pursuant to paragraph (1), the*

1374

1 *Secretary of State, not later than 180 days after the*
2 *date of enactment of this Act, shall make or update*
3 *any determination of “significant progress” or “no*
4 *significant progress” in meeting the minimum re-*
5 *quirements of fiscal transparency, and make such de-*
6 *terminations publicly available in an annual “Fiscal*
7 *Transparency Report” to be posted on the Depart-*
8 *ment of State website: Provided, That such report*
9 *shall include the elements included under this section*
10 *in House Report 117–401.*

11 (3) *ASSISTANCE.—Not less than \$7,000,000 of*
12 *the funds appropriated by this Act under the heading*
13 *“Economic Support Fund” shall be made available*
14 *for programs and activities to assist governments*
15 *identified pursuant to paragraph (1) to improve*
16 *budget transparency and to support civil society or-*
17 *ganizations in such countries that promote budget*
18 *transparency.*

19 (c) *ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—*

20 (1) *INELIGIBILITY.—*

21 (A) *Officials of foreign governments and*
22 *their immediate family members about whom the*
23 *Secretary of State has credible information have*
24 *been involved, directly or indirectly, in signifi-*
25 *cant corruption, including corruption related to*

1375

1 *the extraction of natural resources, or a gross*
2 *violation of human rights, including the wrong-*
3 *ful detention of locally employed staff of a*
4 *United States diplomatic mission or a United*
5 *States citizen or national, shall be ineligible for*
6 *entry into the United States.*

7 *(B) Concurrent with the application of sub-*
8 *paragraph (A), the Secretary shall, as appro-*
9 *priate, refer the matter to the Office of Foreign*
10 *Assets Control, Department of the Treasury, to*
11 *determine whether to apply sanctions authorities*
12 *in accordance with United States law to block*
13 *the transfer of property and interests in prop-*
14 *erty, and all financial transactions, in the*
15 *United States involving any person described in*
16 *such subparagraph.*

17 *(C) The Secretary shall also publicly or pri-*
18 *vately designate or identify the officials of for-*
19 *ign governments and their immediate family*
20 *members about whom the Secretary has such*
21 *credible information without regard to whether*
22 *the individual has applied for a visa.*

23 *(2) EXCEPTION.—Individuals shall not be ineli-*
24 *gible for entry into the United States pursuant to*
25 *paragraph (1) if such entry would further important*

1376

1 *United States law enforcement objectives or is nec-*
2 *essary to permit the United States to fulfill its obliga-*
3 *tions under the United Nations Headquarters Agree-*
4 *ment: Provided, That nothing in paragraph (1) shall*
5 *be construed to derogate from United States Govern-*
6 *ment obligations under applicable international*
7 *agreements.*

8 (3) *WAIVER.—The Secretary may waive the ap-*
9 *plication of paragraph (1) if the Secretary determines*
10 *that the waiver would serve a compelling national in-*
11 *terest or that the circumstances which caused the in-*
12 *dividual to be ineligible have changed sufficiently.*

13 (4) *REPORT.—Not later than 30 days after the*
14 *date of enactment of this Act, and every 90 days*
15 *thereafter until September 30, 2024, the Secretary of*
16 *State shall submit a report, including a classified*
17 *annex if necessary, to the appropriate congressional*
18 *committees and the Committees on the Judiciary de-*
19 *scribing the information related to corruption or vio-*
20 *lation of human rights concerning each of the individ-*
21 *uals found ineligible in the previous 12 months pur-*
22 *suant to paragraph (1)(A) as well as the individuals*
23 *who the Secretary designated or identified pursuant*
24 *to paragraph (1)(B), or who would be ineligible but*
25 *for the application of paragraph (2), a list of any*

1377

1 *waivers provided under paragraph (3), and the jus-*
2 *tification for each waiver.*

3 (5) *POSTING OF REPORT.*—*Any unclassified por-*
4 *tion of the report required under paragraph (4) shall*
5 *be posted on the Department of State website.*

6 (6) *CLARIFICATION.*—*For purposes of para-*
7 *graphs (1), (4), and (5), the records of the Depart-*
8 *ment of State and of diplomatic and consular offices*
9 *of the United States pertaining to the issuance or re-*
10 *fusals of visas or permits to enter the United States*
11 *shall not be considered confidential.*

12 (d) *EXTRACTION OF NATURAL RESOURCES.*—

13 (1) *ASSISTANCE.*—*Funds appropriated by this*
14 *Act shall be made available to promote and support*
15 *transparency and accountability of expenditures and*
16 *revenues related to the extraction of natural resources,*
17 *including by strengthening implementation and mon-*
18 *itoring of the Extractive Industries Transparency*
19 *Initiative, implementing and enforcing section 8204*
20 *of the Food, Conservation, and Energy Act of 2008*
21 *(Public Law 110–246; 122 Stat. 2052) and the*
22 *amendments made by such section, and to prevent the*
23 *sale of conflict diamonds, and for technical assistance*
24 *to promote independent audit mechanisms and sup-*

1378

1 *port civil society participation in natural resource*
2 *management.*

3 (2) *PUBLIC DISCLOSURE AND INDEPENDENT AU-*
4 *DITS.—*

5 (A) *The Secretary of the Treasury shall in-*
6 *struct the executive director of each international*
7 *financial institution to use the voice and vote of*
8 *the United States to oppose any assistance by*
9 *such institutions (including any loan, credit,*
10 *grant, or guarantee) to any country for the ex-*
11 *traction and export of a natural resource if the*
12 *government of such country has in place laws,*
13 *regulations, or procedures to prevent or limit the*
14 *public disclosure of company payments as re-*
15 *quired by United States law, and unless such*
16 *government has adopted laws, regulations, or*
17 *procedures in the sector in which assistance is*
18 *being considered that: (1) accurately account for*
19 *and publicly disclose payments to the govern-*
20 *ment by companies involved in the extraction*
21 *and export of natural resources; (2) include inde-*
22 *pendent auditing of accounts receiving such pay-*
23 *ments and the public disclosure of such audits;*
24 *and (3) require public disclosure of agreement*
25 *and bidding documents, as appropriate.*

1379

1 (B) *The requirements of subparagraph (A)*
2 *shall not apply to assistance for the purpose of*
3 *building the capacity of such government to meet*
4 *the requirements of such subparagraph.*

5 DEMOCRACY PROGRAMS

6 SEC. 7032. (a) *FUNDING.—*

7 (1) *IN GENERAL.—Of the funds appropriated by*
8 *this Act under the headings “Development Assist-*
9 *ance”, “Economic Support Fund”, “Democracy*
10 *Fund”, “Assistance for Europe, Eurasia and Central*
11 *Asia”, and “International Narcotics Control and Law*
12 *Enforcement”, \$2,900,000,000 should be made avail-*
13 *able for democracy programs.*

14 (2) *PROGRAMS.—Of the funds made available for*
15 *democracy programs under the headings “Economic*
16 *Support Fund” and “Assistance for Europe, Eurasia*
17 *and Central Asia” pursuant to paragraph (1), not*
18 *less than \$117,040,000 shall be made available to the*
19 *Bureau of Democracy, Human Rights, and Labor,*
20 *Department of State.*

21 (b) *AUTHORITIES.—*

22 (1) *AVAILABILITY.—Funds made available by*
23 *this Act for democracy programs pursuant to sub-*
24 *section (a) and under the heading “National Endow-*
25 *ment for Democracy” may be made available notwith-*

1380

1 *standing any other provision of law, and with regard*
2 *to the National Endowment for Democracy (NED),*
3 *any regulation.*

4 (2) *BENEFICIARIES.—Funds made available by*
5 *this Act for the NED are made available pursuant to*
6 *the authority of the National Endowment for Democ-*
7 *racy Act (title V of Public Law 98–164), including*
8 *all decisions regarding the selection of beneficiaries.*

9 (c) *DEFINITION OF DEMOCRACY PROGRAMS.—For*
10 *purposes of funds appropriated by this Act, the term “de-*
11 *mocracy programs” means programs that support good gov-*
12 *ernance, credible and competitive elections, freedom of ex-*
13 *pression, association, assembly, and religion, human rights,*
14 *labor rights, independent media, and the rule of law, and*
15 *that otherwise strengthen the capacity of democratic polit-*
16 *ical parties, governments, nongovernmental organizations*
17 *and institutions, and citizens to support the development*
18 *of democratic states and institutions that are responsive*
19 *and accountable to citizens.*

20 (d) *PROGRAM PRIORITIZATION.—Funds made avail-*
21 *able pursuant to this section that are made available for*
22 *programs to strengthen government institutions shall be*
23 *prioritized for those institutions that demonstrate a com-*
24 *mitment to democracy and the rule of law.*

1381

1 (e) *RESTRICTIONS ON FOREIGN GOVERNMENT INTER-*
2 *REFERENCE.*—

3 (1) *PRIOR APPROVAL.*—*With respect to the pro-*
4 *vision of assistance for democracy programs in this*
5 *Act, the organizations implementing such assistance,*
6 *the specific nature of the assistance, and the partici-*
7 *pants in such programs shall not be subject to prior*
8 *approval by the government of any foreign country.*

9 (2) *DISCLOSURE OF IMPLEMENTING PARTNER IN-*
10 *FORMATION.*—*If the Secretary of State, in consulta-*
11 *tion with the Administrator of the United States*
12 *Agency for International Development, determines*
13 *that the government of the country is undemocratic or*
14 *has engaged in or condoned harassment, threats, or*
15 *attacks against organizations implementing democ-*
16 *racy programs, any new bilateral agreement gov-*
17 *erning the terms and conditions under which assist-*
18 *ance is provided to such country shall not require the*
19 *disclosure of the names of implementing partners of*
20 *democracy programs, and the Secretary of State and*
21 *the USAID Administrator shall expeditiously seek to*
22 *negotiate amendments to existing bilateral agree-*
23 *ments, as necessary, to conform to this requirement.*
24 (f) *CONTINUATION OF CURRENT PRACTICES.*—*USAID*
25 *shall continue to implement civil society and political com-*

1382

1 *petition and consensus building programs abroad with*
2 *funds appropriated by this Act in a manner that recognizes*
3 *the unique benefits of grants and cooperative agreements in*
4 *implementing such programs.*

5 (g) *DIGITAL SECURITY AND COUNTERING*
6 *DISINFORMATION.—Funds appropriated by this Act shall*
7 *be made available to advance digital security and counter*
8 *disinformation as described under this section in the ex-*
9 *planatory statement described in section 4 (in the matter*
10 *preceding division A of this consolidated Act).*

11 (h) *INFORMING THE NATIONAL ENDOWMENT FOR DE-*
12 *MOCRACY.—The Assistant Secretary for Democracy,*
13 *Human Rights, and Labor, Department of State, and the*
14 *Assistant Administrator for Development, Democracy, and*
15 *Innovation, USAID, shall regularly inform the NED of de-*
16 *mocracy programs that are planned and supported with*
17 *funds made available by this Act and prior Acts making*
18 *appropriations for the Department of State, foreign oper-*
19 *ations, and related programs.*

20 (i) *PROTECTION OF CIVIL SOCIETY ACTIVISTS AND*
21 *JOURNALISTS.—Of the funds appropriated by this Act*
22 *under the headings “Economic Support Fund” and “De-*
23 *mocracy Fund”, not less than \$30,000,000 shall be made*
24 *available to support and protect civil society activists and*
25 *journalists who have been threatened, harassed, or attacked,*

1383

1 *including journalists affiliated with the United States*
2 *Agency for Global Media.*

3 (j) *INTERNATIONAL FREEDOM OF EXPRESSION AND*
4 *INDEPENDENT MEDIA.—Of the funds appropriated by this*
5 *Act under the heading “Economic Support Fund”, not less*
6 *than \$20,000,000 shall be made available for programs to*
7 *protect international freedom of expression and inde-*
8 *pendent media, as described under this section in House*
9 *Report 117–401.*

10 (k) *DAVID E. PRICE LEGISLATIVE STRENGTHENING*
11 *PROGRAM.—Funds appropriated by this Act under the*
12 *heading “Democracy Fund” shall be made available for leg-*
13 *islative strengthening programs: Provided, That such funds*
14 *shall be subject to prior consultation with, and the regular*
15 *notification procedures of, the Committees on Appropria-*
16 *tions: Provided further, That such programs shall hereafter*
17 *be collectively named the “David E. Price Legislative*
18 *Strengthening Program”.*

19 *INTERNATIONAL RELIGIOUS FREEDOM*

20 *SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM*
21 *OFFICE.—Funds appropriated by this Act under the head-*
22 *ing “Diplomatic Programs” shall be made available for the*
23 *Office of International Religious Freedom, Department of*
24 *State.*

1384

1 (b) *ASSISTANCE.—Funds appropriated by this Act*
2 *under the headings “Economic Support Fund”, “Democ-*
3 *racy Fund”, and “International Broadcasting Operations”*
4 *shall be made available for international religious freedom*
5 *programs and funds appropriated by this Act under the*
6 *headings “International Disaster Assistance” and “Migra-*
7 *tion and Refugee Assistance” shall be made available for*
8 *humanitarian assistance for vulnerable and persecuted eth-*
9 *nic and religious minorities: Provided, That funds made*
10 *available by this Act under the headings “Economic Sup-*
11 *port Fund” and “Democracy Fund” pursuant to this sec-*
12 *tion shall be the responsibility of the Ambassador-at-Large*
13 *for International Religious Freedom, in consultation with*
14 *other relevant United States Government officials, and shall*
15 *be subject to prior consultation with the Committees on Ap-*
16 *propriations.*

17 (c) *AUTHORITY.—Funds appropriated by this Act and*
18 *prior Acts making appropriations for the Department of*
19 *State, foreign operations, and related programs under the*
20 *heading “Economic Support Fund” may be made available*
21 *notwithstanding any other provision of law for assistance*
22 *for ethnic and religious minorities in Iraq and Syria.*

23 (d) *DESIGNATION OF NON-STATE ACTORS.—Section*
24 *7033(e) of the Department of State, Foreign Operations,*
25 *and Related Programs Appropriations Act, 2017 (division*

1385

1 *J of Public Law 115–31) shall continue in effect during*
2 *fiscal year 2023.*

3 *SPECIAL PROVISIONS*

4 *SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHIL-*
5 *DREN, AND DISPLACED BURMESE.—Funds appropriated in*
6 *title III of this Act that are made available for victims of*
7 *war, displaced children, displaced Burmese, and to combat*
8 *trafficking in persons and assist victims of such trafficking*
9 *may be made available notwithstanding any other provi-*
10 *sion of law.*

11 *(b) FORENSIC ASSISTANCE.—*

12 *(1) Of the funds appropriated by this Act under*
13 *the heading “Economic Support Fund”, not less than*
14 *\$20,000,000 shall be made available for forensic an-*
15 *thropology assistance related to the exhumation and*
16 *identification of victims of war crimes, crimes*
17 *against humanity, and genocide, which shall be ad-*
18 *ministered by the Assistant Secretary for Democracy,*
19 *Human Rights, and Labor, Department of State:*
20 *Provided, That such funds shall be in addition to*
21 *funds made available by this Act and prior Acts mak-*
22 *ing appropriations for the Department of State, for-*
23 *foreign operations, and related programs for assistance*
24 *for countries.*

1386

1 (2) *Of the funds appropriated by this Act under*
2 *the heading “International Narcotics Control and*
3 *Law Enforcement”, not less than \$10,000,000 shall be*
4 *made available for DNA forensic technology programs*
5 *to combat human trafficking in Central America and*
6 *Mexico.*

7 (c) *WORLD FOOD PROGRAMME.—Funds managed by*
8 *the Bureau for Humanitarian Assistance, United States*
9 *Agency for International Development, from this or any*
10 *other Act, may be made available as a general contribution*
11 *to the World Food Programme, notwithstanding any other*
12 *provision of law.*

13 (d) *DIRECTIVES AND AUTHORITIES.—*

14 (1) *RESEARCH AND TRAINING.—Funds appro-*
15 *priated by this Act under the heading “Assistance for*
16 *Europe, Eurasia and Central Asia” shall be made*
17 *available to carry out the Program for Research and*
18 *Training on Eastern Europe and the Independent*
19 *States of the Former Soviet Union as authorized by*
20 *the Soviet-Eastern European Research and Training*
21 *Act of 1983 (22 U.S.C. 4501 et seq.).*

22 (2) *GENOCIDE VICTIMS MEMORIAL SITES.—*
23 *Funds appropriated by this Act and prior Acts mak-*
24 *ing appropriations for the Department of State, for-*
25 *ign operations, and related programs under the*

1 *headings “Economic Support Fund” and “Assistance*
2 *for Europe, Eurasia and Central Asia” may be made*
3 *available as contributions to establish and maintain*
4 *memorial sites of genocide, subject to the regular noti-*
5 *fication procedures of the Committees on Appropria-*
6 *tions.*

7 (3) *PRIVATE SECTOR PARTNERSHIPS.—Of the*
8 *funds appropriated by this Act under the headings*
9 *“Development Assistance” and “Economic Support*
10 *Fund” that are made available for private sector*
11 *partnerships, including partnerships with philan-*
12 *thropic foundations, up to \$50,000,000 may remain*
13 *available until September 30, 2025: Provided, That*
14 *funds made available pursuant to this paragraph*
15 *may only be made available following prior consulta-*
16 *tion with, and the regular notification procedures of,*
17 *the Committees on Appropriations.*

18 (4) *ADDITIONAL AUTHORITY.—Of the amounts*
19 *made available by this Act under the heading “Diplo-*
20 *matic Programs”, up to \$500,000 may be made avail-*
21 *able for grants pursuant to section 504 of the Foreign*
22 *Relations Authorization Act, Fiscal Year 1979 (22*
23 *U.S.C. 2656d), including to facilitate collaboration*
24 *with Indigenous communities.*

1388

1 (5) *INNOVATION.—The USAID Administrator*
2 *may use funds appropriated by this Act under title*
3 *III to make innovation incentive awards in accord-*
4 *ance with the terms and conditions of section*
5 *7034(e)(4) of the Department of State, Foreign Oper-*
6 *ations, and Related Programs Appropriations Act,*
7 *2019 (division F of Public Law 116–6): Provided,*
8 *That each individual award may not exceed*
9 *\$100,000.*

10 (6) *DEVELOPMENT INNOVATION VENTURES.—*
11 *Funds appropriated by this Act under the heading*
12 *“Development Assistance” and made available for the*
13 *Development Innovation Ventures program may be*
14 *made available for the purposes of chapter I of part*
15 *I of the Foreign Assistance Act of 1961.*

16 (7) *EXCHANGE VISITOR PROGRAM.—None of the*
17 *funds made available by this Act may be used to mod-*
18 *ify the Exchange Visitor Program administered by*
19 *the Department of State to implement the Mutual*
20 *Educational and Cultural Exchange Act of 1961*
21 *(Public Law 87–256; 22 U.S.C. 2451 et seq.), except*
22 *through the formal rulemaking process pursuant to*
23 *the Administrative Procedure Act (5 U.S.C. 551 et*
24 *seq.) and notwithstanding the exceptions to such rule-*
25 *making process in such Act: Provided, That funds*

1389

1 *made available for such purpose shall only be made*
2 *available after consultation with, and subject to the*
3 *regular notification procedures of, the Committees on*
4 *Appropriations, regarding how any proposed modi-*
5 *fication would affect the public diplomacy goals of,*
6 *and the estimated economic impact on, the United*
7 *States: Provided further, That such consultation shall*
8 *take place not later than 30 days prior to the publica-*
9 *tion in the Federal Register of any regulatory action*
10 *modifying the Exchange Visitor Program.*

11 (8) *PAYMENTS.—Funds appropriated by this Act*
12 *and prior Acts making appropriations for the De-*
13 *partment of State, foreign operations, and related*
14 *programs under the headings “Diplomatic Programs”*
15 *and “Operating Expenses”, except for funds des-*
16 *ignated by Congress as an emergency requirement*
17 *pursuant to a concurrent resolution on the budget or*
18 *the Balanced Budget and Emergency Deficit Control*
19 *Act of 1985, are available to provide payments pursu-*
20 *ant to section 901(i)(2) of title IX of division J of the*
21 *Further Consolidated Appropriations Act, 2020 (22*
22 *U.S.C. 2680b(i)(2)): Provided, That funds made*
23 *available pursuant to this paragraph shall be subject*
24 *to prior consultation with the Committees on Appro-*
25 *priations.*

1390

1 (9) *AFGHAN ALLIES*.—Section 602(b)(3)(F) of
2 the *Afghan Allies Protection Act of 2009* (8 U.S.C.
3 1101 note) is amended—

4 (A) in the heading, by striking “2022” and
5 inserting “2023”;

6 (B) in the matter preceding clause (i), in
7 the first sentence, by striking “34,500” and in-
8 serting “38,500”; and

9 (C) in clauses (i) and (ii), by striking “De-
10 cember 31, 2023” and inserting “December 31,
11 2024”.

12 (10) *TRANSATLANTIC ENGAGEMENT*.—Funds ap-
13 propriated by this Act under the heading “Diplomatic
14 Programs” are available for support of an institute
15 for transatlantic engagement if legislation estab-
16 lishing such an institute is enacted into law by Sep-
17 tember 30, 2023: Provided, That in the event that
18 such legislation is not enacted into law by such date,
19 the amounts described in this paragraph shall be
20 available under the heading “Diplomatic Programs”
21 for the purposes therein.

22 (e) *PARTNER VETTING*.—Prior to initiating a partner
23 vetting program, providing a direct vetting option, or mak-
24 ing a significant change to the scope of an existing partner
25 vetting program, the Secretary of State and USAID Ad-

1391

1 *ministrator, as appropriate, shall consult with the Commit-*
2 *tees on Appropriations: Provided, That the Secretary and*
3 *the Administrator shall provide a direct vetting option for*
4 *prime awardees in any partner vetting program initiated*
5 *or significantly modified after the date of enactment of this*
6 *Act, unless the Secretary of State or USAID Administrator,*
7 *as applicable, informs the Committees on Appropriations*
8 *on a case-by-case basis that a direct vetting option is not*
9 *feasible for such program.*

10 (f) *CONTINGENCIES.—During fiscal year 2023, the*
11 *President may use up to \$145,000,000 under the authority*
12 *of section 451 of the Foreign Assistance Act of 1961, not-*
13 *withstanding any other provision of law.*

14 (g) *INTERNATIONAL CHILD ABDUCTIONS.—The Sec-*
15 *retary of State should withhold funds appropriated under*
16 *title III of this Act for assistance for the central government*
17 *of any country that is not taking appropriate steps to com-*
18 *ply with the Convention on the Civil Aspects of Inter-*
19 *national Child Abductions, done at the Hague on October*
20 *25, 1980: Provided, That the Secretary shall report to the*
21 *Committees on Appropriations within 15 days of with-*
22 *holding funds under this subsection.*

23 (h) *TRANSFER OF FUNDS FOR EXTRAORDINARY PRO-*
24 *TECTION.—The Secretary of State may transfer to, and*
25 *merge with, funds under the heading “Protection of Foreign*

1392

1 *Missions and Officials” unobligated balances of expired*
2 *funds appropriated under the heading “Diplomatic Pro-*
3 *grams” for fiscal year 2023, at no later than the end of*
4 *the fifth fiscal year after the last fiscal year for which such*
5 *funds are available for the purposes for which appropriated:*
6 *Provided, That not more than \$50,000,000 may be trans-*
7 *ferred.*

8 *(i) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF*
9 *DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZA-*
10 *TIONS.—The terms and conditions of section 7034(k) of the*
11 *Department of State, Foreign Operations, and Related Pro-*
12 *grams Appropriations Act, 2020 (division G of Public Law*
13 *116–94) shall continue in effect during fiscal year 2023.*

14 *(j) PERSONNEL.—Funds appropriated under the head-*
15 *ing “Migration and Refugee Assistance” may be used to*
16 *carry out section 5(a)(6) of the Migration and Refugee As-*
17 *sistance Act of 1962 (22 U.S.C. 2605(a)(6)) for employing*
18 *up to 50 individuals domestically without regard to the geo-*
19 *graphic limitation in such section, following consultation*
20 *with the Committees on Appropriations.*

21 *(k) IMPACT ON JOBS.—Section 7056 of the Department*
22 *of State, Foreign Operations, and Related Programs Appro-*
23 *priations Act, 2021 (division K of Public Law 116–260)*
24 *shall continue in effect during fiscal year 2023.*

25 *(l) EXTENSION OF AUTHORITIES.—*

1393

1 (1) *INCENTIVES FOR CRITICAL POSTS.*—*The au-*
2 *thority contained in section 1115(d) of the Supple-*
3 *mental Appropriations Act, 2009 (Public Law 111–*
4 *32) shall remain in effect through September 30,*
5 *2023.*

6 (2) *CATEGORICAL ELIGIBILITY.*—*The Foreign*
7 *Operations, Export Financing, and Related Programs*
8 *Appropriations Act, 1990 (Public Law 101–167) is*
9 *amended—*

10 (A) *in section 599D (8 U.S.C. 1157 note)—*

11 (i) *in subsection (b)(3), by striking*
12 *“and 2022” and inserting “2022, and*
13 *2023”; and*

14 (ii) *in subsection (e), by striking*
15 *“2022” each place it appears and inserting*
16 *“2023”; and*

17 (B) *in section 599E(b)(2) (8 U.S.C. 1255*
18 *note), by striking “2022” and inserting “2023”.*

19 (3) *SPECIAL INSPECTOR GENERAL FOR AFGHANI-*
20 *STAN RECONSTRUCTION COMPETITIVE STATUS.*—*Not-*
21 *withstanding any other provision of law, any em-*
22 *ployee of the Special Inspector General for Afghani-*
23 *stan Reconstruction (SIGAR) who completes at least*
24 *12 months of continuous service after enactment of*
25 *this Act or who is employed on the date on which*

1394

1 *SIGAR terminates, whichever occurs first, shall ac-*
2 *quire competitive status for appointment to any posi-*
3 *tion in the competitive service for which the employee*
4 *possesses the required qualifications.*

5 (4) *TRANSFER OF BALANCES.—Section 7081(h)*
6 *of the Department of State, Foreign Operations, and*
7 *Related Programs Appropriations Act, 2017 (division*
8 *J of Public Law 115–31) shall continue in effect dur-*
9 *ing fiscal year 2023.*

10 (5) *PROTECTIVE SERVICES.—Section 7071 of the*
11 *Department of State, Foreign Operations, and Re-*
12 *lated Programs Appropriations Act, 2022 (division K*
13 *of Public Law 117–103) shall continue in effect dur-*
14 *ing fiscal year 2023.*

15 (6) *EXTENSION OF LOAN GUARANTEES TO*
16 *ISRAEL.—Chapter 5 of title I of the Emergency War-*
17 *time Supplemental Appropriations Act, 2003 (Public*
18 *Law 108–11; 117 Stat. 576) is amended under the*
19 *heading “Loan Guarantees to Israel”—*

20 (A) *in the matter preceding the first pro-*
21 *viso, by striking “September 30, 2023” and in-*
22 *serting “September 30, 2028”; and*

23 (B) *in the second proviso, by striking “Sep-*
24 *tember 30, 2023” and inserting “September 30,*
25 *2028”.*

1395

1 (m) *MONITORING AND EVALUATION.*—

2 (1) *BENEFICIARY FEEDBACK.*—*Funds appro-*
3 *priated by this Act that are made available for moni-*
4 *toring and evaluation of assistance under the head-*
5 *ings “Development Assistance”, “International Dis-*
6 *aster Assistance”, and “Migration and Refugee Assist-*
7 *ance” shall be made available for the regular and sys-*
8 *tematic collection of feedback obtained directly from*
9 *beneficiaries to enhance the quality and relevance of*
10 *such assistance: Provided, That not later than 90*
11 *days after the date of enactment of this Act, the Sec-*
12 *retary of State and USAID Administrator shall sub-*
13 *mit to the Committees on Appropriations, and post*
14 *on their respective websites, updated procedures for*
15 *implementing partners that receive funds under such*
16 *headings for regularly and systematically collecting*
17 *and responding to such feedback, including guidelines*
18 *for the reporting on actions taken in response to the*
19 *feedback received: Provided further, That the Sec-*
20 *retary of State and USAID Administrator shall regu-*
21 *larly—*

22 (A) *conduct oversight to ensure that such*
23 *feedback is regularly collected and used by imple-*
24 *menting partners to maximize the cost-effective-*
25 *ness and utility of such assistance; and*

† HR 2617 EAS2

1396

1 (B) consult with the Committees on Appro-
2 priations on the results of such oversight.

3 (2) *EX-POST EVALUATIONS.*—Of the funds appro-
4 priated by this Act under titles III and IV, not less
5 than \$10,000,000 shall be made available for ex-post
6 evaluations of the effectiveness and sustainability of
7 United States Government-funded assistance pro-
8 grams.

9 (n) *HIV/AIDS WORKING CAPITAL FUND.*—Funds
10 available in the HIV/AIDS Working Capital Fund estab-
11 lished pursuant to section 525(b)(1) of the Foreign Oper-
12 ations, Export Financing, and Related Programs Appro-
13 priations Act, 2005 (Public Law 108–447) may be made
14 available for pharmaceuticals and other products for child
15 survival, malaria, tuberculosis, and emerging infectious
16 diseases to the same extent as HIV/AIDS pharmaceuticals
17 and other products, subject to the terms and conditions in
18 such section: Provided, That the authority in section
19 525(b)(5) of the Foreign Operations, Export Financing,
20 and Related Programs Appropriation Act, 2005 (Public
21 Law 108–447) shall be exercised by the Assistant Adminis-
22 trator for Global Health, USAID, with respect to funds de-
23 posited for such non-HIV/AIDS pharmaceuticals and other
24 products, and shall be subject to the regular notification
25 procedures of the Committees on Appropriations: Provided

1397

1 *further, That the Secretary of State shall include in the con-*
2 *gressional budget justification an accounting of budgetary*
3 *resources, disbursements, balances, and reimbursements re-*
4 *lated to such fund.*

5 (o) *LOANS, CONSULTATION, AND NOTIFICATION.—*

6 (1) *LOAN GUARANTEES.—Funds appropriated*
7 *under the headings “Economic Support Fund” and*
8 *“Assistance for Europe, Eurasia and Central Asia”*
9 *by this Act and prior Acts making appropriations for*
10 *the Department of State, foreign operations, and re-*
11 *lated programs may be made available for the costs,*
12 *as defined in section 502 of the Congressional Budget*
13 *Act of 1974, of loan guarantees for Egypt, Jordan,*
14 *Small Island Developing States, Tunisia, and*
15 *Ukraine, which are authorized to be provided: Pro-*
16 *vided, That amounts made available under this para-*
17 *graph for the costs of such guarantees shall not be*
18 *considered assistance for the purposes of provisions of*
19 *law limiting assistance to a country.*

20 (2) *CONSULTATION AND NOTIFICATION.—Funds*
21 *made available pursuant to the authorities of this*
22 *subsection shall be subject to prior consultation with*
23 *the appropriate congressional committees and the reg-*
24 *ular notification procedures of the Committees on Ap-*
25 *propriations.*

1398

1 (3) *ADMINISTRATION.*—*Not less than 30 days*
2 *prior to exercising the authority of this subsection,*
3 *but not later than 90 days after the date of enactment*
4 *of this Act, the President shall designate, and concu-*
5 *rently report such designation to the appropriate con-*
6 *gressional committees, the Federal agency or agencies*
7 *responsible for managing the legacy loan guarantee*
8 *portfolio, maintaining the current and future finan-*
9 *cial exposure of loan guarantees, and executing future*
10 *loan guarantees.*

11 (p) *LOCAL WORKS.*—

12 (1) *FUNDING.*—*Of the funds appropriated by*
13 *this Act under the headings “Development Assistance”*
14 *and “Economic Support Fund”, not less than*
15 *\$100,000,000 shall be made available for Local Works*
16 *pursuant to section 7080 of the Department of State,*
17 *Foreign Operations, and Related Programs Appro-*
18 *priations Act, 2015 (division J of Public Law 113–*
19 *235), which may remain available until September*
20 *30, 2027.*

21 (2) *ELIGIBLE ENTITIES.*—*For the purposes of*
22 *section 7080 of the Department of State, Foreign Op-*
23 *erations, and Related Programs Appropriations Act,*
24 *2015 (division J of Public Law 113–235), “eligible*
25 *entities” shall be defined as small local, international,*

1399

1 *and United States-based nongovernmental organiza-*
2 *tions, educational institutions, and other small enti-*
3 *ties that have received less than a total of \$5,000,000*
4 *from USAID over the previous 5 fiscal years: Pro-*
5 *vided, That departments or centers of such edu-*
6 *cational institutions may be considered individually*
7 *in determining such eligibility.*

8 *(q) EXTENSION OF PROCUREMENT AUTHORITY.—Sec-*
9 *tion 7077 of the Department of State, Foreign Operations,*
10 *and Related Programs Appropriations Act, 2012 (division*
11 *I of Public Law 112–74) shall continue in effect during fis-*
12 *cal year 2023.*

13 *(r) SECTION 889.—For the purposes of obligations and*
14 *expenditures made with funds appropriated by this Act and*
15 *prior Acts making appropriations for the Department of*
16 *State, foreign operations, and related programs, the waiver*
17 *authority in section 889(d)(2) of the John S. McCain Na-*
18 *tional Defense Authorization Act for Fiscal Year 2019 (Pub-*
19 *lic Law 115–232) may also be available to the Secretary*
20 *of State, following consultation with the Director of Na-*
21 *tional Intelligence: Provided, That not later than 60 days*
22 *after the date of enactment of this Act, the Secretary of*
23 *State shall submit to the appropriate congressional commit-*
24 *tees a report detailing the use of the authority of this sub-*
25 *section since the date of enactment of this Act, which shall*

1400

1 *include the scope and duration of any waiver granted, the*
2 *entity covered by such waiver, and a detailed description*
3 *of the national security interest served: Provided further,*
4 *That such report shall be updated every 60 days until Sep-*
5 *tember 30, 2024.*

6 (s) *DEFINITIONS.—*

7 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
8 *TEES.—Unless otherwise defined in this Act, for pur-*
9 *poses of this Act the term “appropriate congressional*
10 *committees” means the Committees on Appropriations*
11 *and Foreign Relations of the Senate and the Commit-*
12 *tees on Appropriations and Foreign Affairs of the*
13 *House of Representatives.*

14 (2) *FUNDS APPROPRIATED BY THIS ACT AND*
15 *PRIOR ACTS.—Unless otherwise defined in this Act,*
16 *for purposes of this Act the term “funds appropriated*
17 *by this Act and prior Acts making appropriations for*
18 *the Department of State, foreign operations, and re-*
19 *lated programs” means funds that remain available*
20 *for obligation, and have not expired.*

21 (3) *INTERNATIONAL FINANCIAL INSTITUTIONS.—*
22 *In this Act “international financial institutions”*
23 *means the International Bank for Reconstruction and*
24 *Development, the International Development Associa-*
25 *tion, the International Finance Corporation, the*

1401

1 *Inter-American Development Bank, the International*
2 *Monetary Fund, the International Fund for Agricul-*
3 *tural Development, the Asian Development Bank, the*
4 *Asian Development Fund, the Inter-American Invest-*
5 *ment Corporation, the North American Development*
6 *Bank, the European Bank for Reconstruction and De-*
7 *velopment, the African Development Bank, the Afri-*
8 *can Development Fund, and the Multilateral Invest-*
9 *ment Guarantee Agency.*

10 (4) *SPEND PLAN.—In this Act, the term “spend*
11 *plan” means a plan for the uses of funds appro-*
12 *priated for a particular entity, country, program,*
13 *purpose, or account and which shall include, at a*
14 *minimum, a description of—*

15 (A) *realistic and sustainable goals, criteria*
16 *for measuring progress, and a timeline for*
17 *achieving such goals;*

18 (B) *amounts and sources of funds by ac-*
19 *count;*

20 (C) *how such funds will complement other*
21 *ongoing or planned programs; and*

22 (D) *implementing partners, to the max-*
23 *imum extent practicable.*

24 (5) *SUCCESSOR OPERATING UNIT.—Any ref-*
25 *erence to a particular operating unit or office in this*

1402

1 *Act or prior Acts making appropriations for the De-*
2 *partment of State, foreign operations, and related*
3 *programs shall be deemed to include any successor op-*
4 *erating unit performing the same or similar func-*
5 *tions.*

6 (6) *USAID.*—*In this Act, the term “USAID”*
7 *means the United States Agency for International De-*
8 *velopment.*

9 LAW ENFORCEMENT AND SECURITY

10 SEC. 7035. (a) *ASSISTANCE.*—

11 (1) *COMMUNITY-BASED POLICE ASSISTANCE.*—
12 *Funds made available under titles III and IV of this*
13 *Act to carry out the provisions of chapter 1 of part*
14 *I and chapters 4 and 6 of part II of the Foreign As-*
15 *sistance Act of 1961, may be used, notwithstanding*
16 *section 660 of that Act, to enhance the effectiveness*
17 *and accountability of civilian police authority*
18 *through training and technical assistance in human*
19 *rights, the rule of law, anti-corruption, strategic plan-*
20 *ning, and through assistance to foster civilian police*
21 *roles that support democratic governance, including*
22 *assistance for programs to prevent conflict, respond to*
23 *disasters, address gender-based violence, and foster*
24 *improved police relations with the communities they*
25 *serve.*

1403

1 (2) *COMBAT CASUALTY CARE.*—

2 (A) *Consistent with the objectives of the*
3 *Foreign Assistance Act of 1961 and the Arms*
4 *Export Control Act, funds appropriated by this*
5 *Act under the headings “Peacekeeping Oper-*
6 *ations” and “Foreign Military Financing Pro-*
7 *gram” shall be made available for combat cas-*
8 *ualty training and equipment in an amount*
9 *above the prior fiscal year.*

10 (B) *The Secretary of State shall offer com-*
11 *bat casualty care training and equipment as a*
12 *component of any package of lethal assistance*
13 *funded by this Act with funds appropriated*
14 *under the headings “Peacekeeping Operations”*
15 *and “Foreign Military Financing Program”:*
16 *Provided, That the requirement of this subpara-*
17 *graph shall apply to a country in conflict, unless*
18 *the Secretary determines that such country has*
19 *in place, to the maximum extent practicable,*
20 *functioning combat casualty care treatment and*
21 *equipment that meets or exceeds the standards*
22 *recommended by the Committee on Tactical*
23 *Combat Casualty Care: Provided further, That*
24 *any such training and equipment for combat*

† HR 2617 EAS2

1404

1 *casualty care shall be made available through an*
2 *open and competitive process.*

3 (3) *TRAINING RELATED TO INTERNATIONAL HU-*
4 *MANITARIAN LAW.—The Secretary of State shall offer*
5 *training related to the requirements of international*
6 *humanitarian law as a component of any package of*
7 *lethal assistance funded by this Act with funds appro-*
8 *priated under the headings “Peacekeeping Oper-*
9 *ations” and “Foreign Military Financing Program”:*
10 *Provided, That the requirement of this paragraph*
11 *shall not apply to a country that is a member of the*
12 *North Atlantic Treaty Organization (NATO), is a*
13 *major non-NATO ally designated by section 517(b) of*
14 *the Foreign Assistance Act of 1961, or is complying*
15 *with international humanitarian law: Provided fur-*
16 *ther, That any such training shall be made available*
17 *through an open and competitive process.*

18 (4) *INTERNATIONAL PRISON CONDITIONS.—*
19 *Funds appropriated by this Act under the headings*
20 *“Development Assistance”, “Economic Support*
21 *Fund”, and “International Narcotics Control and*
22 *Law Enforcement” shall be made available for assist-*
23 *ance to eliminate inhumane conditions in foreign*
24 *prisons and other detention facilities, notwithstanding*
25 *section 660 of the Foreign Assistance Act of 1961:*

† HR 2617 EAS2

1405

1 *Provided, That the Secretary of State and the USAID*
2 *Administrator shall consult with the Committees on*
3 *Appropriations on the proposed uses of such funds*
4 *prior to obligation and not later than 60 days after*
5 *the date of enactment of this Act: Provided further,*
6 *That such funds shall be in addition to funds other-*
7 *wise made available by this Act for such purpose.*

8 **(b) AUTHORITIES.—**

9 **(1) RECONSTITUTING CIVILIAN POLICE AUTHOR-**
10 **ITY.—***In providing assistance with funds appro-*
11 *priated by this Act under section 660(b)(6) of the*
12 *Foreign Assistance Act of 1961, support for a nation*
13 *emerging from instability may be deemed to mean*
14 *support for regional, district, municipal, or other sub-*
15 *national entity emerging from instability, as well as*
16 *a nation emerging from instability.*

17 **(2) DISARMAMENT, DEMOBILIZATION, AND RE-**
18 **INTEGRATION.—***Section 7034(d) of the Department of*
19 *State, Foreign Operations, and Related Programs Ap-*
20 *propriations Act, 2015 (division J of Public Law*
21 *113–235) shall continue in effect during fiscal year*
22 *2023.*

23 **(3) COMMERCIAL LEASING OF DEFENSE ARTI-**
24 **CLES.—***Notwithstanding any other provision of law,*
25 *and subject to the regular notification procedures of*

1406

1 *the Committees on Appropriations, the authority of*
2 *section 23(a) of the Arms Export Control Act (22*
3 *U.S.C. 2763) may be used to provide financing to*
4 *Israel, Egypt, the North Atlantic Treaty Organization*
5 *(NATO), and major non-NATO allies for the procure-*
6 *ment by leasing (including leasing with an option to*
7 *purchase) of defense articles from United States com-*
8 *mercial suppliers, not including Major Defense*
9 *Equipment (other than helicopters and other types of*
10 *aircraft having possible civilian application), if the*
11 *President determines that there are compelling foreign*
12 *policy or national security reasons for those defense*
13 *articles being provided by commercial lease rather*
14 *than by government-to-government sale under such*
15 *Act.*

16 (4) *SPECIAL DEFENSE ACQUISITION FUND.—Not*
17 *to exceed \$900,000,000 may be obligated pursuant to*
18 *section 51(c)(2) of the Arms Export Control Act (22*
19 *U.S.C. 2795(c)(2)) for the purposes of the Special De-*
20 *fense Acquisition Fund (the Fund), to remain avail-*
21 *able for obligation until September 30, 2025: Pro-*
22 *vided, That the provision of defense articles and de-*
23 *fense services to foreign countries or international or-*
24 *ganizations from the Fund shall be subject to the con-*
25 *currence of the Secretary of State.*

1407

1 (5) *OVERSIGHT AND ACCOUNTABILITY.*—(A)
2 *Prior to the signing of a new Letter of Offer and Ac-*
3 *ceptance (LOA) involving funds appropriated under*
4 *the heading “Foreign Military Financing Program”,*
5 *the Secretary of State shall consult with each recipi-*
6 *ent government to ensure that the LOA between the*
7 *United States and such recipient government com-*
8 *plies with the purposes of section 4 of the Arms Ex-*
9 *port Control Act (22 U.S.C. 2754) and that the de-*
10 *fense articles, services, and training procured with*
11 *funds appropriated under such heading are consistent*
12 *with United States national security policy.*

13 (B) *The Secretary of State shall promptly in-*
14 *form the appropriate congressional committees of any*
15 *instance in which the Secretary of State has credible*
16 *information that such assistance was used in a man-*
17 *ner contrary to such agreement.*

18 (c) *LIMITATIONS.*—

19 (1) *CHILD SOLDIERS.*—*Funds appropriated by*
20 *this Act should not be used to support any military*
21 *training or operations that include child soldiers.*

22 (2) *LANDMINES AND CLUSTER MUNITIONS.*—

23 (A) *AUTHORITY.*—*Notwithstanding any*
24 *other provision of law, demining equipment*
25 *available to the United States Agency for Inter-*

1408

1 *national Development and the Department of*
2 *State and used in support of the clearance of*
3 *landmines and unexploded ordnance for humani-*
4 *tarian purposes may be disposed of on a grant*
5 *basis in foreign countries, subject to such terms*
6 *and conditions as the Secretary of State may*
7 *prescribe.*

8 *(B) REPORT.—Not later than 120 days*
9 *after the date of enactment of this Act, the Sec-*
10 *retary of State, in consultation with the Sec-*
11 *retary of Defense, shall submit a report to the*
12 *appropriate congressional committees on imple-*
13 *mentation of the United States policy regarding*
14 *anti-personnel landmines (APLs) announced on*
15 *June 21, 2022, to include progress on the de-*
16 *struction of APLs, and the number and types of*
17 *APLs required by such policy for the defense of*
18 *the Republic of Korea and the methodology used*
19 *to determine such number: Provided, That the re-*
20 *port shall include the types (by Department of*
21 *Defense Ammunition Code) and quantities of*
22 *landmines demilitarized and removed from the*
23 *demilitarization account of the United States*
24 *Armed Forces, and demilitarization accom-*

1409

1 *plished by contract or outside the continental*
2 *United States.*

3 (C) *CLUSTER MUNITIONS.*—*No military as-*
4 *sistance shall be furnished for cluster munitions,*
5 *no defense export license for cluster munitions*
6 *may be issued, and no cluster munitions or clus-*
7 *ter munitions technology shall be sold or trans-*
8 *ferred, unless—*

9 (i) *the submunitions of the cluster mu-*
10 *nitions, after arming, do not result in more*
11 *than 1 percent unexploded ordnance across*
12 *the range of intended operational environ-*
13 *ments, and the agreement applicable to the*
14 *assistance, transfer, or sale of such cluster*
15 *munitions or cluster munitions technology*
16 *specifies that the cluster munitions will*
17 *only be used against clearly defined mili-*
18 *tary targets and will not be used where ci-*
19 *vilians are known to be present or in areas*
20 *normally inhabited by civilians; or*

21 (ii) *such assistance, license, sale, or*
22 *transfer is for the purpose of demilitarizing*
23 *or permanently disposing of such cluster*
24 *munitions.*

1410

1 (3) *CROWD CONTROL.*—*If the Secretary of State*
2 *has information that a unit of a foreign security force*
3 *uses excessive force to repress peaceful expression or*
4 *assembly concerning corruption, harm to the environ-*
5 *ment or human health, or the fairness of electoral*
6 *processes, or in countries that are undemocratic or*
7 *undergoing democratic transition, the Secretary shall*
8 *promptly determine if such information is credible:*
9 *Provided, That if the information is determined to be*
10 *credible, funds appropriated by this Act should not be*
11 *used for tear gas, small arms, light weapons, ammu-*
12 *nition, or other items for crowd control purposes for*
13 *such unit, unless the Secretary of State determines*
14 *that the foreign government is taking effective meas-*
15 *ures to bring the responsible members of such unit to*
16 *justice.*

17 (d) *REPORTS.*—

18 (1) *SECURITY ASSISTANCE REPORT.*—*Not later*
19 *than 120 days after the date of enactment of this Act,*
20 *the Secretary of State shall submit to the Committees*
21 *on Appropriations a report on funds obligated and*
22 *expended during fiscal year 2022, by country and*
23 *purpose of assistance, under the headings “Peace-*
24 *keeping Operations”, “International Military Edu-*

1411

1 *cation and Training”, and “Foreign Military Fi-*
2 *nancing Program”.*

3 (2) *ANNUAL FOREIGN MILITARY TRAINING RE-*
4 *PORT.—For the purposes of implementing section 656*
5 *of the Foreign Assistance Act of 1961, the term “mili-*
6 *tary training provided to foreign military personnel*
7 *by the Department of Defense and the Department of*
8 *State” shall be deemed to include all military train-*
9 *ing provided by foreign governments with funds ap-*
10 *propriated to the Department of Defense or the De-*
11 *partment of State, except for training provided by the*
12 *government of a country designated by section 517(b)*
13 *of such Act (22 U.S.C. 2321k(b)) as a major non-*
14 *North Atlantic Treaty Organization ally: Provided,*
15 *That such third-country training shall be clearly*
16 *identified in the report submitted pursuant to section*
17 *656 of such Act.*

18 *ASSISTANCE FOR INNOCENT VICTIMS OF CONFLICT*

19 *SEC. 7036. Of the funds appropriated under title III*
20 *of this Act, not less than \$10,000,000 shall be made avail-*
21 *able for the Marla Ruzicka Fund for Innocent Victims of*
22 *Conflict: Provided, That the USAID Administrator shall*
23 *consult with the Committees on Appropriations not later*
24 *than 60 days after the date of enactment of this Act on*
25 *the proposed uses of such funds.*

1412

1 *PALESTINIAN STATEHOOD*

2 *SEC. 7037. (a) LIMITATION ON ASSISTANCE.—None of*
3 *the funds appropriated under titles III through VI of this*
4 *Act may be provided to support a Palestinian state unless*
5 *the Secretary of State determines and certifies to the appro-*
6 *priate congressional committees that—*

7 *(1) the governing entity of a new Palestinian*
8 *state—*

9 *(A) has demonstrated a firm commitment to*
10 *peaceful co-existence with the State of Israel; and*

11 *(B) is taking appropriate measures to*
12 *counter terrorism and terrorist financing in the*
13 *West Bank and Gaza, including the dismantling*
14 *of terrorist infrastructures, and is cooperating*
15 *with appropriate Israeli and other appropriate*
16 *security organizations; and*

17 *(2) the Palestinian Authority (or the governing*
18 *entity of a new Palestinian state) is working with*
19 *other countries in the region to vigorously pursue ef-*
20 *forts to establish a just, lasting, and comprehensive*
21 *peace in the Middle East that will enable Israel and*
22 *an independent Palestinian state to exist within the*
23 *context of full and normal relationships, which should*
24 *include—*

1413

1 (A) *termination of all claims or states of*
2 *belligerency;*

3 (B) *respect for and acknowledgment of the*
4 *sovereignty, territorial integrity, and political*
5 *independence of every state in the area through*
6 *measures including the establishment of demili-*
7 *tarized zones;*

8 (C) *their right to live in peace within secure*
9 *and recognized boundaries free from threats or*
10 *acts of force;*

11 (D) *freedom of navigation through inter-*
12 *national waterways in the area; and*

13 (E) *a framework for achieving a just settle-*
14 *ment of the refugee problem.*

15 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
16 *that the governing entity should enact a constitution assur-*
17 *ing the rule of law, an independent judiciary, and respect*
18 *for human rights for its citizens, and should enact other*
19 *laws and regulations assuring transparent and accountable*
20 *governance.*

21 (c) *WAIVER.—The President may waive subsection (a)*
22 *if the President determines that it is important to the na-*
23 *tional security interest of the United States to do so.*

24 (d) *EXEMPTION.—The restriction in subsection (a)*
25 *shall not apply to assistance intended to help reform the*

1414

1 *Palestinian Authority and affiliated institutions, or the*
2 *governing entity, in order to help meet the requirements of*
3 *subsection (a), consistent with the provisions of section 7040*
4 *of this Act (“Limitation on Assistance for the Palestinian*
5 *Authority”).*

6 *PROHIBITION ON ASSISTANCE TO THE PALESTINIAN*
7 *BROADCASTING CORPORATION*

8 *SEC. 7038. None of the funds appropriated or other-*
9 *wise made available by this Act may be used to provide*
10 *equipment, technical support, consulting services, or any*
11 *other form of assistance to the Palestinian Broadcasting*
12 *Corporation.*

13 *ASSISTANCE FOR THE WEST BANK AND GAZA*

14 *SEC. 7039. (a) OVERSIGHT.—For fiscal year 2023, 30*
15 *days prior to the initial obligation of funds for the bilateral*
16 *West Bank and Gaza Program, the Secretary of State shall*
17 *certify to the Committees on Appropriations that proce-*
18 *dures have been established to assure the Comptroller Gen-*
19 *eral of the United States will have access to appropriate*
20 *United States financial information in order to review the*
21 *uses of United States assistance for the Program funded*
22 *under the heading “Economic Support Fund” for the West*
23 *Bank and Gaza.*

24 *(b) VETTING.—Prior to the obligation of funds appro-*
25 *priated by this Act under the heading “Economic Support*

1415

1 *Fund” for assistance for the West Bank and Gaza, the Sec-*
2 *retary of State shall take all appropriate steps to ensure*
3 *that such assistance is not provided to or through any indi-*
4 *vidual, private or government entity, or educational insti-*
5 *tution that the Secretary knows or has reason to believe ad-*
6 *vocates, plans, sponsors, engages in, or has engaged in, ter-*
7 *rorist activity nor, with respect to private entities or edu-*
8 *cational institutions, those that have as a principal officer*
9 *of the entity’s governing board or governing board of trust-*
10 *ees any individual that has been determined to be involved*
11 *in, or advocating terrorist activity or determined to be a*
12 *member of a designated foreign terrorist organization: Pro-*
13 *vided, That the Secretary of State shall, as appropriate, es-*
14 *tablish procedures specifying the steps to be taken in car-*
15 *rying out this subsection and shall terminate assistance to*
16 *any individual, entity, or educational institution which the*
17 *Secretary has determined to be involved in or advocating*
18 *terrorist activity.*

19 (c) *PROHIBITION.—*

20 (1) *RECOGNITION OF ACTS OF TERRORISM.—*

21 *None of the funds appropriated under titles III*
22 *through VI of this Act for assistance under the West*
23 *Bank and Gaza Program may be made available*
24 *for—*

1416

1 (A) the purpose of recognizing or otherwise
2 honoring individuals who commit, or have com-
3 mitted acts of terrorism; and

4 (B) any educational institution located in
5 the West Bank or Gaza that is named after an
6 individual who the Secretary of State determines
7 has committed an act of terrorism.

8 (2) SECURITY ASSISTANCE AND REPORTING RE-
9 QUIREMENT.—Notwithstanding any other provision of
10 law, none of the funds made available by this or prior
11 appropriations Acts, including funds made available
12 by transfer, may be made available for obligation for
13 security assistance for the West Bank and Gaza until
14 the Secretary of State reports to the Committees on
15 Appropriations on—

16 (A) the benchmarks that have been estab-
17 lished for security assistance for the West Bank
18 and Gaza and on the extent of Palestinian com-
19 pliance with such benchmarks; and

20 (B) the steps being taken by the Palestinian
21 Authority to end torture and other cruel, inhu-
22 man, and degrading treatment of detainees, in-
23 cluding by bringing to justice members of Pales-
24 tinian security forces who commit such crimes.

1417

1 (d) *OVERSIGHT BY THE UNITED STATES AGENCY FOR*
2 *INTERNATIONAL DEVELOPMENT.*—

3 (1) *The Administrator of the United States*
4 *Agency for International Development shall ensure*
5 *that Federal or non-Federal audits of all contractors*
6 *and grantees, and significant subcontractors and sub-*
7 *grantees, under the West Bank and Gaza Program,*
8 *are conducted at least on an annual basis to ensure,*
9 *among other things, compliance with this section.*

10 (2) *Of the funds appropriated by this Act, up to*
11 *\$1,300,000 may be used by the Office of Inspector*
12 *General of the United States Agency for International*
13 *Development for audits, investigations, and other ac-*
14 *tivities in furtherance of the requirements of this sub-*
15 *section: Provided, That such funds are in addition to*
16 *funds otherwise available for such purposes.*

17 (e) *COMPTROLLER GENERAL OF THE UNITED STATES*
18 *AUDIT.*—*Subsequent to the certification specified in sub-*
19 *section (a), the Comptroller General of the United States*
20 *shall conduct an audit and an investigation of the treat-*
21 *ment, handling, and uses of all funds for the bilateral West*
22 *Bank and Gaza Program, including all funds provided as*
23 *cash transfer assistance, in fiscal year 2023 under the head-*
24 *ing “Economic Support Fund”, and such audit shall ad-*
25 *dress—*

1418

1 (1) the extent to which such Program complies
2 with the requirements of subsections (b) and (c); and

3 (2) *an examination of all programs, projects,*
4 *and activities carried out under such Program, in-*
5 *cluding both obligations and expenditures.*

(f) *NOTIFICATION PROCEDURES.*—Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

10 *LIMITATION ON ASSISTANCE FOR THE PALESTINIAN*11 *AUTHORITY*

12 SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the
13 funds appropriated by this Act to carry out the provisions
14 of chapter 4 of part II of the Foreign Assistance Act of 1961
15 may be obligated or expended with respect to providing
16 funds to the Palestinian Authority.

(b) *WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interest of the United States.*

23 (c) *PERIOD OF APPLICATION OF WAIVER.*—Any waiv-
24 er pursuant to subsection (b) shall be effective for no more

1 *than a period of 6 months at a time and shall not apply*
2 *beyond 12 months after the enactment of this Act.*

3 (d) *REPORT.*—*Whenever the waiver authority pursu-*
4 *ant to subsection (b) is exercised, the President shall submit*
5 *a report to the Committees on Appropriations detailing the*
6 *justification for the waiver, the purposes for which the funds*
7 *will be spent, and the accounting procedures in place to*
8 *ensure that the funds are properly disbursed: Provided,*
9 *That the report shall also detail the steps the Palestinian*
10 *Authority has taken to arrest terrorists, confiscate weapons*
11 *and dismantle the terrorist infrastructure.*

12 (e) *CERTIFICATION.*—*If the President exercises the*
13 *waiver authority under subsection (b), the Secretary of*
14 *State must certify and report to the Committees on Appro-*
15 *priations prior to the obligation of funds that the Pales-*
16 *tinian Authority has established a single treasury account*
17 *for all Palestinian Authority financing and all financing*
18 *mechanisms flow through this account, no parallel financ-*
19 *ing mechanisms exist outside of the Palestinian Authority*
20 *treasury account, and there is a single comprehensive civil*
21 *service roster and payroll, and the Palestinian Authority*
22 *is acting to counter incitement of violence against Israelis*
23 *and is supporting activities aimed at promoting peace, co-*
24 *existence, and security cooperation with Israel.*

1420

1 (f) *PROHIBITION TO HAMAS AND THE PALESTINE LIB-*
2 *ERATION ORGANIZATION.*—

3 (1) *None of the funds appropriated in titles III*
4 *through VI of this Act may be obligated for salaries*
5 *of personnel of the Palestinian Authority located in*
6 *Gaza or may be obligated or expended for assistance*
7 *to Hamas or any entity effectively controlled by*
8 *Hamas, any power-sharing government of which*
9 *Hamas is a member, or that results from an agree-*
10 *ment with Hamas and over which Hamas exercises*
11 *undue influence.*

12 (2) *Notwithstanding the limitation of paragraph*
13 *(1), assistance may be provided to a power-sharing*
14 *government only if the President certifies and reports*
15 *to the Committees on Appropriations that such gov-*
16 *ernment, including all of its ministers or such equiva-*
17 *lent, has publicly accepted and is complying with the*
18 *principles contained in section 620K(b)(1) (A) and*
19 *(B) of the Foreign Assistance Act of 1961, as amend-*
20 *ed.*

21 (3) *The President may exercise the authority in*
22 *section 620K(e) of the Foreign Assistance Act of 1961,*
23 *as added by the Palestinian Anti-Terrorism Act of*
24 *2006 (Public Law 109–446) with respect to this sub-*
25 *section.*

1421

1 (4) *Whenever the certification pursuant to para-*
2 *graph (2) is exercised, the Secretary of State shall*
3 *submit a report to the Committees on Appropriations*
4 *within 120 days of the certification and every quarter*
5 *thereafter on whether such government, including all*
6 *of its ministers or such equivalent are continuing to*
7 *comply with the principles contained in section*
8 *620K(b)(1) (A) and (B) of the Foreign Assistance Act*
9 *of 1961, as amended: Provided, That the report shall*
10 *also detail the amount, purposes and delivery mecha-*
11 *nisms for any assistance provided pursuant to the*
12 *abovementioned certification and a full accounting of*
13 *any direct support of such government.*

14 (5) *None of the funds appropriated under titles*
15 *III through VI of this Act may be obligated for assist-*
16 *ance for the Palestine Liberation Organization.*

17 MIDDLE EAST AND NORTH AFRICA

18 SEC. 7041. (a) EGYPT.—

19 (1) *CERTIFICATION AND REPORT.—Funds appro-*
20 *priated by this Act that are available for assistance*
21 *for Egypt may be made available notwithstanding*
22 *any other provision of law restricting assistance for*
23 *Egypt, except for this subsection and section 620M of*
24 *the Foreign Assistance Act of 1961, and may only be*
25 *made available for assistance for the Government of*

1422

1 *Egypt if the Secretary of State certifies and reports*
2 *to the Committees on Appropriations that such gov-*
3 *ernment is—*

4 *(A) sustaining the strategic relationship*
5 *with the United States; and*

6 *(B) meeting its obligations under the 1979*
7 *Egypt-Israel Peace Treaty.*

8 *(2) ECONOMIC SUPPORT FUND.—Of the funds*
9 *appropriated by this Act under the heading “Eco-*
10 *nomie Support Fund”, not less than \$125,000,000*
11 *shall be made available for assistance for Egypt, of*
12 *which not less than \$40,000,000 should be made*
13 *available for higher education programs, including*
14 *not less than \$15,000,000 for scholarships for Egyp-*
15 *tian students with high financial need to attend not-*
16 *for-profit institutions of higher education in Egypt*
17 *that are currently accredited by a regional accred-*
18 *iting agency recognized by the United States Depart-*
19 *ment of Education, or meets standards equivalent to*
20 *those required for United States institutional accredi-*
21 *tation by a regional accrediting agency recognized by*
22 *such Department: Provided, That such funds shall be*
23 *made available for democracy programs, and for de-*
24 *velopment programs in the Sinai.*

25 *(3) FOREIGN MILITARY FINANCING PROGRAM.—*

1423

1 (A) *CERTIFICATION.*—Of the funds appro-
2 priated by this Act under the heading “Foreign
3 Military Financing Program”, \$1,300,000,000,
4 to remain available until September 30, 2024,
5 should be made available for assistance for
6 Egypt: Provided, That such funds may be trans-
7 ferred to an interest bearing account in the Fed-
8 eral Reserve Bank of New York, following con-
9 sultation with the Committees on Appropria-
10 tions, and the uses of any interest earned on
11 such funds shall be subject to the regular notifi-
12 cation procedures of the Committees on Appro-
13 priations: Provided further, That \$225,000,000
14 of such funds shall be withheld from obligation
15 until the Secretary of State certifies and reports
16 to the Committees on Appropriations that the
17 Government of Egypt is taking sustained and ef-
18 fective steps to—

19 (i) *strengthen the rule of law, demo-*
20 *cratic institutions, and human rights in*
21 *Egypt, including to protect religious mi-*
22 *norities and the rights of women, which are*
23 *in addition to steps taken during the pre-*
24 *vious calendar year for such purposes;*

1424

1 (ii) implement reforms that protect
2 freedoms of expression, association, and
3 peaceful assembly, including the ability of
4 civil society organizations, human rights
5 defenders, and the media to function with-
6 out interference;

7 (iii) hold Egyptian security forces ac-
8 countable, including officers credibly alleged
9 to have violated human rights;

10 (iv) investigate and prosecute cases of
11 extrajudicial killings and forced disappear-
12 ances;

13 (v) provide regular access for United
14 States officials to monitor such assistance
15 in areas where the assistance is used; and

16 (vi) comply with the requirement
17 under this section in the explanatory state-
18 ment described in section 4 (in the matter
19 preceding division A of this consolidated
20 Act).

21 (B) WAIVER.—The Secretary of State may
22 waive the certification requirement in subpara-
23 graph (A) if the Secretary determines and re-
24 ports to the Committees on Appropriations that
25 such funds are necessary for counterterrorism,

† HR 2617 EAS2

1425

1 *border security, or nonproliferation programs or*
2 *that it is otherwise important to the national se-*
3 *curity interest of the United States to do so, and*
4 *submits a report to such Committees containing*
5 *a detailed justification for the use of such waiver*
6 *and the reasons why any of the requirements of*
7 *subparagraph (A) cannot be met: Provided, That*
8 *the report required by this paragraph shall be*
9 *submitted in unclassified form, but may be ac-*
10 *companied by a classified annex.*

11 *(C) In addition to the funds withheld pur-*
12 *suant to subparagraph (A), \$95,000,000 of the*
13 *funds made available pursuant to this para-*
14 *graph shall be withheld from obligation until the*
15 *Secretary of State determines and reports to the*
16 *Committees on Appropriations that the Govern-*
17 *ment of Egypt is making clear and consistent*
18 *progress in releasing political prisoners, pro-*
19 *viding detainees with due process of law, and*
20 *preventing the intimidation and harassment of*
21 *American citizens.*

22 *(b) IRAN.—*

23 *(1) FUNDING.—Funds appropriated by this Act*
24 *under the headings “Diplomatic Programs”, “Eco-*
25 *nomics Support Fund”, and “Nonproliferation, Anti-*

1426

1 *terrorism, Demining and Related Programs” shall be*
2 *made available for the programs and activities de-*
3 *scribed under this section in House Report 117–401.*

4 (2) *REPORTS.—*

5 (A) *SEMI-ANNUAL REPORT.—The Secretary*
6 *of State shall submit to the Committees on Ap-*
7 *propriations the semi-annual report required by*
8 *section 135(d)(4) of the Atomic Energy Act of*
9 *1954 (42 U.S.C. 2160e(d)(4)), as added by sec-*
10 *tion 2 of the Iran Nuclear Agreement Review Act*
11 *of 2015 (Public Law 114–17).*

12 (B) *SANCTIONS REPORT.—Not later than*
13 *180 days after the date of enactment of this Act,*
14 *the Secretary of State, in consultation with the*
15 *Secretary of the Treasury, shall submit to the*
16 *appropriate congressional committees a report*
17 *on—*

18 (i) *the status of United States bilateral*
19 *sanctions on Iran;*

20 (ii) *the reimposition and renewed en-*
21 *forcement of secondary sanctions; and*

22 (iii) *the impact such sanctions have*
23 *had on Iran’s destabilizing activities*
24 *throughout the Middle East.*

25 (c) *IRAQ.—*

1427

1 (1) *PURPOSES.—Funds appropriated under ti-*
2 *tles III and IV of this Act shall be made available for*
3 *assistance for Iraq for—*

4 (A) *bilateral economic assistance and inter-*
5 *national security assistance, including in the*
6 *Kurdistan Region of Iraq;*

7 (B) *stabilization assistance, including in*
8 *Anbar Province;*

9 (C) *programs to support government trans-*
10 *parency and accountability, support judicial*
11 *independence, protect the right of due process,*
12 *end the use of torture, and combat corruption;*

13 (D) *humanitarian assistance, including in*
14 *the Kurdistan Region of Iraq;*

15 (E) *programs to protect and assist religious*
16 *and ethnic minority populations; and*

17 (F) *programs to increase United States pri-*
18 *vate sector investment.*

19 (2) *BASING RIGHTS.—None of the funds appro-*
20 *priated or otherwise made available by this Act may*
21 *be used by the Government of the United States to*
22 *enter into a permanent basing rights agreement be-*
23 *tween the United States and Iraq.*

24 (d) *ISRAEL.—Of the funds appropriated by this Act*
25 *under the heading “Foreign Military Financing Program”,*

1428

1 *not less than \$3,300,000,000 shall be available for grants*
2 *only for Israel which shall be disbursed within 30 days of*
3 *enactment of this Act: Provided, That to the extent that the*
4 *Government of Israel requests that funds be used for such*
5 *purposes, grants made available for Israel under this head-*
6 *ing shall, as agreed by the United States and Israel, be*
7 *available for advanced weapons systems, of which not less*
8 *than \$775,300,000 shall be available for the procurement*
9 *in Israel of defense articles and defense services, including*
10 *research and development.*

11 *(e) JORDAN.—Of the funds appropriated by this Act*
12 *under titles III and IV, not less than \$1,650,000,000 shall*
13 *be made available for assistance for Jordan, of which not*
14 *less than \$845,100,000 shall be made available for budget*
15 *support for the Government of Jordan and not less than*
16 *\$425,000,000 shall be made available under the heading*
17 *“Foreign Military Financing Program”.*

18 *(f) LEBANON.—*

19 *(1) ASSISTANCE.—Funds appropriated under ti-*
20 *ties III and IV of this Act shall be made available for*
21 *assistance for Lebanon: Provided, That such funds*
22 *made available under the heading “Economic Sup-*
23 *port Fund” may be made available notwithstanding*
24 *section 1224 of the Foreign Relations Authorization*

1429

1 *Act, Fiscal Year 2003 (Public Law 107–228; 22*
2 *U.S.C. 2346 note).*

3 (2) *SECURITY ASSISTANCE.*—

4 (A) *Funds appropriated by this Act under*
5 *the headings “International Narcotics Control*
6 *and Law Enforcement” and “Foreign Military*
7 *Financing Program” that are made available for*
8 *assistance for Lebanon may be made available*
9 *for programs and equipment for the Lebanese In-*
10 *ternal Security Forces (ISF) and the Lebanese*
11 *Armed Forces (LAF) to address security and sta-*
12 *bility requirements in areas affected by conflict*
13 *in Syria, following consultation with the appro-*
14 *priate congressional committees.*

15 (B) *Funds appropriated by this Act under*
16 *the heading “Foreign Military Financing Pro-*
17 *gram” that are made available for assistance for*
18 *Lebanon may only be made available for pro-*
19 *grams to—*

20 (i) *professionalize the LAF to mitigate*
21 *internal and external threats from non-state*
22 *actors, including Hizballah;*

23 (ii) *strengthen border security and*
24 *combat terrorism, including training and*
25 *equipping the LAF to secure the borders of*

1430

1 *Lebanon and address security and stability*
2 *requirements in areas affected by conflict in*
3 *Syria, interdicting arms shipments, and*
4 *preventing the use of Lebanon as a safe*
5 *haven for terrorist groups; and*

6 *(iii) implement United Nations Secu-*
7 *rity Council Resolution 1701:*

8 *Provided, That prior to obligating funds made*
9 *available by this subparagraph for assistance for*
10 *the LAF, the Secretary of State shall submit to*
11 *the Committees on Appropriations a spend plan,*
12 *including actions to be taken to ensure equip-*
13 *ment provided to the LAF is used only for the*
14 *intended purposes, except such plan may not be*
15 *considered as meeting the notification require-*
16 *ments under section 7015 of this Act or under*
17 *section 634A of the Foreign Assistance Act of*
18 *1961: Provided further, That any notification*
19 *submitted pursuant to such section shall include*
20 *any funds specifically intended for lethal mili-*
21 *tary equipment.*

22 *(3) LIMITATION.—None of the funds appro-*
23 *priated by this Act may be made available for the*
24 *ISF or the LAF if the ISF or the LAF is controlled*
25 *by a foreign terrorist organization, as designated pur-*

† HR 2617 EAS2

1431

1 *suant to section 219 of the Immigration and Nation-*
2 *ality Act (8 U.S.C. 1189).*

3 *(g) LIBYA.—Funds appropriated under titles III and*
4 *IV of this Act shall be made available for stabilization as-*
5 *sistance for Libya, including support for a United Nations-*
6 *facilitated political process and border security: Provided,*
7 *That the limitation on the uses of funds for certain infra-*
8 *structure projects in section 7041(f)(2) of the Department*
9 *of State, Foreign Operations, and Related Programs Appro-*
10 *priations Act, 2014 (division K of Public Law 113–76)*
11 *shall apply to such funds.*

12 *(h) MOROCCO.—Funds appropriated under titles III*
13 *and IV of this Act shall be made available for assistance*
14 *for Morocco.*

15 *(i) SAUDI ARABIA.—*

16 *(1) PROHIBITION.—None of the funds appro-*
17 *priated by this Act under the heading “International*
18 *Military Education and Training” may be made*
19 *available for assistance for the Government of Saudi*
20 *Arabia.*

21 *(2) EXPORT-IMPORT BANK.—None of the funds*
22 *appropriated or otherwise made available by this Act*
23 *and prior Acts making appropriations for the De-*
24 *partment of State, foreign operations, and related*
25 *programs should be obligated or expended by the Ex-*

1432

1 *port-Import Bank of the United States to guarantee,*
2 *insure, or extend (or participate in the extension of)*
3 *credit in connection with the export of nuclear tech-*
4 *nology, equipment, fuel, materials, or other nuclear*
5 *technology-related goods or services to Saudi Arabia*
6 *unless the Government of Saudi Arabia—*

7 *(A) has in effect a nuclear cooperation*
8 *agreement pursuant to section 123 of the Atomic*
9 *Energy Act of 1954 (42 U.S.C. 2153);*

10 *(B) has committed to renounce uranium en-*
11 *richment and reprocessing on its territory under*
12 *that agreement; and*

13 *(C) has signed and implemented an Addi-*
14 *tional Protocol to its Comprehensive Safeguards*
15 *Agreement with the International Atomic Energy*
16 *Agency.*

17 *(j) SYRIA.—*

18 *(1) NON-LETHAL ASSISTANCE.—Funds appro-*
19 *priated by this Act under titles III and IV may be*
20 *made available, notwithstanding any other provision*
21 *of law, for non-lethal stabilization assistance for*
22 *Syria, including for emergency medical and rescue*
23 *response and chemical weapons investigations.*

24 *(2) LIMITATIONS.—Funds made available pursu-*
25 *ant to paragraph (1) of this subsection—*

1433

1 (A) may not be made available for a project
2 or activity that supports or otherwise legitimizes
3 the Government of Iran, foreign terrorist organi-
4 zations (as designated pursuant to section 219 of
5 the Immigration and Nationality Act (8 U.S.C.
6 1189)), or a proxy of Iran in Syria;

7 (B) may not be made available for activities
8 that further the strategic objectives of the Govern-
9 ment of the Russian Federation that the Sec-
10 retary of State determines may threaten or un-
11 dermine United States national security inter-
12 ests; and

13 (C) should not be used in areas of Syria
14 controlled by a government led by Bashar al-
15 Assad or associated forces.

16 (3) CONSULTATION AND NOTIFICATION.—Funds
17 made available pursuant to this subsection may only
18 be made available following consultation with the ap-
19 propriate congressional committees, and shall be sub-
20 ject to the regular notification procedures of the Com-
21 mittees on Appropriations.

22 (k) TUNISIA.—

23 (1) ASSISTANCE.—Funds appropriated under ti-
24 tles III and IV of this Act shall be made available for
25 assistance for Tunisia for programs to improve eco-

1434

1 *nomie growth and opportunity, support democratic*
2 *governance and civil society, protect due process of*
3 *law, and maintain regional stability and security,*
4 *following consultation with the Committees on Appro-*
5 *priations.*

6 (2) *REPORT.*—*Not later than 90 days after the*
7 *date of enactment of this Act, the Secretary of State*
8 *shall submit a report to the Committees on Appro-*
9 *priations on the extent to which—*

10 (A) *the Government of Tunisia is imple-*
11 *menting economic reforms, countering corrup-*
12 *tion, and taking credible steps to restore con-*
13 *stitutional order and democratic governance, in-*
14 *cluding respecting freedoms of expression, asso-*
15 *ciation, and the press, and the rights of members*
16 *of political parties, that are in addition to steps*
17 *taken in the preceding fiscal year;*

18 (B) *the Government of Tunisia is maintain-*
19 *ing the independence of the judiciary and hold-*
20 *ing security forces who commit human rights*
21 *abuses accountable; and*

22 (C) *the Tunisian military has remained an*
23 *apolitical and professional institution.*

24 (l) *WEST BANK AND GAZA.*—

1435

1 (1) *ASSISTANCE.—Funds appropriated by this*
2 *Act under the heading “Economic Support Fund”*
3 *shall be made available for programs in the West*
4 *Bank and Gaza, which may include water, sanita-*
5 *tion, and other infrastructure improvements.*

6 (2) *REPORT ON ASSISTANCE.—Prior to the ini-*
7 *tial obligation of funds made available by this Act*
8 *under the heading “Economic Support Fund” for as-*
9 *sistance for the West Bank and Gaza, the Secretary*
10 *of State shall report to the Committees on Appropria-*
11 *tions that the purpose of such assistance is to—*

12 (A) *advance Middle East peace;*

13 (B) *improve security in the region;*

14 (C) *continue support for transparent and*
15 *accountable government institutions;*

16 (D) *promote a private sector economy; or*

17 (E) *address urgent humanitarian needs.*

18 (3) *LIMITATIONS.—*

19 (A)(i) *None of the funds appropriated under*
20 *the heading “Economic Support Fund” in this*
21 *Act may be made available for assistance for the*
22 *Palestinian Authority, if after the date of enact-*
23 *ment of this Act—*

24 (I) *the Palestinians obtain the same*
25 *standing as member states or full member-*

1436

1 *ship as a state in the United Nations or*
2 *any specialized agency thereof outside an*
3 *agreement negotiated between Israel and the*
4 *Palestinians; or*

5 *(II) the Palestinians initiate an Inter-*
6 *national Criminal Court (ICC) judicially*
7 *authorized investigation, or actively support*
8 *such an investigation, that subjects Israeli*
9 *nationals to an investigation for alleged*
10 *crimes against Palestinians.*

11 *(ii) The Secretary of State may waive the*
12 *restriction in clause (i) of this subparagraph re-*
13 *sulting from the application of subclause (I) of*
14 *such clause if the Secretary certifies to the Com-*
15 *mittees on Appropriations that to do so is in the*
16 *national security interest of the United States,*
17 *and submits a report to such Committees detail-*
18 *ing how the waiver and the continuation of as-*
19 *sistance would assist in furthering Middle East*
20 *peace.*

21 *(B)(i) The President may waive the provi-*
22 *sions of section 1003 of the Foreign Relations*
23 *Authorization Act, Fiscal Years 1988 and 1989*
24 *(Public Law 100–204) if the President deter-*
25 *mines and certifies in writing to the Speaker of*

1437

1 *the House of Representatives, the President pro*
2 *tempore of the Senate, and the appropriate con-*
3 *gressional committees that the Palestinians have*
4 *not, after the date of enactment of this Act—*

5 *(I) obtained in the United Nations or*
6 *any specialized agency thereof the same*
7 *standing as member states or full member-*
8 *ship as a state outside an agreement nego-*
9 *tiated between Israel and the Palestinians;*
10 *and*

11 *(II) initiated or actively supported an*
12 *ICC investigation against Israeli nationals*
13 *for alleged crimes against Palestinians.*

14 *(ii) Not less than 90 days after the Presi-*
15 *dent is unable to make the certification pursuant*
16 *to clause (i) of this subparagraph, the President*
17 *may waive section 1003 of Public Law 100–204*
18 *if the President determines and certifies in writ-*
19 *ing to the Speaker of the House of Representa-*
20 *tives, the President pro tempore of the Senate,*
21 *and the Committees on Appropriations that the*
22 *Palestinians have entered into direct and mean-*
23 *ingful negotiations with Israel: Provided, That*
24 *any waiver of the provisions of section 1003 of*
25 *Public Law 100–204 under clause (i) of this sub-*

1438

1 *paragraph or under previous provisions of law*
2 *must expire before the waiver under this clause*
3 *may be exercised.*

4 *(iii) Any waiver pursuant to this subpara-*
5 *graph shall be effective for no more than a period*
6 *of 6 months at a time and shall not apply be-*
7 *yond 12 months after the enactment of this Act.*

8 (4) *APPLICATION OF TAYLOR FORCE ACT.—*
9 *Funds appropriated by this Act under the heading*
10 *“Economic Support Fund” that are made available*
11 *for assistance for the West Bank and Gaza shall be*
12 *made available consistent with section 1004(a) of the*
13 *Taylor Force Act (title X of division S of Public Law*
14 *115–141).*

15 (5) *SECURITY REPORT.—The reporting require-*
16 *ments in section 1404 of the Supplemental Appro-*
17 *priations Act, 2008 (Public Law 110–252) shall*
18 *apply to funds made available by this Act, including*
19 *a description of modifications, if any, to the security*
20 *strategy of the Palestinian Authority.*

21 (6) *INCITEMENT REPORT.—Not later than 90*
22 *days after the date of enactment of this Act, the Sec-*
23 *retary of State shall submit a report to the appro-*
24 *priate congressional committees detailing steps taken*
25 *by the Palestinian Authority to counter incitement of*

1439

1 *violence against Israelis and to promote peace and co-*
2 *existence with Israel.*

3 *AFRICA*

4 *SEC. 7042. (a) AFRICAN GREAT LAKES REGION AS-*
5 *SISTANCE RESTRICTION.—Funds appropriated by this Act*
6 *under the heading “International Military Education and*
7 *Training” for the central government of a country in the*
8 *African Great Lakes region may be made available only*
9 *for Expanded International Military Education and*
10 *Training and professional military education until the Sec-*
11 *retary of State determines and reports to the Committees*
12 *on Appropriations that such government is not facilitating*
13 *or otherwise participating in destabilizing activities in a*
14 *neighboring country, including aiding and abetting armed*
15 *groups.*

16 *(b) CENTRAL AFRICAN REPUBLIC.—Of the funds ap-*
17 *propriated by this Act under the heading “Economic Sup-*
18 *port Fund”, not less than \$3,000,000 shall be made avail-*
19 *able for a contribution to the Special Criminal Court in*
20 *Central African Republic.*

21 *(c) COUNTER ILLICIT ARMED GROUPS.—Funds appro-*
22 *priated by this Act shall be made available for programs*
23 *and activities in areas affected by the Lord’s Resistance*
24 *Army (LRA) or other illicit armed groups in Eastern*
25 *Democratic Republic of the Congo and the Central African*

1440

1 *Republic, including to improve physical access, tele-*
2 *communications infrastructure, and early-warning mecha-*
3 *nisms and to support the disarmament, demobilization, and*
4 *reintegration of former LRA combatants, especially child*
5 *soldiers.*

6 (d) *DEMOCRATIC REPUBLIC OF THE CONGO.—Funds*
7 *appropriated by this Act shall be made available for assist-*
8 *ance for the Democratic Republic of the Congo (DRC) for*
9 *stabilization, democracy, global health, and bilateral eco-*
10 *nomie assistance, including in areas affected by, and at risk*
11 *from, the Ebola virus disease: Provided, That such funds*
12 *shall also be made available to support security, stabiliza-*
13 *tion, development, and democracy in Eastern DRC: Pro-*
14 *vided further, That funds appropriated by this Act under*
15 *the headings “Peacekeeping Operations” and “Inter-*
16 *national Military Education and Training” that are made*
17 *available for such purposes may be made available notwith-*
18 *standing any other provision of law, except section 620M*
19 *of the Foreign Assistance Act of 1961.*

20 (e) *ETHIOPIA.—Funds appropriated by this Act that*
21 *are made available for assistance for Ethiopia should be*
22 *used to support—*

23 (1) *implementation of the cessation of hostilities*
24 *agreement in Tigray;*

1441

- 1 (2) *political dialogues and confidence building*
2 *measures to end other conflicts in the country;*
3 (3) *civil society and protect human rights;*
4 (4) *efforts to provide unimpeded access to hu-*
5 *manitarian assistance;*
6 (5) *investigations and prosecutions of gross vio-*
7 *lations of human rights; and*
8 (6) *restoration of basic services in areas im-*
9 *pacted by conflict.*

10 (f) *MALAWI.—Funds appropriated by this Act and*
11 *prior Acts making appropriations for the Department of*
12 *State, foreign operations, and related programs that are*
13 *made available for higher education programs in Malawi*
14 *shall be made available for higher education and workforce*
15 *development programs in agriculture as described under*
16 *this section in House Report 117–401.*

17 (g) *SOUTH SUDAN.—None of the funds appropriated*
18 *by this Act under title IV may be made available for assist-*
19 *ance for the central Government of South Sudan, except to*
20 *support implementation of outstanding issues of the Com-*
21 *prehensive Peace Agreement, mutual arrangements related*
22 *to post-referendum issues associated with such Agreement,*
23 *or any other viable peace agreement in South Sudan: Pro-*
24 *vided, That funds appropriated by this Act and prior Acts*
25 *making appropriations for the Department of State, foreign*

1442

1 *operations, and related programs that are made available*
2 *for any new program, project, or activity in South Sudan*
3 *shall be subject to prior consultation with the appropriate*
4 *congressional committees.*

5 *(h) SUDAN.—*

6 *(1) ASSISTANCE.—Funds appropriated by this*
7 *Act under title III that are made available for assist-*
8 *ance for Sudan may be made available to support a*
9 *civilian-led transition in Sudan.*

10 *(2) LIMITATION.—None of the funds appro-*
11 *priated by this Act under title IV may be made avail-*
12 *able for assistance for the central Government of*
13 *Sudan, except to support implementation of out-*
14 *standing issues of the Comprehensive Peace Agree-*
15 *ment, mutual arrangements related to post-ref-*
16 *erendum issues associated with such Agreement, or*
17 *any other viable peace agreement in Sudan.*

18 *(3) CONSULTATION.—Funds appropriated by*
19 *this Act and prior Acts making appropriations for*
20 *the Department of State, foreign operations, and re-*
21 *lated programs that are made available for any new*
22 *program, project, or activity in Sudan shall be subject*
23 *to prior consultation with the appropriate congres-*
24 *sional committees.*

25 *(i) ZIMBABWE.—*

1443

1 (1) *INSTRUCTION.*—*The Secretary of the Treas-*
2 *ury shall instruct the United States executive director*
3 *of each international financial institution to vote*
4 *against any extension by the respective institution of*
5 *any loan or grant to the Government of Zimbabwe,*
6 *except to meet basic human needs or to promote de-*
7 *mocracy, unless the Secretary of State certifies and*
8 *reports to the Committees on Appropriations that the*
9 *rule of law has been restored, including respect for*
10 *ownership and title to property, and freedoms of ex-*
11 *pression, association, and assembly.*

12 (2) *LIMITATION.*—*None of the funds appro-*
13 *priated by this Act shall be made available for assist-*
14 *ance for the central Government of Zimbabwe, except*
15 *for health and education, unless the Secretary of State*
16 *certifies and reports as required in paragraph (1).*

17 *EAST ASIA AND THE PACIFIC*

18 *SEC. 7043. (a) BURMA.*—

19 (1) *USES OF FUNDS.*—*Of the funds appropriated*
20 *by this Act, not less than \$136,127,000 shall be made*
21 *available for assistance for Burma, which—*

22 (A) *may be made available notwithstanding*
23 *any other provision of law and following con-*
24 *sultation with the appropriate congressional*
25 *committees;*

1444

1 (B) may be made available for support for
2 the administrative operations and programs of
3 entities that support peaceful efforts to establish
4 an inclusive and representative democracy in
5 Burma and a federal union to foster equality
6 among Burma’s diverse ethnic groups, following
7 consultation with the Committees on Appropria-
8 tions;

9 (C) shall be made available for programs to
10 promote ethnic and religious tolerance, unity,
11 and accountability and to combat gender-based
12 violence, including in Kachin, Chin, Mon,
13 Karen, Karenni, Rakhine, and Shan states;

14 (D) shall be made available for community-
15 based organizations with experience operating in
16 Thailand to provide food, medical, and other hu-
17 manitarian assistance to internally displaced
18 persons in eastern Burma, in addition to assist-
19 ance for Burmese refugees from funds appro-
20 priated by this Act under the heading “Migra-
21 tion and Refugee Assistance”; and

22 (E) shall be made available for programs
23 and activities to investigate and document viola-
24 tions of human rights in Burma committed by
25 the military junta.

1445

1 (2) *INTERNATIONAL SECURITY ASSISTANCE.*—
2 *None of the funds appropriated by this Act under the*
3 *headings “International Military Education and*
4 *Training” and “Foreign Military Financing Pro-*
5 *gram” may be made available for assistance for*
6 *Burma.*

7 (3) *LIMITATIONS.*—*None of the funds appro-*
8 *priated by this Act that are made available for assist-*
9 *ance for Burma may be made available to the State*
10 *Administration Council or any organization or entity*
11 *controlled by, or an affiliate of, the armed forces of*
12 *Burma, or to any individual or organization that has*
13 *committed a gross violation of human rights or advo-*
14 *cates violence against ethnic or religious groups or in-*
15 *dividuals in Burma, as determined by the Secretary*
16 *of State for programs administered by the Depart-*
17 *ment of State and USAID or the President of the Na-*
18 *tional Endowment for Democracy (NED) for pro-*
19 *grams administered by NED.*

20 (4) *CONSULTATION.*—*Any new program or activ-*
21 *ity in Burma initiated in fiscal year 2023 shall be*
22 *subject to prior consultation with the appropriate*
23 *congressional committees.*

24 (b) *CAMBODIA.*—

1446

1 (1) *ASSISTANCE.—Of the funds appropriated*
2 *under title III of this Act, not less than \$82,505,000*
3 *shall be made available for assistance for Cambodia.*

4 (2) *CERTIFICATION AND EXCEPTIONS.—*

5 (A) *CERTIFICATION.—None of the funds ap-*
6 *propriated by this Act that are made available*
7 *for assistance for the Government of Cambodia*
8 *may be obligated or expended unless the Sec-*
9 *retary of State certifies and reports to the Com-*
10 *mittees on Appropriations that such Government*
11 *is taking effective steps to—*

12 (i) *strengthen regional security and*
13 *stability, particularly regarding territorial*
14 *disputes in the South China Sea and the*
15 *enforcement of international sanctions with*
16 *respect to North Korea;*

17 (ii) *assert its sovereignty against inter-*
18 *ference by the People’s Republic of China,*
19 *including by verifiably maintaining the*
20 *neutrality of Ream Naval Base, other mili-*
21 *tary installations in Cambodia, and dual*
22 *use facilities such as the runway at the*
23 *Dara Sakor development project;*

24 (iii) *cease violence, threats, and har-*
25 *assment against civil society and the polit-*

1447

1 ical opposition in Cambodia, and dismiss
2 any politically motivated criminal charges
3 against critics of the government; and

4 (iv) respect the rights, freedoms, and
5 responsibilities enshrined in the Constitu-
6 tion of the Kingdom of Cambodia as en-
7 acted in 1993.

8 (B) *EXCEPTIONS.*—The certification re-
9 quired by subparagraph (A) shall not apply to
10 funds appropriated by this Act and made avail-
11 able for democracy, health, education, and envi-
12 ronment programs, programs to strengthen the
13 sovereignty of Cambodia, and programs to edu-
14 cate and inform the people of Cambodia of the
15 influence activities of the People’s Republic of
16 China in Cambodia.

17 (3) *USES OF FUNDS.*—Funds appropriated
18 under title III of this Act for assistance for Cambodia
19 shall be made available for—

20 (A) research, documentation, and education
21 programs associated with the Khmer Rouge in
22 Cambodia; and

23 (B) programs in the Khmer language to
24 monitor, map, and publicize the efforts by the

1448

1 *People’s Republic of China to expand its influ-*
2 *ence in Cambodia.*

3 *(c) INDO-PACIFIC STRATEGY AND THE ASIA REASSUR-*
4 *ANCE INITIATIVE ACT OF 2018.—*

5 *(1) ASSISTANCE.—Of the funds appropriated*
6 *under titles III and IV of this Act, not less than*
7 *\$1,800,000,000 shall be made available to support im-*
8 *plementation of the Indo-Pacific Strategy and the*
9 *Asia Reassurance Initiative Act of 2018 (Public Law*
10 *115–409).*

11 *(2) COUNTERING PRC INFLUENCE FUND.—Of the*
12 *funds appropriated by this Act under the headings*
13 *“Development Assistance”, “Economic Support*
14 *Fund”, “International Narcotics Control and Law*
15 *Enforcement”, “Nonproliferation, Anti-terrorism,*
16 *Demining and Related Programs”, and “Foreign*
17 *Military Financing Program”, not less than*
18 *\$325,000,000 shall be made available for a Coun-*
19 *tering PRC Influence Fund to counter the influence*
20 *of the Government of the People’s Republic of China*
21 *and the Chinese Communist Party and entities acting*
22 *on their behalf globally, which shall be subject to prior*
23 *consultation with the Committees on Appropriations:*
24 *Provided, That such funds are in addition to amounts*
25 *otherwise made available for such purposes: Provided*

1449

1 *further, That up to 10 percent of such funds shall be*
2 *held in reserve to respond to unanticipated opportu-*
3 *nities to counter PRC influence: Provided further,*
4 *That the uses of such funds shall be the joint responsi-*
5 *bility of the Secretary of State and the USAID Ad-*
6 *ministrator, and shall be allocated as specified under*
7 *this section in the explanatory statement described in*
8 *section 4 (in the matter preceding division A of this*
9 *consolidated Act): Provided further, That funds made*
10 *available pursuant to this paragraph under the head-*
11 *ing “Foreign Military Financing Program” may re-*
12 *main available until September 30, 2024: Provided*
13 *further, That funds appropriated by this Act for such*
14 *Fund under the headings “International Narcotics*
15 *Control and Law Enforcement”, “Nonproliferation,*
16 *Anti-terrorism, Demining and Related Programs”,*
17 *and “Foreign Military Financing Program” may be*
18 *transferred to, and merged with, funds appropriated*
19 *under such headings: Provided further, That such*
20 *transfer authority is in addition to any other transfer*
21 *authority provided by this Act or any other Act, and*
22 *is subject to the regular notification procedures of the*
23 *Committees on Appropriations.*

24 (3) *RESTRICTION ON USES OF FUNDS.—None of*
25 *the funds appropriated by this Act and prior Acts*

1450

1 *making appropriations for the Department of State,*
2 *foreign operations, and related programs may be*
3 *made available for any project or activity that di-*
4 *rectly supports or promotes—*

5 *(A) the Belt and Road Initiative or any*
6 *dual-use infrastructure projects of the People’s*
7 *Republic of China; and*

8 *(B) the use of technology, including bio-*
9 *technology, digital, telecommunications, and*
10 *cyber, developed by the People’s Republic of*
11 *China unless the Secretary of State, in consulta-*
12 *tion with the USAID Administrator and the*
13 *heads of other Federal agencies, as appropriate,*
14 *determines that such use does not adversely im-*
15 *pact the national security of the United States.*

16 *(4) MAPS.—None of the funds made available by*
17 *this Act should be used to create, procure, or display*
18 *any map that inaccurately depicts the territory and*
19 *social and economic system of Taiwan and the is-*
20 *lands or island groups administered by Taiwan au-*
21 *thorities.*

22 *(d) LAOS.—Of the funds appropriated by this Act*
23 *under titles III and IV, not less than \$93,000,000 shall be*
24 *made available for assistance for Laos, including for assist-*
25 *ance for persons with disabilities caused by unexploded ord-*

1451

1 nance accidents, and of which not less than \$1,500,000
2 should be made available for programs to assist persons
3 with severe physical mobility, cognitive, or developmental
4 disabilities in areas sprayed with Agent Orange: Provided,
5 That funds made available pursuant to this subsection may
6 be used, in consultation with the Government of Laos, for
7 assessments of the existence of dioxin contamination result-
8 ing from the use of Agent Orange in Laos and the feasibility
9 and cost of remediation.

10 (e) NORTH KOREA.—

11 (1) CYBERSECURITY.—None of the funds appro-
12 priated by this Act or prior Acts making appropri-
13 ations for the Department of State, foreign operations,
14 and related programs may be made available for as-
15 sistance for the central government of a country the
16 Secretary of State determines and reports to the ap-
17 propriate congressional committees engages in signifi-
18 cant transactions contributing materially to the mali-
19 cious cyber-intrusion capabilities of the Government
20 of North Korea: Provided, That the Secretary of State
21 shall submit the report required by section 209 of the
22 North Korea Sanctions and Policy Enhancement Act
23 of 2016 (Public Law 114–122; 22 U.S.C. 9229) to the
24 Committees on Appropriations: Provided further,
25 That the Secretary of State may waive the applica-

1452

1 *tion of the restriction in this paragraph with respect*
2 *to assistance for the central government of a country*
3 *if the Secretary determines and reports to the appro-*
4 *priate congressional committees that to do so is im-*
5 *portant to the national security interest of the United*
6 *States, including a description of such interest served.*

7 (2) *BROADCASTS.—Funds appropriated by this*
8 *Act under the heading “International Broadcasting*
9 *Operations” shall be made available to maintain*
10 *broadcasting hours into North Korea at levels not less*
11 *than the prior fiscal year.*

12 (3) *HUMAN RIGHTS.—Funds appropriated by*
13 *this Act under the headings “Economic Support*
14 *Fund” and “Democracy Fund” shall be made avail-*
15 *able for the promotion of human rights in North*
16 *Korea: Provided, That the authority of section*
17 *7032(b)(1) of this Act shall apply to such funds.*

18 (4) *LIMITATION ON USE OF FUNDS.—None of the*
19 *funds made available by this Act under the heading*
20 *“Economic Support Fund” may be made available*
21 *for assistance for the Government of North Korea.*

22 (f) *PACIFIC ISLANDS COUNTRIES.—*

23 (1) *OPERATIONS.—Funds appropriated under*
24 *title I in this Act and prior Acts making appropria-*
25 *tions for the Department of State, foreign operations,*

1453

1 *and related programs may be made available for es-*
2 *tablishing and operating diplomatic facilities in*
3 *Kiribati, Tonga, Solomon Islands, and Vanuatu, sub-*
4 *ject to section 7015(a)(3) of this Act and following*
5 *consultation with the Committees on Appropriations.*

6 (2) *ASSISTANCE.—Of the funds appropriated by*
7 *this Act under the headings “Development Assist-*
8 *ance”, “Economic Support Fund”, “International*
9 *Narcotics Control and Law Enforcement”,*
10 *“Nonproliferation, Anti-terrorism, Demining and Re-*
11 *lated Programs”, and “Foreign Military Financing*
12 *Program”, not less than \$150,000,000 shall be made*
13 *available for assistance for Pacific Islands countries,*
14 *as specified under this section in the explanatory*
15 *statement described in section 4 (in the matter pre-*
16 *ceding division A of this consolidated Act), following*
17 *consultation with the Committees on Appropriations:*
18 *Provided, That funds made available pursuant to this*
19 *paragraph shall be made available for joint develop-*
20 *ment and security programs between the United*
21 *States and such countries in coordination with re-*
22 *gional allies and partners, including Taiwan.*

23 (g) *PEOPLE’S REPUBLIC OF CHINA.—*

24 (1) *LIMITATION ON USE OF FUNDS.—None of the*
25 *funds appropriated under the heading “Diplomatic*

1454

1 *Programs” in this Act may be obligated or expended*
2 *for processing licenses for the export of satellites of*
3 *United States origin (including commercial satellites*
4 *and satellite components) to the People’s Republic of*
5 *China (PRC) unless, at least 15 days in advance, the*
6 *Committees on Appropriations are notified of such*
7 *proposed action.*

8 (2) *PEOPLE’S LIBERATION ARMY.—The terms*
9 *and requirements of section 620(h) of the Foreign As-*
10 *istance Act of 1961 shall apply to foreign assistance*
11 *projects or activities of the People’s Liberation Army*
12 *(PLA) of the PRC, to include such projects or activi-*
13 *ties by any entity that is owned or controlled by, or*
14 *an affiliate of, the PLA: Provided, That none of the*
15 *funds appropriated or otherwise made available pur-*
16 *suant to this Act may be used to finance any grant,*
17 *contract, or cooperative agreement with the PLA, or*
18 *any entity that the Secretary of State has reason to*
19 *believe is owned or controlled by, or an affiliate of,*
20 *the PLA.*

21 (3) *HONG KONG.—*

22 (A) *DEMOCRACY PROGRAMS.—Of the funds*
23 *appropriated by this Act under the first para-*
24 *graph under the heading “Democracy Fund”,*
25 *not less than \$5,000,000 shall be made available*

1455

1 *for democracy and Internet freedom programs*
2 *for Hong Kong, including legal and other sup-*
3 *port for democracy activists.*

4 (B) *RESTRICTIONS ON ASSISTANCE.*—None
5 *of the funds appropriated by this Act or prior*
6 *Acts making appropriations for the Department*
7 *of State, foreign operations, and related pro-*
8 *grams that are made available for assistance for*
9 *Hong Kong should be obligated for assistance for*
10 *the Government of the People’s Republic of*
11 *China and the Chinese Communist Party or any*
12 *entity acting on their behalf in Hong Kong.*

13 (C) *REPORT.*—The report required under
14 *section 7043(f)(3)(C) of the Department of State,*
15 *Foreign Operations, and Related Programs Ap-*
16 *propriations Act, 2021 (division K of Public*
17 *Law 116–260) shall be updated and submitted to*
18 *the Congress in the manner described.*

19 (h) *PHILIPPINES.*—None of the funds appropriated by
20 *this Act may be made available for counternarcotics assist-*
21 *ance for the Philippines, except for drug demand reduction,*
22 *maritime law enforcement, or transnational interdiction.*

23 (i) *TAIWAN.*—

24 (1) *GLOBAL COOPERATION AND TRAINING*
25 *FRAMEWORK.*—Of the funds appropriated by this Act

1456

1 *under the heading “Economic Support Fund”, not*
2 *less than \$4,000,000 shall be made available for the*
3 *Global Cooperation and Training Framework, which*
4 *shall be administered by the American Institute in*
5 *Taiwan.*

6 (2) *FOREIGN MILITARY FINANCING.—Funds ap-*
7 *propriated by this Act and prior Acts making appro-*
8 *priations for the Department of State, foreign oper-*
9 *ations, and related programs under the heading “For-*
10 *ign Military Financing Program”, except for*
11 *amounts designated as an emergency requirement*
12 *pursuant to a concurrent resolution on the budget or*
13 *the Balanced Budget and Emergency Deficit Control*
14 *Act of 1985, may be made available for the costs, as*
15 *defined in section 502 of the Congressional Budget*
16 *Act of 1974, of direct loans and loan guarantees for*
17 *Taiwan, if otherwise authorized: Provided, That such*
18 *costs may include the costs of selling, reducing, or*
19 *cancelling any amounts owed to the United States or*
20 *any agency of the United States: Provided further,*
21 *That the gross principal balance of such direct loans*
22 *shall not exceed \$2,000,000,000, and the gross prin-*
23 *icipal balance of guaranteed loans shall not exceed*
24 *\$2,000,000,000: Provided further, That the Secretary*

1457

1 *of State may use amounts charged to the borrower as*
2 *origination fees to pay for the cost of such loans.*

3 (3) *FELLOWSHIP PROGRAM.—Funds appro-*
4 *priated by this Act under the heading “Payment to*
5 *the American Institute in Taiwan” shall be made*
6 *available to establish a Taiwan Fellowship Program.*

7 (4) *CONSULTATION.—Not later than 60 days*
8 *after the date of enactment of this Act, the Secretary*
9 *of State shall consult with the Committees on Appro-*
10 *priations on the uses of funds made available pursu-*
11 *ant to this subsection: Provided, That such funds shall*
12 *be subject to the regular notification procedures of the*
13 *Committees on Appropriations.*

14 (j) *TIBET.—*

15 (1) *FINANCING OF PROJECTS IN TIBET.—The*
16 *Secretary of the Treasury should instruct the United*
17 *States executive director of each international finan-*
18 *cial institution to use the voice and vote of the United*
19 *States to support financing of projects in Tibet if*
20 *such projects do not provide incentives for the migra-*
21 *tion and settlement of non-Tibetans into Tibet or fa-*
22 *cilitate the transfer of ownership of Tibetan land and*
23 *natural resources to non-Tibetans, are based on a*
24 *thorough needs-assessment, foster self-sufficiency of the*

1458

1 *Tibetan people and respect Tibetan culture and tradi-*
2 *tions, and are subject to effective monitoring.*

3 (2) *PROGRAMS FOR TIBETAN COMMUNITIES.—*

4 (A) *Notwithstanding any other provision of*
5 *law, of the funds appropriated by this Act under*
6 *the heading “Economic Support Fund”, not less*
7 *than \$10,000,000 shall be made available to non-*
8 *governmental organizations with experience*
9 *working with Tibetan communities to support*
10 *activities which preserve cultural traditions and*
11 *promote sustainable development, education, and*
12 *environmental conservation in Tibetan commu-*
13 *nities in the Tibet Autonomous Region and in*
14 *other Tibetan communities in China.*

15 (B) *Of the funds appropriated by this Act*
16 *under the heading “Economic Support Fund”,*
17 *not less than \$8,000,000 shall be made available*
18 *for programs to promote and preserve Tibetan*
19 *culture and language in the refugee and diaspora*
20 *Tibetan communities, development, and the resil-*
21 *ience of Tibetan communities and the Central*
22 *Tibetan Administration in India and Nepal,*
23 *and to assist in the education and development*
24 *of the next generation of Tibetan leaders from*
25 *such communities: Provided, That such funds are*

1459

1 *in addition to amounts made available in sub-*
2 *paragraph (A) for programs inside Tibet.*

3 *(C) Of the funds appropriated by this Act*
4 *under the heading “Economic Support Fund”,*
5 *not less than \$3,000,000 shall be made available*
6 *for programs to strengthen the capacity of the*
7 *Central Tibetan Administration: Provided, That*
8 *such funds shall be administered by the United*
9 *States Agency for International Development.*

10 *(k) VIETNAM.—*

11 *(1) Of the funds appropriated under titles III*
12 *and IV of this Act, not less than \$197,000,000 shall*
13 *be made available for assistance for Vietnam, of which*
14 *not less than—*

15 *(A) \$30,000,000 shall be made available for*
16 *health and disability programs to assist persons*
17 *with severe physical mobility, cognitive, or devel-*
18 *opmental disabilities: Provided, That such funds*
19 *shall be prioritized to assist persons whose dis-*
20 *abilities may be related to the use of Agent Or-*
21 *ange and exposure to dioxin, or are the result of*
22 *unexploded ordnance accidents;*

23 *(B) \$20,000,000 shall be made available,*
24 *notwithstanding any other provision of law, for*
25 *activities related to the remediation of dioxin*

1460

1 *contaminated sites in Vietnam and may be made*
2 *available for assistance for the Government of*
3 *Vietnam, including the military, for such pur-*
4 *poses;*

5 *(C) \$3,000,000 shall be made available for*
6 *the Reconciliation/Vietnamese Wartime Account-*
7 *ing Initiative; and*

8 *(D) \$15,000,000 shall be made available for*
9 *higher education programs.*

10 *(2) Section 7043(i)(1) of the Department of*
11 *State, Foreign Operations, and Related Programs Ap-*
12 *propriations Act, 2022 (division K of Public Law*
13 *117–103) is amended by striking “that” and insert-*
14 *ing “: Provided, That such funds shall be prioritized*
15 *to assist persons whose disabilities”.*

16 *SOUTH AND CENTRAL ASIA*

17 *SEC. 7044. (a) AFGHANISTAN.—*

18 *(1) RESTRICTION.—None of the funds appro-*
19 *priated by this Act and prior Acts making appro-*
20 *priations for the Department of State, foreign oper-*
21 *ations, and related programs and made available for*
22 *assistance for Afghanistan may be made available for*
23 *direct assistance to the Taliban.*

24 *(2) AFGHAN SPECIAL IMMIGRANT VISAS.—Funds*
25 *appropriated or otherwise made available by this Act*

1461

1 *under the heading “Administration for Foreign Af-*
2 *fairs” and fees available for obligation during fiscal*
3 *year 2023 in the Consular and Border Security Pro-*
4 *grams account shall be made available for additional*
5 *Department of State personnel necessary to eliminate*
6 *processing backlogs and expedite adjudication of Af-*
7 *ghan Special Immigrant Visa cases, including for the*
8 *National Visa Center and the Afghan Special Imm-*
9 *grant Visa Unit.*

10 (3) *AFGHAN STUDENTS.—Funds appropriated by*
11 *this Act and prior Acts making appropriations for*
12 *the Department of State, foreign operations, and re-*
13 *lated programs shall be made available to support the*
14 *higher education of students from Afghanistan study-*
15 *ing outside of the country, including the costs of reim-*
16 *bursement to institutions hosting such students, as*
17 *appropriate: Provided, That the Secretary of State*
18 *and the Administrator of the United States Agency*
19 *for International Development, as appropriate, shall*
20 *consult with the Committees on Appropriations prior*
21 *to the initial obligation of funds for such purposes.*

22 (4) *REPORT.—Not later than 45 days after the*
23 *date of enactment of this Act, the Secretary of State*
24 *and the USAID Administrator shall submit a report*
25 *to the appropriate congressional committees detailing*

1462

1 *plans, consistent with the restriction contained in*
2 *paragraph (1), to—*

3 *(A) protect and strengthen the rights of Af-*
4 *ghan women and girls;*

5 *(B) support higher education programs, in-*
6 *cluding continued support for the American Uni-*
7 *versity of Afghanistan’s (AUAF) online pro-*
8 *grams and support for other higher education in-*
9 *stitutions in South Asia and the Middle East*
10 *that are hosting AUAF and other Afghan stu-*
11 *dents;*

12 *(C) support Afghan civil society activists,*
13 *journalists, and independent media, including in*
14 *third countries; and*

15 *(D) support health, education, including*
16 *community-based education, and other programs*
17 *to address the basic needs of the people of Af-*
18 *ghanistan.*

19 *(b) BANGLADESH.—Of the funds appropriated under*
20 *titles III and IV of this Act that are made available for*
21 *assistance for Bangladesh—*

22 *(1) not less than \$23,500,000 shall be made*
23 *available to address the needs of communities im-*
24 *pacted by refugees from Burma;*

1463

1 (2) *not less than \$10,000,000 shall be made*
2 *available for programs to protect freedom of expres-*
3 *sion and association, and the right of due process;*
4 *and*

5 (3) *not less than \$23,300,000 shall be made*
6 *available for democracy programs.*

7 (c) *NEPAL.—Funds appropriated by this Act under the*
8 *heading “Foreign Military Financing Program” that are*
9 *made available for assistance for Nepal shall only be made*
10 *available for humanitarian and disaster relief and recon-*
11 *struction activities, and in support of international peace-*
12 *keeping operations, military professionalization and train-*
13 *ing, and border security activities: Provided, That such*
14 *funds may only be made available for additional uses if*
15 *the Secretary of State certifies and reports to the Commit-*
16 *tees on Appropriations that the Government of Nepal is in-*
17 *vestigating and prosecuting violations of human rights and*
18 *the laws of war by the Nepal Army, and the Nepal Army*
19 *is cooperating fully with civilian judicial authorities in*
20 *such cases.*

21 (d) *PAKISTAN.—*

22 (1) *ASSISTANCE.—*

23 (A) *SECURITY ASSISTANCE.—Funds appro-*
24 *priated by this Act under the heading “Foreign*
25 *Military Financing Program” for assistance for*

1464

1 *Pakistan may be made available only to support*
2 *counterterrorism and counterinsurgency capa-*
3 *bilities in Pakistan.*

4 *(B) BILATERAL ECONOMIC ASSISTANCE.—*
5 *Prior to the obligation of funds made available*
6 *by this Act under the heading “Economic Sup-*
7 *port Fund” for assistance for the central Govern-*
8 *ment of Pakistan, the Secretary of State shall*
9 *submit a report to the appropriate congressional*
10 *committees detailing—*

11 *(i) the amount of financing and other*
12 *support, if any, provided by the Govern-*
13 *ment of Pakistan to schools supported by,*
14 *affiliated with, or run by the Taliban or*
15 *any domestic or foreign terrorist organiza-*
16 *tion in Pakistan;*

17 *(ii) the extent of cooperation by such*
18 *government in issuing visas in a timely*
19 *manner for United States visitors, includ-*
20 *ing officials and representatives of non-*
21 *governmental organizations, engaged in as-*
22 *sistance and security programs in Pakistan;*

23 *(iii) the extent to which such govern-*
24 *ment is providing humanitarian organiza-*
25 *tions access to detainees, internally dis-*

† HR 2617 EAS2

1465

1 *placed persons, and other Pakistani civil-*
2 *ians affected by conflict in Pakistan and the*
3 *region; and*

4 *(iv) the extent to which such govern-*
5 *ment is strengthening democracy in Paki-*
6 *stan, including protecting freedom of ex-*
7 *pression, assembly, and religion.*

8 (2) *AUTHORITY AND USES OF FUNDS.—(A)*
9 *Funds appropriated by this Act for assistance for*
10 *Pakistan may be made available notwithstanding any*
11 *other provision of law, except for section 620M of the*
12 *Foreign Assistance Act of 1961.*

13 *(B) Funds appropriated by this Act under the*
14 *heading “International Narcotics Control and Law*
15 *Enforcement” shall be made available for border secu-*
16 *rity programs in Pakistan, following consultation*
17 *with the Committees on Appropriations.*

18 *(C) Funds appropriated by title III of this Act*
19 *shall be made available for programs to promote de-*
20 *mocracy and for gender programs in Pakistan.*

21 (3) *WITHHOLDING.—Of the funds appropriated*
22 *under titles III and IV of this Act that are made*
23 *available for assistance for Pakistan, \$33,000,000*
24 *shall be withheld from obligation until the Secretary*
25 *of State reports to the Committees on Appropriations*

1466

1 *that Dr. Shakil Afridi has been released from prison*
2 *and cleared of all charges relating to the assistance*
3 *provided to the United States in locating Osama bin*
4 *Laden.*

5 *(e) SRI LANKA.—*

6 *(1) ASSISTANCE.—Funds appropriated under*
7 *title III of this Act shall be made available for assist-*
8 *ance for Sri Lanka for democracy and economic de-*
9 *velopment programs, particularly in areas recovering*
10 *from ethnic and religious conflict.*

11 *(2) CERTIFICATION.—Funds appropriated by*
12 *this Act for assistance for the central Government of*
13 *Sri Lanka may be made available only if the Sec-*
14 *retary of State certifies and reports to the Committees*
15 *on Appropriations that such Government is taking ef-*
16 *fective and consistent steps to—*

17 *(A) protect the rights and freedoms of the*
18 *people of Sri Lanka regardless of ethnicity and*
19 *religious belief, including by investigating viola-*
20 *tions of human rights and the laws of war and*
21 *holding perpetrators of such violations account-*
22 *able;*

23 *(B) address the basic needs of the people of*
24 *Sri Lanka and responsibly mitigate the impact*
25 *of the country's economic collapse, including by*

1467

1 *increasing transparency and accountability in*
2 *governance;*

3 *(C) combat corruption, including bringing*
4 *to justice public officials who have engaged in*
5 *significant acts of corruption;*

6 *(D) assert its sovereignty against influence*
7 *by the People's Republic of China; and*

8 *(E) promote reconciliation between ethnic*
9 *and religious groups, particularly arising from*
10 *past conflict in Sri Lanka, including by—*

11 *(i) addressing land confiscation and*
12 *ownership issues;*

13 *(ii) resolving cases of missing persons,*
14 *including by maintaining a functioning*
15 *and credible office of missing persons;*

16 *(iii) reducing the presence of the armed*
17 *forces in former conflict zones and restruc-*
18 *turing the armed forces for a peacetime role*
19 *that contributes to post-conflict reconcili-*
20 *ation and regional security;*

21 *(iv) repealing or amending laws on ar-*
22 *rest and detention by security forces to com-*
23 *ply with international standards; and*

24 *(v) investigating allegations of arbi-*
25 *trary arrest and torture, and supporting a*

† HR 2617 EAS2

1468

1 *credible justice mechanism for resolving*
2 *cases of war crimes:*

3 *Provided, That the limitations of this paragraph*
4 *shall not apply to funds made available for hu-*
5 *manitarian assistance and disaster relief; to pro-*
6 *tect human rights, locate and identify missing*
7 *persons, and assist victims of torture and trau-*
8 *ma; to promote justice, accountability, and rec-*
9 *onciliation; to enhance maritime security and*
10 *domain awareness; to promote fiscal trans-*
11 *parency and sovereignty; and for International*
12 *Military Education and Training.*

13 (3) *LIMITATION.—None of the funds appro-*
14 *priated by this Act may be made available for assist-*
15 *ance for the Sri Lankan armed forces, except for hu-*
16 *manitarian assistance, disaster relief, instruction in*
17 *human rights and related curricula development,*
18 *maritime security and domain awareness, including*
19 *professionalization and training for the navy and*
20 *coast guard, and funds appropriated by this Act*
21 *under the heading “International Military Education*
22 *and Training”.*

23 (4) *CONSULTATION.—Funds made available for*
24 *assistance for Sri Lanka other than for the purposes*

1469

1 *specified in paragraph (1) shall be subject to prior*
2 *consultation with the Committees on Appropriations.*

3 (f) *REGIONAL PROGRAMS.—Funds appropriated by*
4 *this Act shall be made available for assistance for countries*
5 *in South and Central Asia to significantly increase the re-*
6 *cruitment, training, and retention of women in the judici-*
7 *ary, police, and other security forces, and to train judicial*
8 *and security personnel in such countries to prevent and ad-*
9 *dress gender-based violence, human trafficking, and other*
10 *practices that disproportionately harm women and girls.*

11 *LATIN AMERICA AND THE CARIBBEAN*

12 SEC. 7045. (a) *CENTRAL AMERICA.—*

13 (1) *ASSISTANCE.—Funds appropriated by this*
14 *Act under titles III and IV shall be made available*
15 *for assistance for Belize, Costa Rica, El Salvador,*
16 *Guatemala, Honduras, Nicaragua, and Panama, in-*
17 *cluding through the Central America Regional Secu-*
18 *rity Initiative: Provided, That such assistance shall*
19 *be prioritized for programs that address the violence,*
20 *poverty, corruption, and other factors that contribute*
21 *to irregular migration, particularly of unaccom-*
22 *panied minors, to the United States, including for*
23 *programs to reduce violence against women and girls,*
24 *protect the rights of Indigenous people, support civil*
25 *society and other independent institutions, enhance*

† HR 2617 EAS2

1470

1 *economic opportunity, combat corruption and impu-*
2 *nity, and dismantle illegal armed groups and drug*
3 *trafficking organizations.*

4 *(A) Of the funds made available pursuant*
5 *to paragraph (1)—*

6 *(i) \$61,500,000 should be made avail-*
7 *able to support entities and activities to*
8 *combat corruption and impunity in such*
9 *countries, including, as appropriate, offices*
10 *of Attorneys General; and*

11 *(ii) \$70,000,000 should be made avail-*
12 *able for programs to reduce violence against*
13 *women and girls, including for Indigenous*
14 *women and girls.*

15 *(B) Within the funds made available pursu-*
16 *ant to paragraph (1) and made available for as-*
17 *sistance for El Salvador, Guatemala, and Hon-*
18 *duras, up to \$100,000,000 should be made avail-*
19 *able for programs that support locally-led devel-*
20 *opment in such countries: Provided, That up to*
21 *15 percent of the funds made available to carry*
22 *out this subparagraph may be used by the Ad-*
23 *ministrator of the United States Agency for*
24 *International Development for administrative*
25 *and oversight expenses related to the purposes of*

1471

1 *this subparagraph: Provided further, That the*
2 *USAID Administrator shall consult with the*
3 *Committees on Appropriations on the planned*
4 *uses of funds to carry out this subparagraph*
5 *prior to the initial obligation of funds: Provided*
6 *further, That such funds shall be subject to the*
7 *regular notification procedures of the Committees*
8 *on Appropriations.*

9 *(C) Funds made available pursuant to*
10 *paragraph (1) shall be made available for the*
11 *youth empowerment program established pursu-*
12 *ant to section 7045(a)(1)(C) of the Department*
13 *of State, Foreign Operations, and Related Pro-*
14 *grams Appropriations Act, 2022 (division K of*
15 *Public Law 117–103).*

16 *(2) LIMITATION ON ASSISTANCE TO CERTAIN*
17 *CENTRAL GOVERNMENTS.—*

18 *(A) Of the funds made available pursuant*
19 *to paragraph (1) under the heading “Economic*
20 *Support Fund” and under title IV of this Act,*
21 *60 percent of such funds that are made available*
22 *for assistance for each of the central governments*
23 *of El Salvador and Guatemala, and 45 percent*
24 *of such funds that are made available for assist-*
25 *ance for the central government of Honduras,*

† HR 2617 EAS2

1472

1 *may only be obligated after the Secretary of*
2 *State certifies and reports to the Committees on*
3 *Appropriations that such government is—*

4 *(i) combating corruption and impu-*
5 *nity, including investigating and pros-*
6 *ecuting government officials, military per-*
7 *sonnel, and police officers credibly alleged to*
8 *be corrupt;*

9 *(ii) implementing reforms, policies,*
10 *and programs to strengthen the rule of law,*
11 *including increasing the transparency of*
12 *public institutions, strengthening the inde-*
13 *pendence of judicial and electoral institu-*
14 *tions, and improving the transparency of*
15 *political campaign and political party fi-*
16 *nancing;*

17 *(iii) protecting the rights of human*
18 *rights defenders, trade unionists, journal-*
19 *ists, civil society groups, opposition polit-*
20 *ical parties, and the independence of the*
21 *media;*

22 *(iv) providing effective and accountable*
23 *law enforcement and security for its citi-*
24 *zens, curtailing the role of the military in*

1473

1 *public security, and upholding due process*
2 *of law;*

3 *(v) implementing programs to reduce*
4 *violence against women and girls;*

5 *(vi) implementing policies to reduce*
6 *poverty and promote economic growth and*
7 *opportunity, including the implementation*
8 *of reforms to strengthen educational sys-*
9 *tems, vocational training programs, and*
10 *programs for at-risk youth;*

11 *(vii) improving border security and*
12 *combating human smuggling and traf-*
13 *ficking and countering the activities of*
14 *criminal gangs, drug traffickers, and*
15 *transnational criminal organizations;*

16 *(viii) informing its citizens of the dan-*
17 *gers of the journey to the southwest border*
18 *of the United States; and*

19 *(ix) implementing policies that im-*
20 *prove the environment for foreign invest-*
21 *ment, including executing tax reform in a*
22 *transparent manner, ensuring effective legal*
23 *mechanisms for reimbursements of tax re-*
24 *funds owed to United States businesses, and*

1474

1 *resolving disputes involving the confiscation*
2 *of real property of United States entities.*

3 *(B) REPROGRAMMING.—If the Secretary is*
4 *unable to make the certification required by sub-*
5 *paragraph (A) for one or more of the central gov-*
6 *ernments, such assistance shall be reprogrammed*
7 *for assistance for civil society organizations in*
8 *such country, or for other countries in Latin*
9 *America and the Caribbean, notwithstanding the*
10 *funding provisions in this subsection and the*
11 *limitations in section 7019 of this Act: Provided,*
12 *That any such reprogramming shall be subject to*
13 *the regular notification procedures of the Com-*
14 *mittees on Appropriations.*

15 *(C) EXCEPTIONS.—The limitation of sub-*
16 *paragraph (A) shall not apply to funds appro-*
17 *priated by this Act that are made available for—*

18 *(i) judicial entities and activities re-*
19 *lated to combating corruption and impu-*
20 *nity;*

21 *(ii) programs to combat gender-based*
22 *violence;*

23 *(iii) programs to promote and protect*
24 *human rights, including those of Indigenous*
25 *communities and Afro-descendants;*

1475

1 (iv) humanitarian assistance; and

2 (v) food security programs.

3 (D) *FOREIGN MILITARY FINANCING PRO-*
4 *GRAM.—None of the funds appropriated by this*
5 *Act under the heading “Foreign Military Fi-*
6 *nancing Program” may be made available for*
7 *assistance for El Salvador, Guatemala, or Hon-*
8 *duras.*

9 (b) *COLOMBIA.—*

10 (1) *ASSISTANCE.—Of the funds appropriated by*
11 *this Act under titles III and IV, \$487,375,000 should*
12 *be made available for assistance for Colombia: Pro-*
13 *vided, That such funds shall be made available for the*
14 *programs and activities described under this section*
15 *in House Report 117–401: Provided further, That of*
16 *the funds appropriated by this Act under the heading*
17 *“International Narcotics Control and Law Enforce-*
18 *ment” and made available for assistance pursuant to*
19 *this paragraph, not less than \$40,000,000 shall be*
20 *made available to enhance rural security in coca pro-*
21 *ducing municipalities and other municipalities with*
22 *high levels of illicit activities: Provided further, That*
23 *funds made available pursuant to the preceding pro-*
24 *viso shall be prioritized in such municipalities that*
25 *are also targeted for assistance programs that provide*

1476

1 *viable economic alternatives and improve access to*
2 *public services.*

3 (2) *WITHHOLDING OF FUNDS.—*

4 (A) *COUNTERNARCOTICS.—Of the funds ap-*
5 *propriated by this Act under the heading “Inter-*
6 *national Narcotics Control and Law Enforce-*
7 *ment” that are made available for assistance for*
8 *Colombia, 20 percent may be obligated only if*
9 *the Secretary of State certifies and reports to the*
10 *Committees on Appropriations that—*

11 (i) *the Government of Colombia is im-*
12 *plementing an effective whole-of-government*
13 *strategy to substantially and sustainably re-*
14 *duce coca cultivation and cocaine produc-*
15 *tion levels in Colombia, including programs*
16 *and activities that support illicit crop*
17 *eradication, alternative development, drug*
18 *interdiction, dismantling of drug trafficking*
19 *and money laundering networks, rural secu-*
20 *rity, environmental protection, judicial sec-*
21 *tor strengthening, and public health serv-*
22 *ices; and*

23 (ii) *such strategy is in accordance with*
24 *the 2016 peace accord between the Govern-*

1477

1 *ment of Colombia and the Revolutionary*
2 *Armed Forces of Colombia.*

3 *(B) HUMAN RIGHTS.—*

4 *(i) Of the funds appropriated by this*
5 *Act under the heading “Foreign Military*
6 *Financing Program” and made available*
7 *for assistance for Colombia, 20 percent may*
8 *be obligated only if the Secretary of State*
9 *certifies and reports to the Committees on*
10 *Appropriations that—*

11 *(I) the Special Jurisdiction for*
12 *Peace and other judicial authorities, as*
13 *appropriate, are sentencing perpetra-*
14 *tors of gross violations of human*
15 *rights, including those with command*
16 *responsibility, to deprivation of liberty;*

17 *(II) the Government of Colombia*
18 *is making consistent progress in reduc-*
19 *ing threats and attacks against human*
20 *rights defenders and other civil society*
21 *activists, and judicial authorities are*
22 *prosecuting and punishing those re-*
23 *sponsible for ordering and carrying out*
24 *such attacks;*

1478

1 (III) *the Government of Colombia*
2 *is making consistent progress in pro-*
3 *tecting Afro-Colombian and Indigenous*
4 *communities and is respecting their*
5 *rights and territories;*

6 (IV) *senior military officers*
7 *credibly alleged, or whose units are*
8 *credibly alleged, to be responsible for*
9 *ordering, committing, and covering up*
10 *cases of false positives and other*
11 *extrajudicial killings, or of committing*
12 *other gross violations of human rights,*
13 *or of conducting illegal communica-*
14 *tions intercepts or other illicit surveil-*
15 *lance, are being held accountable, in-*
16 *cluding removal from active duty if*
17 *found guilty through criminal, admin-*
18 *istrative, or disciplinary proceedings;*
19 *and*

20 (V) *the Colombian Armed Forces*
21 *are cooperating fully with the require-*
22 *ments described in subclauses (I)*
23 *through (IV).*

24 (ii) *Of the funds appropriated by this*
25 *Act under the heading “International Nar-*

† HR 2617 EAS2

1479

1 *cotics Control and Law Enforcement” and*
2 *made available for assistance for the Colom-*
3 *bian National Police (CNP), five percent*
4 *may be obligated only if the Secretary of*
5 *State certifies and reports to the Commit-*
6 *tees on Appropriations that the Government*
7 *of Colombia is bringing to justice the police*
8 *personnel who ordered, directed, and used*
9 *excessive force and engaged in other illegal*
10 *acts against protesters in 2020 and 2021,*
11 *and that the CNP is cooperating fully with*
12 *such efforts.*

13 (3) *EXCEPTIONS.—The limitations of paragraph*
14 (2) *shall not apply to funds made available for avia-*
15 *tion instruction and maintenance, and maritime and*
16 *riverine security programs.*

17 (4) *AUTHORITY.—Aircraft supported by funds*
18 *appropriated by this Act and prior Acts making ap-*
19 *propriations for the Department of State, foreign op-*
20 *erations, and related programs and made available*
21 *for assistance for Colombia may be used to transport*
22 *personnel and supplies involved in drug eradication*
23 *and interdiction, including security for such activi-*
24 *ties, and to provide transport in support of alter-*

1480

1 *native development programs and investigations by*
2 *civilian judicial authorities.*

3 (5) *LIMITATION.—None of the funds appro-*
4 *priated by this Act or prior Acts making appropria-*
5 *tions for the Department of State, foreign operations,*
6 *and related programs that are made available for as-*
7 *stance for Colombia may be made available for pay-*
8 *ment of reparations to conflict victims or compensa-*
9 *tion to demobilized combatants associated with a*
10 *peace agreement between the Government of Colombia*
11 *and illegal armed groups.*

12 (c) *HAITI.—*

13 (1) *ASSISTANCE.—Funds appropriated by this*
14 *Act under titles III and IV shall be made available*
15 *for assistance for Haiti to support the basic needs of*
16 *the Haitian people.*

17 (2) *CERTIFICATION.—Funds appropriated by*
18 *this Act that are made available for assistance for*
19 *Haiti may only be made available for the central*
20 *Government of Haiti if the Secretary of State certifies*
21 *and reports to the appropriate congressional commit-*
22 *tees that a democratically elected government has*
23 *taken office, or the country is being led by a transi-*
24 *tional governing authority that is broadly representa-*

1481

1 *tive of Haitian society, and it is in the national in-*
2 *terest of the United States to provide such assistance.*

3 (3) *EXCEPTIONS.—Notwithstanding paragraph*
4 *(1), funds may be made available to support—*

5 (A) *free and fair elections;*

6 (B) *anti-gang police and administration of*
7 *justice programs, including to reduce pre-trial*
8 *detention and eliminate inhumane prison condi-*
9 *tions;*

10 (C) *public health, food security, subsistence*
11 *farmers, water and sanitation, education, and*
12 *other programs to meet basic human needs; and*

13 (D) *disaster relief and recovery.*

14 (4) *CONSULTATION.—Funds appropriated by*
15 *this Act and prior Acts making appropriations for*
16 *the Department of State, foreign operations, and re-*
17 *lated programs that are made available for assistance*
18 *for Haiti shall be subject to prior consultation with*
19 *the Committees on Appropriations: Provided, That*
20 *the requirement of this paragraph shall also apply to*
21 *any funds from such Acts that are made available for*
22 *support for an international security force in Haiti.*

23 (5) *PROHIBITION.—None of the funds appro-*
24 *priated or otherwise made available by this Act may*
25 *be used for assistance for the armed forces of Haiti.*

1482

1 (6) *HAITIAN COAST GUARD.*—*The Government of*
2 *Haiti shall be eligible to purchase defense articles and*
3 *services under the Arms Export Control Act (22*
4 *U.S.C. 2751 et seq.) for the Coast Guard.*

5 (d) *NICARAGUA.*—*Of the funds appropriated by this*
6 *Act under the heading “Development Assistance”, not less*
7 *than \$15,000,000 shall be made available for democracy*
8 *programs for Nicaragua, including to support civil society.*

9 (e) *THE CARIBBEAN.*—*Of the funds appropriated by*
10 *this Act under titles III and IV, not less than \$82,000,000*
11 *shall be made available for the Caribbean Basin Security*
12 *Initiative.*

13 (f) *VENEZUELA.*—

14 (1) *Of the funds appropriated by this Act under*
15 *the heading “Economic Support Fund”, \$50,000,000*
16 *should be made available for democracy programs for*
17 *Venezuela.*

18 (2) *Funds appropriated by this Act and prior*
19 *Acts making appropriations for the Department of*
20 *State, foreign operations, and related programs under*
21 *title III shall be made available for assistance for*
22 *communities in countries supporting or otherwise im-*
23 *pacted by refugees from Venezuela, including Colom-*
24 *bia, Peru, Ecuador, Curacao, and Trinidad and To-*
25 *bago: Provided, That such amounts are in addition to*

1483

1 *funds otherwise made available for assistance for such*
2 *countries, subject to prior consultation with, and the*
3 *regular notification procedures of, the Committees on*
4 *Appropriations.*

5 *EUROPE AND EURASIA*

6 *SEC. 7046. (a) ASSISTANCE.—*

7 *(1) GEORGIA.—Of the funds appropriated by*
8 *this Act under titles III and IV, not less than*
9 *\$132,025,000 shall be made available for assistance*
10 *for Georgia.*

11 *(2) UKRAINE.—Funds appropriated by this Act*
12 *under titles III and IV shall be made available for as-*
13 *sistance for Ukraine.*

14 *(b) TERRITORIAL INTEGRITY.—None of the funds ap-*
15 *propriated by this Act may be made available for assistance*
16 *for a government of an Independent State of the former So-*
17 *viet Union if such government directs any action in viola-*
18 *tion of the territorial integrity or national sovereignty of*
19 *any other Independent State of the former Soviet Union,*
20 *such as those violations included in the Helsinki Final Act:*
21 *Provided, That except as otherwise provided in section*
22 *7047(a) of this Act, funds may be made available without*
23 *regard to the restriction in this subsection if the President*
24 *determines that to do so is in the national security interest*
25 *of the United States: Provided further, That prior to exe-*

1484

1 *cuting the authority contained in the previous proviso, the*
2 *Secretary of State shall consult with the Committees on Ap-*
3 *propriations on how such assistance supports the national*
4 *security interest of the United States.*

5 *(c) SECTION 907 OF THE FREEDOM SUPPORT*
6 *ACT.—Section 907 of the FREEDOM Support Act (22*
7 *U.S.C. 5812 note) shall not apply to—*

8 *(1) activities to support democracy or assistance*
9 *under title V of the FREEDOM Support Act (22*
10 *U.S.C. 5851 et seq.) and section 1424 of the Defense*
11 *Against Weapons of Mass Destruction Act of 1996 (50*
12 *U.S.C. 2333) or non-proliferation assistance;*

13 *(2) any assistance provided by the Trade and*
14 *Development Agency under section 661 of the Foreign*
15 *Assistance Act of 1961;*

16 *(3) any activity carried out by a member of the*
17 *United States and Foreign Commercial Service while*
18 *acting within his or her official capacity;*

19 *(4) any insurance, reinsurance, guarantee, or*
20 *other assistance provided by the United States Inter-*
21 *national Development Finance Corporation as au-*
22 *thorized by the BUILD Act of 2018 (division F of*
23 *Public Law 115–254);*

24 *(5) any financing provided under the Export-*
25 *Import Bank Act of 1945 (Public Law 79–173); or*

1485

1 (6) *humanitarian assistance.*

2 (d) *TURKEY.—None of the funds made available by*
3 *this Act may be used to facilitate or support the sale of*
4 *defense articles or defense services to the Turkish Presi-*
5 *dential Protection Directorate (TPPD) under chapter 2 of*
6 *the Arms Export Control Act (22 U.S.C. 2761 et seq.) unless*
7 *the Secretary of State determines and reports to the appro-*
8 *priate congressional committees that members of the TPPD*
9 *who are named in the July 17, 2017, indictment by the*
10 *Superior Court of the District of Columbia, and against*
11 *whom there are pending charges, have returned to the*
12 *United States to stand trial in connection with the offenses*
13 *contained in such indictment or have otherwise been*
14 *brought to justice: Provided, That the limitation in this*
15 *paragraph shall not apply to the use of funds made avail-*
16 *able by this Act for border security purposes, for North At-*
17 *lantic Treaty Organization or coalition operations, or to*
18 *enhance the protection of United States officials and facili-*
19 *ties in Turkey.*

20 COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

21 SEC. 7047. (a) *PROHIBITION.—None of the funds ap-*
22 *propriated by this Act may be made available for assistance*
23 *for the central Government of the Russian Federation.*

24 (b) *ANNEXATION OF TERRITORY.—*

1486

1 (1) *PROHIBITION.*—None of the funds appro-
2 priated by this Act may be made available for assist-
3 ance for the central government of a country that the
4 Secretary of State determines and reports to the Com-
5 mittees on Appropriations has taken affirmative steps
6 intended to support or be supportive of the Russian
7 Federation annexation of Crimea or other territory in
8 Ukraine: Provided, That except as otherwise provided
9 in subsection (a), the Secretary may waive the re-
10 striction on assistance required by this paragraph if
11 the Secretary determines and reports to such Commit-
12 tees that to do so is in the national interest of the
13 United States, and includes a justification for such
14 interest.

15 (2) *LIMITATION.*—None of the funds appro-
16 priated by this Act may be made available for—

17 (A) the implementation of any action or
18 policy that recognizes the sovereignty of the Rus-
19 sian Federation over Crimea or other territory
20 in Ukraine;

21 (B) the facilitation, financing, or guarantee
22 of United States Government investments in Cri-
23 mea or other territory in Ukraine under the con-
24 trol of the Russian Federation or Russian-backed
25 forces, if such activity includes the participation

1487

1 *of Russian Government officials, or other Rus-*
2 *sian owned or controlled financial entities; or*

3 (C) *assistance for Crimea or other territory*
4 *in Ukraine under the control of the Russian Fed-*
5 *eration or Russian-backed forces, if such assist-*
6 *ance includes the participation of Russian Gov-*
7 *ernment officials, or other Russian owned or con-*
8 *trolled financial entities.*

9 (3) *INTERNATIONAL FINANCIAL INSTITUTIONS.—*
10 *The Secretary of the Treasury shall instruct the*
11 *United States executive director of each international*
12 *financial institution to use the voice and vote of the*
13 *United States to oppose any assistance by such insti-*
14 *tution (including any loan, credit, grant, or guar-*
15 *antee) for any program that violates the sovereignty*
16 *or territorial integrity of Ukraine.*

17 (4) *DURATION.—The requirements and limita-*
18 *tions of this subsection shall cease to be in effect if the*
19 *Secretary of State determines and reports to the Com-*
20 *mittees on Appropriations that the Government of*
21 *Ukraine has reestablished sovereignty over Crimea*
22 *and other territory in Ukraine under the control of*
23 *the Russian Federation or Russian-backed forces.*

24 (c) *OCCUPATION OF THE GEORGIAN TERRITORIES OF*
25 *ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—*

1488

1 (1) *PROHIBITION.*—None of the funds appro-
2 priated by this Act may be made available for assist-
3 ance for the central government of a country that the
4 Secretary of State determines and reports to the Com-
5 mittees on Appropriations has recognized the inde-
6 pendence of, or has established diplomatic relations
7 with, the Russian Federation occupied Georgian terri-
8 tories of Abkhazia and Tskhinvali Region/South
9 Ossetia: Provided, That the Secretary shall publish on
10 the Department of State website a list of any such
11 central governments in a timely manner: Provided
12 further, That the Secretary may waive the restriction
13 on assistance required by this paragraph if the Sec-
14 retary determines and reports to the Committees on
15 Appropriations that to do so is in the national inter-
16 est of the United States, and includes a justification
17 for such interest.

18 (2) *LIMITATION.*—None of the funds appro-
19 priated by this Act may be made available to support
20 the Russian Federation occupation of the Georgian
21 territories of Abkhazia and Tskhinvali Region/South
22 Ossetia.

23 (3) *INTERNATIONAL FINANCIAL INSTITUTIONS.*—
24 The Secretary of the Treasury shall instruct the
25 United States executive director of each international

1489

1 *financial institution to use the voice and vote of the*
2 *United States to oppose any assistance by such insti-*
3 *tution (including any loan, credit, grant, or guar-*
4 *antee) for any program that violates the sovereignty*
5 *and territorial integrity of Georgia.*

6 *(d) COUNTERING RUSSIAN INFLUENCE FUND.—*

7 *(1) ASSISTANCE.—Of the funds appropriated by*
8 *this Act under the headings “Assistance for Europe,*
9 *Eurasia and Central Asia”, “International Narcotics*
10 *Control and Law Enforcement”, “International Mili-*
11 *tary Education and Training”, and “Foreign Mili-*
12 *tary Financing Program”, not less than \$300,000,000*
13 *shall be made available to carry out the purposes of*
14 *the Countering Russian Influence Fund, as author-*
15 *ized by section 254 of the Countering Russian Infl-*
16 *uence in Europe and Eurasia Act of 2017 (Public Law*
17 *115–44; 22 U.S.C. 9543) and notwithstanding the*
18 *country limitation in subsection (b) of such section,*
19 *and programs to enhance the capacity of law enforce-*
20 *ment and security forces in countries in Europe, Eur-*
21 *asia, and Central Asia and strengthen security co-*
22 *operation between such countries and the United*
23 *States and the North Atlantic Treaty Organization,*
24 *as appropriate: Provided, That funds made available*
25 *pursuant to this paragraph under the heading “For-*

1490

1 *eign Military Financing Program” may remain*
2 *available until September 30, 2024.*

(2) *ECONOMICS AND TRADE.—Funds appropriated by this Act and made available for assistance for the Eastern Partnership countries shall be made available to advance the implementation of Association Agreements and trade agreements with the European Union, and to reduce their vulnerability to external economic and political pressure from the Russian Federation.*

(e) *DEMOCRACY PROGRAMS.—Funds appropriated by this Act shall be made available to support democracy programs in the Russian Federation and other countries in Europe, Eurasia, and Central Asia, including to promote Internet freedom: Provided, That of the funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, not less than \$20,000,000 shall be made available to strengthen democracy and civil society in Central Europe, including for transparency, independent media, rule of law, minority rights, and programs to combat anti-Semitism.*

22 UNITED NATIONS

23 SEC. 7048. (a) TRANSPARENCY AND ACCOUNT-
24 ABILITY.—Not later than 120 days after the date of enact-
25 ment of this Act, the Secretary of State shall report to the

1491

1 *Committees on Appropriations whether each organization,*
2 *department, or agency receiving a contribution from funds*
3 *appropriated by this Act under the headings “Contributions*
4 *to International Organizations” and “International Orga-*
5 *nizations and Programs”—*

6 *(1) is posting on a publicly available website,*
7 *consistent with privacy regulations and due process,*
8 *regular financial and programmatic audits of such*
9 *organization, department, or agency, and providing*
10 *the United States Government with necessary access*
11 *to such financial and performance audits;*

12 *(2) has submitted a report to the Department of*
13 *State, which shall be posted on the Department’s*
14 *website in a timely manner, demonstrating that such*
15 *organization is effectively implementing and enforcing*
16 *policies and procedures which meet or exceed best*
17 *practices in the United States for the protection of*
18 *whistleblowers from retaliation, including—*

19 *(A) protection against retaliation for inter-*
20 *nal and lawful public disclosures;*

21 *(B) legal burdens of proof;*

22 *(C) statutes of limitation for reporting re-*
23 *taliation;*

1492

1 (D) access to binding independent adjudica-
2 tive bodies, including shared cost and selection of
3 external arbitration; and

4 (E) results that eliminate the effects of prov-
5 en retaliation, including provision for the res-
6 toration of prior employment; and

7 (3) effectively implementing and enforcing poli-
8 cies and procedures on the appropriate use of travel
9 funds, including restrictions on first-class and busi-
10 ness-class travel.

11 (b) *RESTRICTIONS ON UNITED NATIONS DELEGATIONS*
12 AND ORGANIZATIONS.—

13 (1) *RESTRICTIONS ON UNITED STATES DELEGA-*
14 *TIONS.*—None of the funds made available by this Act
15 may be used to pay expenses for any United States
16 delegation to any specialized agency, body, or com-
17 mission of the United Nations if such agency, body,
18 or commission is chaired or presided over by a coun-
19 try, the government of which the Secretary of State
20 has determined, for purposes of section 1754(c) of the
21 Export Reform Control Act of 2018 (50 U.S.C.
22 4813(c)), supports international terrorism.

23 (2) *RESTRICTIONS ON CONTRIBUTIONS.*—None of
24 the funds made available by this Act may be used by
25 the Secretary of State as a contribution to any orga-

1493

1 nization, agency, commission, or program within the
2 United Nations system if such organization, agency,
3 commission, or program is chaired or presided over
4 by a country the government of which the Secretary
5 of State has determined, for purposes of section 620A
6 of the Foreign Assistance Act of 1961, section 40 of
7 the Arms Export Control Act, section 1754(c) of the
8 Export Reform Control Act of 2018 (50 U.S.C.
9 4813(c)), or any other provision of law, is a govern-
10 ment that has repeatedly provided support for acts of
11 international terrorism.

12 (3) *WAIVER.*—The Secretary of State may waive
13 the restriction in this subsection if the Secretary de-
14 termines and reports to the Committees on Appro-
15 priations that to do so is important to the national
16 interest of the United States, including a description
17 of the national interest served.

18 (c) *UNITED NATIONS HUMAN RIGHTS COUNCIL.*—
19 None of the funds appropriated by this Act may be made
20 available in support of the United Nations Human Rights
21 Council unless the Secretary of State determines and re-
22 ports to the Committees on Appropriations that participa-
23 tion in the Council is important to the national interest
24 of the United States and that such Council is taking signifi-
25 cant steps to remove Israel as a permanent agenda item

1494

1 *and ensure integrity in the election of members to such*
2 *Council: Provided, That such report shall include a descrip-*
3 *tion of the national interest served and the steps taken to*
4 *remove Israel as a permanent agenda item and ensure in-*
5 *tegrity in the election of members to such Council: Provided*
6 *further, That the Secretary of State shall report to the Com-*
7 *mittees on Appropriations not later than September 30,*
8 *2023, on the resolutions considered in the United Nations*
9 *Human Rights Council during the previous 12 months, and*
10 *on steps taken to remove Israel as a permanent agenda item*
11 *and ensure integrity in the election of members to such*
12 *council.*

13 *(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—*
14 *Prior to the initial obligation of funds for the United Na-*
15 *tions Relief and Works Agency (UNRWA), the Secretary of*
16 *State shall report to the Committees on Appropriations, in*
17 *writing, on whether UNRWA is—*

18 *(1) utilizing Operations Support Officers in the*
19 *West Bank, Gaza, and other fields of operation to in-*
20 *spect UNRWA installations and reporting any inap-*
21 *propriate use;*

22 *(2) acting promptly to address any staff or bene-*
23 *ficiary violation of its own policies (including the*
24 *policies on neutrality and impartiality of employees)*

1495

1 *and the legal requirements under section 301(c) of the*
2 *Foreign Assistance Act of 1961;*

3 *(3) implementing procedures to maintain the*
4 *neutrality of its facilities, including implementing a*
5 *no-weapons policy, and conducting regular inspec-*
6 *tions of its installations, to ensure they are only used*
7 *for humanitarian or other appropriate purposes;*

8 *(4) taking necessary and appropriate measures*
9 *to ensure it is operating in compliance with the con-*
10 *ditions of section 301(c) of the Foreign Assistance Act*
11 *of 1961 and continuing regular reporting to the De-*
12 *partment of State on actions it has taken to ensure*
13 *conformance with such conditions;*

14 *(5) taking steps to ensure the content of all edu-*
15 *cational materials currently taught in UNRWA-ad-*
16 *ministered schools and summer camps is consistent*
17 *with the values of human rights, dignity, and toler-*
18 *ance and does not induce incitement;*

19 *(6) not engaging in operations with financial in-*
20 *stitutions or related entities in violation of relevant*
21 *United States law, and is taking steps to improve the*
22 *financial transparency of the organization; and*

23 *(7) in compliance with the United Nations*
24 *Board of Auditors' biennial audit requirements and*

1496

1 *is implementing in a timely fashion the Board's rec-*
2 *ommendations.*

3 *(e) PROHIBITION OF PAYMENTS TO UNITED NATIONS*
4 *MEMBERS.—None of the funds appropriated or made avail-*
5 *able pursuant to titles III through VI of this Act for car-*
6 *rying out the Foreign Assistance Act of 1961, may be used*
7 *to pay in whole or in part any assessments, arrearages,*
8 *or dues of any member of the United Nations or, from funds*
9 *appropriated by this Act to carry out chapter 1 of part*
10 *I of the Foreign Assistance Act of 1961, the costs for partici-*
11 *pation of another country's delegation at international con-*
12 *ferences held under the auspices of multilateral or inter-*
13 *national organizations.*

14 *(f) REPORT.—Not later than 45 days after the date*
15 *of enactment of this Act, the Secretary of State shall submit*
16 *a report to the Committees on Appropriations detailing the*
17 *amount of funds available for obligation or expenditure in*
18 *fiscal year 2023 for contributions to any organization, de-*
19 *partment, agency, or program within the United Nations*
20 *system or any international program that are withheld*
21 *from obligation or expenditure due to any provision of law:*
22 *Provided, That the Secretary shall update such report each*
23 *time additional funds are withheld by operation of any pro-*
24 *vision of law: Provided further, That the reprogramming*
25 *of any withheld funds identified in such report, including*

1497

1 *updates thereof, shall be subject to prior consultation with,*
2 *and the regular notification procedures of, the Committees*
3 *on Appropriations.*

4 (g) *SEXUAL EXPLOITATION AND ABUSE IN PEACE-*
5 *KEEPING OPERATIONS.—The Secretary of State shall, to the*
6 *maximum extent practicable, withhold assistance to any*
7 *unit of the security forces of a foreign country if the Sec-*
8 *retary has credible information that such unit has engaged*
9 *in sexual exploitation or abuse, including while serving in*
10 *a United Nations peacekeeping operation, until the Sec-*
11 *retary determines that the government of such country is*
12 *taking effective steps to hold the responsible members of such*
13 *unit accountable and to prevent future incidents: Provided,*
14 *That the Secretary shall promptly notify the government*
15 *of each country subject to any withholding of assistance*
16 *pursuant to this paragraph, and shall notify the appro-*
17 *priate congressional committees of such withholding not*
18 *later than 10 days after a determination to withhold such*
19 *assistance is made: Provided further, That the Secretary*
20 *shall, to the maximum extent practicable, assist such gov-*
21 *ernment in bringing the responsible members of such unit*
22 *to justice: Provided further, That not later than 60 days*
23 *after the date of enactment of this Act, the Secretary shall*
24 *submit a report to the Committees on Appropriations de-*
25 *tailing the policies, mechanisms, and procedures established*

1498

1 *to implement this subsection, following consultation with*
2 *the Committees on Appropriations.*

3 (h) *ADDITIONAL AVAILABILITY.*—*Subject to the regular*
4 *notification procedures of the Committees on Appropria-*
5 *tions, funds appropriated by this Act which are returned*
6 *or not made available due to the second proviso under the*
7 *heading “Contributions for International Peacekeeping Ac-*
8 *tivities” in title I of this Act or section 307(a) of the For-*
9 *oreign Assistance Act of 1961 (22 U.S.C. 2227(a)), shall re-*
10 *main available for obligation until September 30, 2024:*
11 *Provided, That the requirement to withhold funds for pro-*
12 *grams in Burma under section 307(a) of the Foreign Assist-*
13 *ance Act of 1961 shall not apply to funds appropriated by*
14 *this Act.*

15 WAR CRIMES TRIBUNAL

16 SEC. 7049. *If the President determines that doing so*
17 *will contribute to a just resolution of charges regarding*
18 *genocide or other violations of international humanitarian*
19 *law, the President may direct a drawdown pursuant to sec-*
20 *tion 552(c) of the Foreign Assistance Act of 1961 of up to*
21 *\$30,000,000 of commodities and services for the United Na-*
22 *tions War Crimes Tribunal established with regard to the*
23 *former Yugoslavia by the United Nations Security Council*
24 *or such other tribunals or commissions as the Council may*
25 *establish or authorize to deal with such violations, without*

1499

1 *regard to the ceiling limitation contained in paragraph (2)*
2 *thereof: Provided, That the determination required under*
3 *this section shall be in lieu of any determinations otherwise*
4 *required under section 552(c): Provided further, That funds*
5 *made available pursuant to this section shall be made avail-*
6 *able subject to the regular notification procedures of the*
7 *Committees on Appropriations.*

8 *GLOBAL INTERNET FREEDOM*

9 *SEC. 7050. (a) FUNDING.—Of the funds available for*
10 *obligation during fiscal year 2023 under the headings*
11 *“International Broadcasting Operations”, “Economic Sup-*
12 *port Fund”, “Democracy Fund”, and “Assistance for Eu-*
13 *rope, Eurasia and Central Asia”, not less than \$90,500,000*
14 *shall be made available for programs to promote Internet*
15 *freedom globally: Provided, That such programs shall be*
16 *prioritized for countries whose governments restrict freedom*
17 *of expression on the Internet, and that are important to*
18 *the national interest of the United States: Provided further,*
19 *That funds made available pursuant to this section shall*
20 *be matched, to the maximum extent practicable, by sources*
21 *other than the United States Government, including from*
22 *the private sector.*

23 *(b) REQUIREMENTS.—*

24 *(1) DEPARTMENT OF STATE AND UNITED STATES*
25 *AGENCY FOR INTERNATIONAL DEVELOPMENT.—Funds*

1500

1 *appropriated by this Act under the headings “Eco-*
2 *nomie Support Fund”, “Democracy Fund”, and “As-*
3 *sistance for Europe, Eurasia and Central Asia” that*
4 *are made available pursuant to subsection (a) shall*
5 *be—*

6 *(A) coordinated with other democracy pro-*
7 *grams funded by this Act under such headings,*
8 *and shall be incorporated into country assistance*
9 *and democracy promotion strategies, as appro-*
10 *priate;*

11 *(B) for programs to implement the May*
12 *2011, International Strategy for Cyberspace, the*
13 *Department of State International Cyberspace*
14 *Policy Strategy required by section 402 of the*
15 *Cybersecurity Act of 2015 (division N of Public*
16 *Law 114–113), and the comprehensive strategy*
17 *to promote Internet freedom and access to infor-*
18 *mation in Iran, as required by section 414 of the*
19 *Iran Threat Reduction and Syria Human*
20 *Rights Act of 2012 (22 U.S.C. 8754);*

21 *(C) made available for programs that sup-*
22 *port the efforts of civil society to counter the de-*
23 *velopment of repressive Internet-related laws and*
24 *regulations, including countering threats to*
25 *Internet freedom at international organizations;*

1501

1 *to combat violence against bloggers and other*
2 *users; and to enhance digital security training*
3 *and capacity building for democracy activists;*

4 *(D) made available for research of key*
5 *threats to Internet freedom; the continued devel-*
6 *opment of technologies that provide or enhance*
7 *access to the Internet, including circumvention*
8 *tools that bypass Internet blocking, filtering, and*
9 *other censorship techniques used by authori-*
10 *tarian governments; and maintenance of the*
11 *technological advantage of the United States*
12 *Government over such censorship techniques:*
13 *Provided, That the Secretary of State, in con-*
14 *sultation with the United States Agency for*
15 *Global Media Chief Executive Officer (USAGM*
16 *CEO) and the President of the Open Technology*
17 *Fund (OTF), shall coordinate any such research*
18 *and development programs with other relevant*
19 *United States Government departments and*
20 *agencies in order to share information, tech-*
21 *nologies, and best practices, and to assess the ef-*
22 *fectiveness of such technologies; and*

23 *(E) made available only with the concur-*
24 *rence of the Assistant Secretary for Democracy,*

1502

1 *Human Rights, and Labor, Department of State,*
2 *that such funds are allocated consistent with—*

3 *(i) the strategies referenced in subpara-*
4 *graph (B) of this paragraph;*

5 *(ii) best practices regarding security*
6 *for, and oversight of, Internet freedom pro-*
7 *grams; and*

8 *(iii) sufficient resources and support*
9 *for the development and maintenance of*
10 *anti-censorship technology and tools.*

11 (2) *UNITED STATES AGENCY FOR GLOBAL*
12 *MEDIA.—Funds appropriated by this Act under the*
13 *heading “International Broadcasting Operations”*
14 *that are made available pursuant to subsection (a)*
15 *shall be—*

16 *(A) made available only for open-source*
17 *tools and techniques to securely develop and dis-*
18 *tribute USAGM digital content, facilitate audi-*
19 *ence access to such content on websites that are*
20 *censored, coordinate the distribution of USAGM*
21 *digital content to targeted regional audiences,*
22 *and to promote and distribute such tools and*
23 *techniques, including digital security techniques;*

24 *(B) coordinated by the USAGM CEO, in*
25 *consultation with the OTF President, with pro-*

1503

1 *grams funded by this Act under the heading*
2 *“International Broadcasting Operations”, and*
3 *shall be incorporated into country broadcasting*
4 *strategies, as appropriate;*

5 *(C) coordinated by the USAGM CEO, in*
6 *consultation with the OTF President, to solicit*
7 *project proposals through an open, transparent,*
8 *and competitive process, seek input from tech-*
9 *nical and subject matter experts to select pro-*
10 *posals, and support Internet circumvention tools*
11 *and techniques for audiences in countries that*
12 *are strategic priorities for the OTF and in a*
13 *manner consistent with the United States Gov-*
14 *ernment Internet freedom strategy; and*

15 *(D) made available for the research and de-*
16 *velopment of new tools or techniques authorized*
17 *in subparagraph (A) only after the USAGM*
18 *CEO, in consultation with the Secretary of*
19 *State, the OTF President, and other relevant*
20 *United States Government departments and*
21 *agencies, evaluates the risks and benefits of such*
22 *new tools or techniques, and establishes safe-*
23 *guards to minimize the use of such new tools or*
24 *techniques for illicit purposes.*

1504

1 (c) *COORDINATION AND SPEND PLANS.*—After con-
2 sultation among the relevant agency heads to coordinate
3 and de-conflict planned activities, but not later than 90
4 days after the date of enactment of this Act, the Secretary
5 of State and the USAGM CEO, in consultation with the
6 OTF President, shall submit to the Committees on Appro-
7 priations spend plans for funds made available by this Act
8 for programs to promote Internet freedom globally, which
9 shall include a description of safeguards established by rel-
10 evant agencies to ensure that such programs are not used
11 for illicit purposes: *Provided, That the Department of State*
12 *spend plan shall include funding for all such programs for*
13 *all relevant Department of State and United States Agency*
14 *for International Development offices and bureaus.*

15 (d) *SECURITY AUDITS.*—Funds made available pursu-
16 ant to this section to promote Internet freedom globally may
17 only be made available to support open-source technologies
18 that undergo comprehensive security audits consistent with
19 the requirements of the Bureau of Democracy, Human
20 Rights, and Labor, Department of State to ensure that such
21 technology is secure and has not been compromised in a
22 manner detrimental to the interest of the United States or
23 to individuals and organizations benefiting from programs
24 supported by such funds: *Provided, That the security audit-*
25 *ing procedures used by such Bureau shall be reviewed and*

1505

1 *updated periodically to reflect current industry security*
2 *standards.*

3 *TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING*
4 *TREATMENT OR PUNISHMENT*

5 *SEC. 7051. (a) PROHIBITION.—None of the funds made*
6 *available by this Act may be used to support or justify the*
7 *use of torture and other cruel, inhuman, or degrading treat-*
8 *ment or punishment by any official or contract employee*
9 *of the United States Government.*

10 *(b) ASSISTANCE.—Funds appropriated under titles III*
11 *and IV of this Act shall be made available, notwithstanding*
12 *section 660 of the Foreign Assistance Act of 1961 and fol-*
13 *lowing consultation with the Committees on Appropria-*
14 *tions, for assistance to eliminate torture and other cruel,*
15 *inhuman, or degrading treatment or punishment by foreign*
16 *police, military, or other security forces in countries receiv-*
17 *ing assistance from funds appropriated by this Act.*

18 *AIRCRAFT TRANSFER, COORDINATION, AND USE*

19 *SEC. 7052. (a) TRANSFER AUTHORITY.—Notwith-*
20 *standing any other provision of law or regulation, aircraft*
21 *procured with funds appropriated by this Act and prior*
22 *Acts making appropriations for the Department of State,*
23 *foreign operations, and related programs under the head-*
24 *ings “Diplomatic Programs”, “International Narcotics*
25 *Control and Law Enforcement”, “Andean Counterdrug Ini-*

1506

1 *tiative”, and “Andean Counterdrug Programs” may be*
2 *used for any other program and in any region.*

3 (b) *PROPERTY DISPOSAL.—The authority provided in*
4 *subsection (a) shall apply only after the Secretary of State*
5 *determines and reports to the Committees on Appropria-*
6 *tions that the equipment is no longer required to meet pro-*
7 *grammatic purposes in the designated country or region:*
8 *Provided, That any such transfer shall be subject to prior*
9 *consultation with, and the regular notification procedures*
10 *of, the Committees on Appropriations.*

11 (c) *AIRCRAFT COORDINATION.—*

12 (1) *AUTHORITY.—The uses of aircraft purchased*
13 *or leased by the Department of State and the United*
14 *States Agency for International Development with*
15 *funds made available in this Act or prior Acts mak-*
16 *ing appropriations for the Department of State, for-*
17 *foreign operations, and related programs shall be coordi-*
18 *nated under the authority of the appropriate Chief of*
19 *Mission: Provided, That such aircraft may be used to*
20 *transport, on a reimbursable or non-reimbursable*
21 *basis, Federal and non-Federal personnel supporting*
22 *Department of State and USAID programs and ac-*
23 *tivities: Provided further, That official travel for other*
24 *agencies for other purposes may be supported on a re-*
25 *imbursable basis, or without reimbursement when*

1507

1 *traveling on a space available basis: Provided further,*
2 *That funds received by the Department of State in*
3 *connection with the use of aircraft owned, leased, or*
4 *chartered by the Department of State may be credited*
5 *to the Working Capital Fund of the Department and*
6 *shall be available for expenses related to the purchase,*
7 *lease, maintenance, chartering, or operation of such*
8 *aircraft.*

9 (2) *SCOPE.—The requirement and authorities of*
10 *this subsection shall only apply to aircraft, the pri-*
11 *mary purpose of which is the transportation of per-*
12 *sonnel.*

13 (d) *AIRCRAFT OPERATIONS AND MAINTENANCE.—To*
14 *the maximum extent practicable, the costs of operations and*
15 *maintenance, including fuel, of aircraft funded by this Act*
16 *shall be borne by the recipient country.*

17 *PARKING FINES AND REAL PROPERTY TAXES OWED BY*
18 *FOREIGN GOVERNMENTS*

19 *SEC. 7053. The terms and conditions of section 7055*
20 *of the Department of State, Foreign Operations, and Re-*
21 *lated Programs Appropriations Act, 2010 (division F of*
22 *Public Law 111–117) shall apply to this Act: Provided,*
23 *That subsection (f)(2)(B) of such section shall be applied*
24 *by substituting “September 30, 2022” for “September 30,*
25 *2009”.*

1508

1 *INTERNATIONAL MONETARY FUND*

2 *SEC. 7054. (a) EXTENSIONS.—The terms and condi-*
3 *tions of sections 7086(b)(1) and (2) and 7090(a) of the De-*
4 *partment of State, Foreign Operations, and Related Pro-*
5 *grams Appropriations Act, 2010 (division F of Public Law*
6 *111–117) shall apply to this Act.*

7 *(b) REPAYMENT.—The Secretary of the Treasury shall*
8 *instruct the United States Executive Director of the Inter-*
9 *national Monetary Fund (IMF) to seek to ensure that any*
10 *loan will be repaid to the IMF before other private or multi-*
11 *lateral creditors.*

12 *EXTRADITION*

13 *SEC. 7055. (a) LIMITATION.—None of the funds appro-*
14 *priated in this Act may be used to provide assistance (other*
15 *than funds provided under the headings “Development As-*
16 *sistance”, “International Disaster Assistance”, “Complex*
17 *Crises Fund”, “International Narcotics Control and Law*
18 *Enforcement”, “Migration and Refugee Assistance”,*
19 *“United States Emergency Refugee and Migration Assist-*
20 *ance Fund”, and “Nonproliferation, Anti-terrorism,*
21 *Demining and Related Assistance”) for the central govern-*
22 *ment of a country which has notified the Department of*
23 *State of its refusal to extradite to the United States any*
24 *individual indicted for a criminal offense for which the*
25 *maximum penalty is life imprisonment without the possi-*

1509

1 *bility of parole or for killing a law enforcement officer, as*
2 *specified in a United States extradition request.*

3 (b) *CLARIFICATION.—Subsection (a) shall only apply*
4 *to the central government of a country with which the*
5 *United States maintains diplomatic relations and with*
6 *which the United States has an extradition treaty and the*
7 *government of that country is in violation of the terms and*
8 *conditions of the treaty.*

9 (c) *WAIVER.—The Secretary of State may waive the*
10 *restriction in subsection (a) on a case-by-case basis if the*
11 *Secretary certifies to the Committees on Appropriations*
12 *that such waiver is important to the national interest of*
13 *the United States.*

14 *ENTERPRISE FUNDS*

15 *SEC. 7056. (a) NOTIFICATION.—None of the funds*
16 *made available under titles III through VI of this Act may*
17 *be made available for Enterprise Funds unless the appro-*
18 *priate congressional committees are notified at least 15*
19 *days in advance.*

20 (b) *DISTRIBUTION OF ASSETS PLAN.—Prior to the dis-*
21 *tribution of any assets resulting from any liquidation, dis-*
22 *solution, or winding up of an Enterprise Fund, in whole*
23 *or in part, the President shall submit to the appropriate*
24 *congressional committees a plan for the distribution of the*
25 *assets of the Enterprise Fund.*

1510

1 (c) *TRANSITION OR OPERATING PLAN.*—Prior to a
2 transition to and operation of any private equity fund or
3 other parallel investment fund under an existing Enterprise
4 Fund, the President shall submit such transition or oper-
5 ating plan to the appropriate congressional committees.

6 *UNITED NATIONS POPULATION FUND*

7 *SEC. 7057. (a) CONTRIBUTION.*—Of the funds made
8 available under the heading “International Organizations
9 and Programs” in this Act for fiscal year 2023, \$32,500,000
10 shall be made available for the United Nations Population
11 Fund (UNFPA).

12 (b) *AVAILABILITY OF FUNDS.*—Funds appropriated by
13 this Act for UNFPA, that are not made available for
14 UNFPA because of the operation of any provision of law,
15 shall be transferred to the “Global Health Programs” ac-
16 count and shall be made available for family planning, ma-
17 ternal, and reproductive health activities, subject to the reg-
18 ular notification procedures of the Committees on Appro-
19 priations.

20 (c) *PROHIBITION ON USE OF FUNDS IN CHINA.*—None
21 of the funds made available by this Act may be used by
22 UNFPA for a country program in the People’s Republic
23 of China.

1511

1 (d) *CONDITIONS ON AVAILABILITY OF FUNDS.—Funds*
2 *made available by this Act for UNFPA may not be made*
3 *available unless—*

4 (1) *UNFPA maintains funds made available by*
5 *this Act in an account separate from other accounts*
6 *of UNFPA and does not commingle such funds with*
7 *other sums; and*

8 (2) *UNFPA does not fund abortions.*

9 (e) *REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR*
10 *WITHHOLDING OF FUNDS.—*

11 (1) *Not later than 4 months after the date of en-*
12 *actment of this Act, the Secretary of State shall sub-*
13 *mit a report to the Committees on Appropriations in-*
14 *dicating the amount of funds that UNFPA is budg-*
15 *eting for the year in which the report is submitted for*
16 *a country program in the People’s Republic of China.*

17 (2) *If a report under paragraph (1) indicates*
18 *that UNFPA plans to spend funds for a country pro-*
19 *gram in the People’s Republic of China in the year*
20 *covered by the report, then the amount of such funds*
21 *UNFPA plans to spend in the People’s Republic of*
22 *China shall be deducted from the funds made avail-*
23 *able to UNFPA after March 1 for obligation for the*
24 *remainder of the fiscal year in which the report is*
25 *submitted.*

1512

1 GLOBAL HEALTH ACTIVITIES

2 SEC. 7058. (a) IN GENERAL.—Funds appropriated by
3 titles III and IV of this Act that are made available for
4 bilateral assistance for child survival activities or disease
5 programs including activities relating to research on, and
6 the prevention, treatment and control of, HIV/AIDS may
7 be made available notwithstanding any other provision of
8 law except for provisions under the heading “Global Health
9 Programs” and the United States Leadership Against HIV/
10 AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat.
11 711; 22 U.S.C. 7601 et seq.), as amended: Provided, That
12 of the funds appropriated under title III of this Act, not
13 less than \$575,000,000 should be made available for family
14 planning/reproductive health, including in areas where
15 population growth threatens biodiversity or endangered spe-
16 cies.

17 (b) PANDEMICS AND OTHER INFECTIOUS DISEASE
18 OUTBREAKS.—

19 (1) GLOBAL HEALTH SECURITY.—Funds appro-
20 priated by this Act under the heading “Global Health
21 Programs” shall be made available for global health
22 security programs to accelerate the capacity of coun-
23 tries to prevent, detect, and respond to infectious dis-
24 ease outbreaks, including by strengthening public
25 health capacity where there is a high risk of emerging

1513

1 *zoonotic infectious diseases: Provided, That not later*
2 *than 60 days after the date of enactment of this Act,*
3 *the USAID Administrator and the Secretary of State,*
4 *as appropriate, shall consult with the Committees on*
5 *Appropriations on the planned uses of such funds.*

6 (2) *FINANCIAL INTERMEDIARY FUND.—Funds*
7 *appropriated by this Act under the heading “Global*
8 *Health Programs” may be made available for con-*
9 *tributions to a financial intermediary fund for pan-*
10 *demic preparedness and global health security.*

11 (3) *EXTRAORDINARY MEASURES.—If the Sec-*
12 *retary of State determines and reports to the Commit-*
13 *tees on Appropriations that an international infec-*
14 *tious disease outbreak is sustained, severe, and is*
15 *spreading internationally, or that it is in the na-*
16 *tional interest to respond to a Public Health Emer-*
17 *gency of International Concern, not to exceed an ag-*
18 *gregate total of \$200,000,000 of the funds appro-*
19 *priated by this Act under the headings “Global*
20 *Health Programs”, “Development Assistance”, “Inter-*
21 *national Disaster Assistance”, “Complex Crises*
22 *Fund”, “Economic Support Fund”, “Democracy*
23 *Fund”, “Assistance for Europe, Eurasia and Central*
24 *Asia”, “Migration and Refugee Assistance”, and*
25 *“Millennium Challenge Corporation” may be made*

1514

1 *available to combat such infectious disease or public*
2 *health emergency, and may be transferred to, and*
3 *merged with, funds appropriated under such headings*
4 *for the purposes of this paragraph.*

5 (4) *EMERGENCY RESERVE FUND.—Up to*
6 *\$90,000,000 of the funds made available under the*
7 *heading “Global Health Programs” may be made*
8 *available for the Emergency Reserve Fund established*
9 *pursuant to section 7058(c)(1) of the Department of*
10 *State, Foreign Operations, and Related Programs Ap-*
11 *propriations Act, 2017 (division J of Public Law*
12 *115–31): Provided, That such funds shall be made*
13 *available under the same terms and conditions of such*
14 *section.*

15 (5) *CONSULTATION AND NOTIFICATION.—Funds*
16 *made available by this subsection shall be subject to*
17 *prior consultation with, and the regular notification*
18 *procedures of, the Committees on Appropriations.*

19 (c) *LIMITATION.—Notwithstanding any other provi-*
20 *sion of law, none of the funds made available by this Act*
21 *may be made available to the Wuhan Institute of Virology*
22 *located in the City of Wuhan in the People’s Republic of*
23 *China.*

24 *GENDER EQUALITY AND WOMEN’S EMPOWERMENT*

25 *SEC. 7059. (a) IN GENERAL.—*

1515

1 (1) *GENDER EQUALITY.*—*Funds appropriated by*
2 *this Act shall be made available to promote gender*
3 *equality in United States Government diplomatic and*
4 *development efforts by raising the status, increasing*
5 *the economic participation and opportunities for po-*
6 *litical leadership, and protecting the rights of women*
7 *and girls worldwide.*

8 (2) *WOMEN’S ECONOMIC EMPOWERMENT.*—*Funds*
9 *appropriated by this Act are available to implement*
10 *the Women’s Entrepreneurship and Economic Em-*
11 *powerment Act of 2018 (Public Law 115–428): Pro-*
12 *vided, That the Secretary of State and the Adminis-*
13 *trator of the United States Agency for International*
14 *Development, as appropriate, shall consult with the*
15 *Committees on Appropriations on the implementation*
16 *of such Act.*

17 (3) *GENDER EQUITY AND EQUALITY ACTION*
18 *FUND.*—*Of the funds appropriated under title III of*
19 *this Act, up to \$200,000,000 may be made available*
20 *for the Gender Equity and Equality Action Fund.*

21 (b) *MADELEINE K. ALBRIGHT WOMEN’S LEADERSHIP*
22 *PROGRAM.*—*Of the funds appropriated under title III of*
23 *this Act, not less than \$50,000,000 shall be made available*
24 *for programs specifically designed to increase leadership op-*
25 *portunities for women in countries where women and girls*

1516

1 *suffer discrimination due to law, policy, or practice, by*
2 *strengthening protections for women’s political status, ex-*
3 *panding women’s participation in political parties and*
4 *elections, and increasing women’s opportunities for leader-*
5 *ship positions in the public and private sectors at the local,*
6 *provincial, and national levels: Provided, That such pro-*
7 *grams shall hereafter be collectively named the “Madeleine*
8 *K. Albright Women’s Leadership Program”.*

9 (c) *GENDER-BASED VIOLENCE.*—

10 (1) *Of the funds appropriated under titles III*
11 *and IV of this Act, not less than \$250,000,000 shall*
12 *be made available to implement a multi-year strategy*
13 *to prevent and respond to gender-based violence in*
14 *countries where it is common in conflict and non-con-*
15 *flict settings.*

16 (2) *Funds appropriated under titles III and IV*
17 *of this Act that are available to train foreign police,*
18 *judicial, and military personnel, including for inter-*
19 *national peacekeeping operations, shall address, where*
20 *appropriate, prevention and response to gender-based*
21 *violence and trafficking in persons, and shall promote*
22 *the integration of women into the police and other se-*
23 *curity forces.*

24 (d) *WOMEN, PEACE, AND SECURITY.*—*Of the funds ap-*
25 *propriated by this Act under the headings “Development*

1517

1 *Assistance*”, *“Economic Support Fund*”, *“Assistance for*
2 *Europe, Eurasia and Central Asia*”, and *“International*
3 *Narcotics Control and Law Enforcement*”, \$150,000,000
4 *should be made available to support a multi-year strategy*
5 *to expand, and improve coordination of, United States Gov-*
6 *ernment efforts to empower women as equal partners in*
7 *conflict prevention, peace building, transitional processes,*
8 *and reconstruction efforts in countries affected by conflict*
9 *or in political transition, and to ensure the equitable provi-*
10 *sion of relief and recovery assistance to women and girls.*

11 *SECTOR ALLOCATIONS*

12 *SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDU-*
13 *CATION.—*

14 *(1) BASIC EDUCATION.—*

15 *(A) Of the funds appropriated under title*
16 *III of this Act, not less than \$970,000,000 shall*
17 *be made available for the Nita M. Lowey Basic*
18 *Education Fund, and such funds may be made*
19 *available notwithstanding any other provision of*
20 *law that restricts assistance to foreign countries:*
21 *Provided, That such funds shall also be used for*
22 *secondary education activities: Provided further,*
23 *That of the funds made available by this para-*
24 *graph, \$150,000,000 should be available for the*
25 *education of girls in areas of conflict: Provided*

† HR 2617 EAS2

1518

1 *further, That section 7(a) of Public Law 115–56*
2 *shall be implemented by substituting “the thir-*
3 *tieth day of June following” for “180 days*
4 *after”.*

5 *(B) Of the funds appropriated under title*
6 *III of this Act for assistance for basic education*
7 *programs, not less than \$160,000,000 shall be*
8 *made available for contributions to multilateral*
9 *partnerships that support education.*

10 *(2) HIGHER EDUCATION.—Of the funds appro-*
11 *priated by title III of this Act, not less than*
12 *\$285,000,000 shall be made available for assistance*
13 *for higher education: Provided, That such funds may*
14 *be made available notwithstanding any other provi-*
15 *sion of law that restricts assistance to foreign coun-*
16 *tries, and shall be subject to the regular notification*
17 *procedures of the Committees on Appropriations: Pro-*
18 *vided further, That of such amount, not less than*
19 *\$35,000,000 shall be made available for new and on-*
20 *going partnerships between higher education institu-*
21 *tions in the United States and developing countries*
22 *focused on building the capacity of higher education*
23 *institutions and systems in developing countries: Pro-*
24 *vided further, That of such amount and in addition*
25 *to the previous proviso, not less than \$35,000,000*

† HR 2617 EAS2

1519

1 *shall be made available for higher education programs*
2 *pursuant to section 7060(a)(3) of the Department of*
3 *State, Foreign Operations, and Related Programs Ap-*
4 *propriations Act, 2021 (division K of Public Law*
5 *116–260): Provided further, That not later than 45*
6 *days after the date of enactment of this Act, the*
7 *USAID Administrator shall consult with the Commit-*
8 *tees on Appropriations on the proposed uses of funds*
9 *for such partnerships.*

10 (3) *SCHOLAR RESCUE PROGRAMS.—Of the funds*
11 *appropriated by this Act under the headings “Devel-*
12 *opment Assistance”, “Economic Support Fund”, and*
13 *“Assistance for Europe, Eurasia and Central Asia”,*
14 *not less than \$7,000,000 shall be made available for*
15 *scholar rescue programs, including for scholars from*
16 *Afghanistan, Burma, Ethiopia, the Russian Federa-*
17 *tion, Ukraine, and Yemen: Provided, That the Sec-*
18 *retary of State and Administrator of the United*
19 *States Agency for International Development, as ap-*
20 *propriate, shall consult with the Committees on Ap-*
21 *propriations on such programs not later than 90 days*
22 *after the date of enactment of this Act.*

23 (b) *DEVELOPMENT PROGRAMS.—Of the funds appro-*
24 *priated by this Act under the heading “Development Assist-*
25 *ance”, not less than \$18,500,000 shall be made available*

1520

1 *for USAID cooperative development programs and not less*
2 *than \$31,500,000 shall be made available for the American*
3 *Schools and Hospitals Abroad program.*

4 *(c) FOOD SECURITY AND AGRICULTURAL DEVELOP-*
5 *MENT.—*

6 *(1) Of the funds appropriated by title III of this*
7 *Act, not less than \$1,010,600,000 shall be made avail-*
8 *able for food security and agricultural development*
9 *programs to carry out the purposes of the Global Food*
10 *Security Act of 2016 (Public Law 114–195): Pro-*
11 *vided, That funds may be made available for a con-*
12 *tribution as authorized by section 3202 of the Food,*
13 *Conservation, and Energy Act of 2008 (Public Law*
14 *110–246), as amended by section 3310 of the Agri-*
15 *culture Improvement Act of 2018 (Public Law 115–*
16 *334).*

17 *(2) The Secretary of State, in coordination with*
18 *the Administrator of the United States Agency for*
19 *International Development and the heads of other rel-*
20 *evant Federal agencies, shall seek to enter into nego-*
21 *tiations with key foreign governments and multilat-*
22 *eral, philanthropic, and private sector entities, in-*
23 *cluding the United Nations Rome-based agencies and*
24 *the World Bank, regarding the potential establishment*
25 *of a multilateral fund focused on food security, as de-*

1521

1 scribed under this section in the explanatory state-
2 ment described in section 4 (in the matter preceding
3 division A of this consolidated Act).

4 (d) *MICRO, SMALL, AND MEDIUM-SIZED ENTER-*
5 *PRISES.—Of the funds appropriated by this Act, not less*
6 *than \$265,000,000 shall be made available to support the*
7 *development of, and access to financing for, micro, small,*
8 *and medium-sized enterprises that benefit the poor, espe-*
9 *cially women.*

10 (e) *PROGRAMS TO COMBAT TRAFFICKING IN PER-*
11 *SONS.—Of the funds appropriated by this Act under the*
12 *headings “Development Assistance”, “Economic Support*
13 *Fund”, “Assistance for Europe, Eurasia and Central Asia”,*
14 *and “International Narcotics Control and Law Enforce-*
15 *ment”, not less than \$116,400,000 shall be made available*
16 *for activities to combat trafficking in persons internation-*
17 *ally, including for the Program to End Modern Slavery,*
18 *of which not less than \$87,000,000 shall be from funds made*
19 *available under the heading “International Narcotics Con-*
20 *trol and Law Enforcement”: Provided, That funds made*
21 *available by this Act under the headings “Development As-*
22 *sistance”, “Economic Support Fund”, and “Assistance for*
23 *Europe, Eurasia and Central Asia” that are made avail-*
24 *able for activities to combat trafficking in persons should*
25 *be obligated and programmed consistent with the country-*

1522

1 *specific recommendations included in the annual Traf-*
2 *ficking in Persons Report, and shall be coordinated with*
3 *the Office to Monitor and Combat Trafficking in Persons,*
4 *Department of State.*

5 (f) *RECONCILIATION PROGRAMS.—Of the funds appro-*
6 *priated by this Act under the heading “Development Assist-*
7 *ance”, not less than \$25,000,000 shall be made available*
8 *to support people-to-people reconciliation programs which*
9 *bring together individuals of different ethnic, racial, reli-*
10 *gious, and political backgrounds from areas of civil strife*
11 *and war: Provided, That the USAID Administrator shall*
12 *consult with the Committees on Appropriations, prior to*
13 *the initial obligation of funds, on the uses of such funds,*
14 *and such funds shall be subject to the regular notification*
15 *procedures of the Committees on Appropriations: Provided*
16 *further, That to the maximum extent practicable, such*
17 *funds shall be matched by sources other than the United*
18 *States Government: Provided further, That such funds shall*
19 *be administered by the Center for Conflict and Violence Pre-*
20 *vention, USAID.*

21 (g) *WATER AND SANITATION.—Of the funds appro-*
22 *priated by this Act, not less than \$475,000,000 shall be*
23 *made available for water supply and sanitation projects*
24 *pursuant to section 136 of the Foreign Assistance Act of*
25 *1961, of which not less than \$237,000,000 shall be for pro-*

1523

1 *grams in sub-Saharan Africa, and of which not less than*
2 *\$17,000,000 shall be made available to support initiatives*
3 *by local communities in developing countries to build and*
4 *maintain safe latrines.*

5 *(h) DEVIATION.—Unless otherwise provided for by this*
6 *Act, the Secretary of State and the Administrator of the*
7 *United States Agency for International Development, as*
8 *applicable, may deviate below the minimum funding re-*
9 *quirements designated in sections 7059, 7060, and 7061 of*
10 *this Act by up to 10 percent, notwithstanding such designa-*
11 *tion: Provided, That concurrent with the submission of the*
12 *report required by section 653(a) of the Foreign Assistance*
13 *Act of 1961, the Secretary of State shall submit to the Com-*
14 *mittees on Appropriations in writing any proposed devi-*
15 *ations utilizing such authority that are planned at the time*
16 *of submission of such report: Provided further, That any*
17 *deviations proposed subsequent to the submission of such*
18 *report shall be subject to prior consultation with such Com-*
19 *mittees: Provided further, That not later than November 1,*
20 *2024, the Secretary of State shall submit a report to the*
21 *Committees on Appropriations on the use of the authority*
22 *of this subsection.*

23 ENVIRONMENT PROGRAMS

24 *SEC. 7061. (a) Funds appropriated by this Act to*
25 *carry out the provisions of sections 103 through 106, and*

1524

1 *chapter 4 of part II, of the Foreign Assistance Act of 1961*
2 *may be used, notwithstanding any other provision of law,*
3 *except for the provisions of this section and only subject*
4 *to the reporting procedures of the Committees on Appro-*
5 *priations, to support environment programs.*

6 *(b)(1) Of the funds appropriated under title III of this*
7 *Act, not less than \$385,000,000 shall be made available for*
8 *biodiversity conservation programs.*

9 *(2) Not less than \$125,000,000 of the funds appro-*
10 *priated under titles III and IV of this Act shall be made*
11 *available to combat the transnational threat of wildlife*
12 *poaching and trafficking.*

13 *(3) None of the funds appropriated under title IV of*
14 *this Act may be made available for training or other assist-*
15 *ance for any military unit or personnel that the Secretary*
16 *of State determines has been credibly alleged to have par-*
17 *ticipated in wildlife poaching or trafficking, unless the Sec-*
18 *retary reports to the appropriate congressional committees*
19 *that to do so is in the national security interest of the*
20 *United States.*

21 *(4) Funds appropriated by this Act for biodiversity*
22 *programs shall not be used to support the expansion of in-*
23 *dustrial scale logging, agriculture, livestock production,*
24 *mining, or any other industrial scale extractive activity*
25 *into areas that were primary/intact tropical forests as of*

1525

1 *December 30, 2013, and the Secretary of the Treasury shall*
2 *instruct the United States executive directors of each inter-*
3 *national financial institution (IFI) to use the voice and*
4 *vote of the United States to oppose any financing of any*
5 *such activity.*

6 (5) *Funds appropriated by this Act shall be made*
7 *available to support a new public-private partnership for*
8 *conservation to promote long-term management of protected*
9 *areas in developing countries, if legislation establishing a*
10 *foundation to facilitate such partnership is enacted into*
11 *law.*

12 (c) *The Secretary of the Treasury shall instruct the*
13 *United States executive director of each IFI that it is the*
14 *policy of the United States to use the voice and vote of the*
15 *United States, in relation to any loan, grant, strategy, or*
16 *policy of such institution, regarding the construction of any*
17 *large dam consistent with the criteria set forth in Senate*
18 *Report 114–79, while also considering whether the project*
19 *involves important foreign policy objectives.*

20 (d) *Of the funds appropriated under title III of this*
21 *Act, not less than \$185,000,000 shall be made available for*
22 *sustainable landscapes programs.*

23 (e) *Of the funds appropriated under title III of this*
24 *Act, not less than \$270,000,000 shall be made available for*

1526

1 *adaptation programs, including in support of the imple-*
2 *mentation of the Indo-Pacific Strategy.*

3 *(f) Of the funds appropriated under title III of this*
4 *Act, not less than \$260,000,000 shall be made available for*
5 *clean energy programs, including in support of carrying*
6 *out the purposes of the Electrify Africa Act (Public Law*
7 *114–121) and implementing the Power Africa initiative.*

8 *(g) Funds appropriated by this Act under title III*
9 *may be made available for United States contributions to*
10 *the Adaptation Fund and the Least Developed Countries*
11 *Fund.*

12 *(h) Of the funds appropriated under title III of this*
13 *Act, not less than \$50,000,000 shall be made available for*
14 *the purposes enumerated under section 7060(c)(7) of the De-*
15 *partment of State, Foreign Operations, and Related Pro-*
16 *grams Appropriations Act, 2021 (division K of Public Law*
17 *116–260): Provided, That such funds may only be made*
18 *available following consultation with the Committees on*
19 *Appropriations.*

20 *(i) Of the funds appropriated under title III of this*
21 *Act, not less than \$20,000,000 shall be made available to*
22 *support Indigenous and other civil society organizations in*
23 *developing countries that are working to protect the envi-*
24 *ronment, including threatened and endangered species, as*
25 *described under this section in the explanatory statement*

1527

1 *described in section 4 (in the matter preceding division A*
2 *of this consolidated Act).*

3 *(j) The Secretary of State and USAID Administrator*
4 *shall implement the directive regarding law enforcement in*
5 *national parks and protected areas as described under this*
6 *section in the explanatory statement described in section 4*
7 *(in the matter preceding division A of this consolidated*
8 *Act).*

9 *BUDGET DOCUMENTS*

10 *SEC. 7062. (a) OPERATING PLANS.—Not later than 45*
11 *days after the date of enactment of this Act, each depart-*
12 *ment, agency, or organization funded in titles I, II, and*
13 *VI of this Act, and the Department of the Treasury and*
14 *Independent Agencies funded in title III of this Act, includ-*
15 *ing the Inter-American Foundation and the United States*
16 *African Development Foundation, shall submit to the Com-*
17 *mittees on Appropriations an operating plan for funds ap-*
18 *propriated to such department, agency, or organization in*
19 *such titles of this Act, or funds otherwise available for obli-*
20 *gation in fiscal year 2023, that provides details of the uses*
21 *of such funds at the program, project, and activity level:*
22 *Provided, That such plans shall include, as applicable, a*
23 *comparison between the congressional budget justification*
24 *funding levels, the most recent congressional directives or*
25 *approved funding levels, and the funding levels proposed by*

1528

1 *the department or agency; and a clear, concise, and inform-*
2 *ative description/justification: Provided further, That oper-*
3 *ating plans that include changes in levels of funding for*
4 *programs, projects, and activities specified in the congres-*
5 *sional budget justification, in this Act, or amounts specifi-*
6 *cally designated in the respective tables included in the ex-*
7 *planatory statement described in section 4 (in the matter*
8 *preceding division A of this consolidated Act), as applica-*
9 *ble, shall be subject to the notification and reprogramming*
10 *requirements of section 7015 of this Act.*

11 *(b) SPEND PLANS.—*

12 *(1) Prior to the initial obligation of funds, the*
13 *Secretary of State or Administrator of the United*
14 *States Agency for International Development, as ap-*
15 *propriate, shall submit to the Committees on Appro-*
16 *priations spend plans as described under this section*
17 *in the explanatory statement described in section 4*
18 *(in the matter preceding division A of this consoli-*
19 *dated Act).*

20 *(2) Not later than 90 days after the date of en-*
21 *actment of this Act, the Secretary of the Treasury*
22 *shall submit to the Committees on Appropriations a*
23 *detailed spend plan for funds made available by this*
24 *Act under the heading “Department of the Treasury,*

1529

1 *International Affairs Technical Assistance” in title*
2 *III.*

3 *(3) Notwithstanding paragraph (1), up to 10*
4 *percent of the funds contained in a spend plan re-*
5 *quired by this subsection may be obligated prior to*
6 *the submission of such spend plan if the Secretary of*
7 *State, the USAID Administrator, or the Secretary of*
8 *the Treasury, as applicable, determines that the obli-*
9 *gation of such funds is necessary to avoid significant*
10 *programmatic disruption: Provided, That not less*
11 *than seven days prior to such obligation, the Sec-*
12 *retary or Administrator, as appropriate, shall consult*
13 *with the Committees on Appropriations on the jus-*
14 *tification for such obligation and the proposed uses of*
15 *such funds.*

16 *(c) CLARIFICATION.—The spend plans referenced in*
17 *subsection (b) shall not be considered as meeting the notifi-*
18 *cation requirements in this Act or under section 634A of*
19 *the Foreign Assistance Act of 1961.*

20 *(d) CONGRESSIONAL BUDGET JUSTIFICATION.—The*
21 *congressional budget justification for Department of State*
22 *operations and foreign operations shall be provided to the*
23 *Committees on Appropriations concurrent with the date of*
24 *submission of the President’s budget for fiscal year 2024:*
25 *Provided, That the appendices for such justification shall*

1530

1 *be provided to the Committees on Appropriations not later*
2 *than 10 calendar days thereafter.*

3 *REORGANIZATION*

4 *SEC. 7063. (a) PRIOR CONSULTATION AND NOTIFICA-*
5 *TION.—Funds appropriated by this Act, prior Acts making*
6 *appropriations for the Department of State, foreign oper-*
7 *ations, and related programs, or any other Act may not*
8 *be used to implement a reorganization, redesign, or other*
9 *plan described in subsection (b) by the Department of State,*
10 *the United States Agency for International Development,*
11 *or any other Federal department, agency, or organization*
12 *funded by this Act without prior consultation by the head*
13 *of such department, agency, or organization with the appro-*
14 *priate congressional committees: Provided, That such funds*
15 *shall be subject to the regular notification procedures of the*
16 *Committees on Appropriations: Provided further, That any*
17 *such notification submitted to such Committees shall in-*
18 *clude a detailed justification for any proposed action: Pro-*
19 *vided further, That congressional notifications submitted in*
20 *prior fiscal years pursuant to similar provisions of law in*
21 *prior Acts making appropriations for the Department of*
22 *State, foreign operations, and related programs may be*
23 *deemed to meet the notification requirements of this section.*

1531

1 (b) *DESCRIPTION OF ACTIVITIES.*—Pursuant to sub-
2 section (a), a reorganization, redesign, or other plan shall
3 include any action to—

4 (1) *expand, eliminate, consolidate, or downsize*
5 *covered departments, agencies, or organizations, in-*
6 *cluding bureaus and offices within or between such*
7 *departments, agencies, or organizations, including the*
8 *transfer to other agencies of the authorities and re-*
9 *responsibilities of such bureaus and offices;*

10 (2) *expand, eliminate, consolidate, or downsize*
11 *the United States official presence overseas, including*
12 *at bilateral, regional, and multilateral diplomatic fa-*
13 *cilities and other platforms; or*

14 (3) *expand or reduce the size of the permanent*
15 *Civil Service, Foreign Service, eligible family mem-*
16 *ber, and locally employed staff workforce of the De-*
17 *partment of State and USAID from the staffing levels*
18 *previously justified to the Committees on Appropria-*
19 *tions for fiscal year 2023.*

20 *DEPARTMENT OF STATE MANAGEMENT*

21 *SEC. 7064. (a) WORKING CAPITAL FUND.*—Funds ap-
22 *propriated by this Act or otherwise made available to the*
23 *Department of State for payments to the Working Capital*
24 *Fund that are made available for new service centers, shall*

1532

1 *be subject to the regular notification procedures of the Com-*
2 *mittees on Appropriations.*

3 *(b) CERTIFICATION.—*

4 *(1) COMPLIANCE.—Not later than 45 days after*
5 *the initial obligation of funds appropriated under ti-*
6 *ties III and IV of this Act that are made available*
7 *to a Department of State bureau or office with re-*
8 *sponsibility for the management and oversight of such*
9 *funds, the Secretary of State shall certify and report*
10 *to the Committees on Appropriations, on an indi-*
11 *vidual bureau or office basis, that such bureau or of-*
12 *fice is in compliance with Department and Federal*
13 *financial and grants management policies, proce-*
14 *dures, and regulations, as applicable.*

15 *(2) CONSIDERATIONS.—When making a certifi-*
16 *cation required by paragraph (1), the Secretary of*
17 *State shall consider the capacity of a bureau or office*
18 *to—*

19 *(A) account for the obligated funds at the*
20 *country and program level, as appropriate;*

21 *(B) identify risks and develop mitigation*
22 *and monitoring plans;*

23 *(C) establish performance measures and in-*
24 *dicators;*

25 *(D) review activities and performance; and*

1533

1 (E) assess final results and reconcile fi-
2 nances.

3 (3) *PLAN.*—If the Secretary of State is unable to
4 make a certification required by paragraph (1), the
5 Secretary shall submit a plan and timeline detailing
6 the steps to be taken to bring such bureau or office
7 into compliance.

8 (c) *INFORMATION TECHNOLOGY PLATFORM.*—None of
9 the funds appropriated in title I of this Act under the head-
10 ing “Administration of Foreign Affairs” may be made
11 available for a new major information technology invest-
12 ment without the concurrence of the Chief Information Offi-
13 cer, Department of State.

14 UNITED STATES AGENCY FOR INTERNATIONAL
15 DEVELOPMENT MANAGEMENT

16 SEC. 7065. (a) *AUTHORITY.*—Up to \$170,000,000 of
17 the funds made available in title III of this Act pursuant
18 to or to carry out the provisions of part I of the Foreign
19 Assistance Act of 1961, including funds appropriated under
20 the heading “Assistance for Europe, Eurasia and Central
21 Asia”, may be used by the United States Agency for Inter-
22 national Development to hire and employ individuals in
23 the United States and overseas on a limited appointment
24 basis pursuant to the authority of sections 308 and 309 of
25 the Foreign Service Act of 1980 (22 U.S.C. 3948 and 3949).

1534

1 (b) *RESTRICTION.*—*The authority to hire individuals*
2 *contained in subsection (a) shall expire on September 30,*
3 *2024.*

4 (c) *PROGRAM ACCOUNT CHARGED.*—*The account*
5 *charged for the cost of an individual hired and employed*
6 *under the authority of this section shall be the account to*
7 *which the responsibilities of such individual primarily re-*
8 *late: Provided, That funds made available to carry out this*
9 *section may be transferred to, and merged with, funds ap-*
10 *propriated by this Act in title II under the heading “Oper-*
11 *ating Expenses”.*

12 (d) *FOREIGN SERVICE LIMITED EXTENSIONS.*—*Indi-*
13 *viduals hired and employed by USAID, with funds made*
14 *available in this Act or prior Acts making appropriations*
15 *for the Department of State, foreign operations, and related*
16 *programs, pursuant to the authority of section 309 of the*
17 *Foreign Service Act of 1980 (22 U.S.C. 3949), may be ex-*
18 *tended for a period of up to 4 years notwithstanding the*
19 *limitation set forth in such section.*

20 (e) *DISASTER SURGE CAPACITY.*—*Funds appropriated*
21 *under title III of this Act to carry out part I of the Foreign*
22 *Assistance Act of 1961, including funds appropriated under*
23 *the heading “Assistance for Europe, Eurasia and Central*
24 *Asia”, may be used, in addition to funds otherwise avail-*
25 *able for such purposes, for the cost (including the support*

1535

1 *costs) of individuals detailed to or employed by USAID*
2 *whose primary responsibility is to carry out programs in*
3 *response to natural disasters, or man-made disasters subject*
4 *to the regular notification procedures of the Committees on*
5 *Appropriations.*

6 (f) *PERSONAL SERVICES CONTRACTORS.—Funds ap-*
7 *propriated by this Act to carry out chapter 1 of part I,*
8 *chapter 4 of part II, and section 667 of the Foreign Assist-*
9 *ance Act of 1961, and title II of the Food for Peace Act*
10 *(Public Law 83–480; 7 U.S.C. 1721 et seq.), may be used*
11 *by USAID to employ up to 40 personal services contractors*
12 *in the United States, notwithstanding any other provision*
13 *of law, for the purpose of providing direct, interim support*
14 *for new or expanded overseas programs and activities man-*
15 *aged by the agency until permanent direct hire personnel*
16 *are hired and trained: Provided, That not more than 15*
17 *of such contractors shall be assigned to any bureau or office:*
18 *Provided further, That such funds appropriated to carry*
19 *out title II of the Food for Peace Act (Public Law 83–480;*
20 *7 U.S.C. 1721 et seq.), may be made available only for per-*
21 *sonal services contractors assigned to the Bureau for Hu-*
22 *manitarian Assistance.*

23 (g) *SMALL BUSINESS.—In entering into multiple*
24 *award indefinite-quantity contracts with funds appro-*
25 *priated by this Act, USAID may provide an exception to*

1536

1 *the fair opportunity process for placing task orders under*
2 *such contracts when the order is placed with any category*
3 *of small or small disadvantaged business.*

4 (h) *SENIOR FOREIGN SERVICE LIMITED APPOINT-*
5 *MENTS.—Individuals hired pursuant to the authority pro-*
6 *vided by section 7059(o) of the Department of State, For-*
7 *ign Operations, and Related Programs Appropriations*
8 *Act, 2010 (division F of Public Law 111–117) may be as-*
9 *signed to or support programs in Afghanistan or Pakistan*
10 *with funds made available in this Act and prior Acts mak-*
11 *ing appropriations for the Department of State, foreign op-*
12 *erations, and related programs.*

13 (i) *CRISIS OPERATIONS STAFFING.—Up to*
14 *\$86,000,000 of the funds made available in title III of this*
15 *Act pursuant to, or to carry out the provisions of, part I*
16 *of the Foreign Assistance Act of 1961 and section 509(b)*
17 *of the Global Fragility Act of 2019 (title V of division J*
18 *of Public Law 116–94) may be made available for the*
19 *United States Agency for International Development to ap-*
20 *point and employ personnel in the excepted service to pre-*
21 *vent or respond to foreign crises and contexts with growing*
22 *instability: Provided, That functions carried out by per-*
23 *sonnel hired under the authority of this subsection shall be*
24 *related to the purpose for which the funds were appro-*
25 *priated: Provided further, That such funds are in addition*

1537

1 *to funds otherwise available for such purposes and may re-*
2 *main attributed to any minimum funding requirement for*
3 *which they were originally made available: Provided fur-*
4 *ther, That the USAID Administrator shall coordinate with*
5 *the Director of the Office of Personnel Management and con-*
6 *sult with the appropriate congressional committees on im-*
7 *plementation of this provision.*

8 *STABILIZATION AND DEVELOPMENT IN REGIONS IMPACTED*
9 *BY EXTREMISM AND CONFLICT*

10 *SEC. 7066. (a) PREVENTION AND STABILIZATION*
11 *FUND.—Of the funds appropriated by this Act under the*
12 *headings “Economic Support Fund”, “International Nar-*
13 *cotics Control and Law Enforcement”, “Nonproliferation,*
14 *Anti-terrorism, Demining and Related Programs”, “Peace-*
15 *keeping Operations”, and “Foreign Military Financing*
16 *Program”, not less than \$135,000,000 shall be made avail-*
17 *able for the Prevention and Stabilization Fund for the pur-*
18 *poses enumerated in section 509(a) of the Global Fragility*
19 *Act of 2019 (title V of division J of Public Law 116–94),*
20 *of which \$25,000,000 may be made available for the Multi-*
21 *Donor Global Fragility Fund authorized by section 510(c)*
22 *of such Act: Provided, That such funds shall be allocated*
23 *as specified under this section in the explanatory statement*
24 *described in section 4 (in the matter preceding division A*
25 *of this consolidated Act): Provided further, That funds ap-*

1538

1 *propriated under such headings may be transferred to, and*
2 *merged with, funds appropriated under such headings for*
3 *such purposes: Provided further, That such transfer author-*
4 *ity is in addition to any other transfer authority provided*
5 *by this Act or any other Act, and is subject to prior con-*
6 *sultation with, and the regular notification procedures of,*
7 *the Committees on Appropriations: Provided further, That*
8 *funds made available pursuant to this subsection that are*
9 *transferred to funds appropriated under the heading “For-*
10 *ign Military Financing Program” may remain available*
11 *until September 30, 2024.*

12 (b) *TRANSITIONAL JUSTICE.—Of the funds appro-*
13 *priated by this Act under the headings “Economic Support*
14 *Fund” and “International Narcotics Control and Law En-*
15 *forcement”, not less than \$10,000,000 shall be made avail-*
16 *able for programs to promote accountability for genocide,*
17 *crimes against humanity, and war crimes, which shall be*
18 *in addition to any other funds made available by this Act*
19 *for such purposes: Provided, That such programs shall in-*
20 *clude components to develop local investigative and judicial*
21 *skills, and to collect and preserve evidence and maintain*
22 *the chain of custody of evidence, including for use in pros-*
23 *ecutions, and may include the establishment of, and assist-*
24 *ance for, transitional justice mechanisms: Provided further,*
25 *That such funds shall be administered by the Ambassador-*

1539

1 *at-Large for the Office of Global Criminal Justice, Depart-*
2 *ment of State, and shall be subject to prior consultation*
3 *with the Committees on Appropriations: Provided further,*
4 *That funds made available by this paragraph shall be made*
5 *available on an open and competitive basis.*

6 (c) *GLOBAL COMMUNITY ENGAGEMENT AND RESIL-*
7 *IENCE FUND.—Funds appropriated by this Act and prior*
8 *Acts making appropriations for the Department of State,*
9 *foreign operations, and related programs under the heading*
10 *“Economic Support Fund” may be made available to the*
11 *Global Community Engagement and Resilience Fund, in-*
12 *cluding as a contribution.*

13 *DEBT-FOR-DEVELOPMENT*

14 *SEC. 7067. In order to enhance the continued partici-*
15 *pation of nongovernmental organizations in debt-for-devel-*
16 *opment and debt-for-nature exchanges, a nongovernmental*
17 *organization which is a grantee or contractor of the United*
18 *States Agency for International Development may place in*
19 *interest bearing accounts local currencies which accrue to*
20 *that organization as a result of economic assistance pro-*
21 *vided under title III of this Act and, subject to the regular*
22 *notification procedures of the Committees on Appropria-*
23 *tions, any interest earned on such investment shall be used*
24 *for the purpose for which the assistance was provided to*
25 *that organization.*

1540

1 *EXTENSION OF CONSULAR FEES AND RELATED*

2 *AUTHORITIES*

3 *SEC. 7068. (a) Section 1(b)(1) of the Passport Act of*
4 *June 4, 1920 (22 U.S.C. 214(b)(1)) shall be applied through*
5 *fiscal year 2023 by substituting “the costs of providing con-*
6 *sular services” for “such costs”.*

7 *(b) Section 21009 of the Emergency Appropriations for*
8 *Coronavirus Health Response and Agency Operations (divi-*
9 *sion B of Public Law 116–136; 134 Stat. 592) shall be ap-*
10 *plied during fiscal year 2023 by substituting “2020 through*
11 *2023” for “2020 and 2021”.*

12 *(c) Discretionary amounts made available to the De-*
13 *partment of State under the heading “Administration of*
14 *Foreign Affairs” of this Act, and discretionary unobligated*
15 *balances under such heading from prior Acts making ap-*
16 *propriations for the Department of State, foreign oper-*
17 *ations, and related programs, may be transferred to the*
18 *Consular and Border Security Programs account if the Sec-*
19 *retary of State determines and reports to the Committees*
20 *on Appropriations that to do so is necessary to sustain con-*
21 *sular operations, following consultation with such Commit-*
22 *tees: Provided, That such transfer authority is in addition*
23 *to any transfer authority otherwise available in this Act*
24 *and under any other provision of law: Provided further,*
25 *That no amounts may be transferred from amounts des-*

1541

1 *ignated as an emergency requirement pursuant to a concur-*
2 *rent resolution on the budget or the Balanced Budget and*
3 *Emergency Deficit Control Act of 1985.*

4 *(d) In addition to the uses permitted pursuant to sec-*
5 *tion 286(v)(2)(A) of the Immigration and Nationality Act*
6 *(8 U.S.C. 1356(v)(2)(A)), for fiscal year 2023, the Secretary*
7 *of State may also use fees deposited into the Fraud Preven-*
8 *tion and Detection Account for the costs of providing con-*
9 *sular services.*

10 *(e) Amounts provided pursuant to subsection (b) are*
11 *designated by the Congress as being for an emergency re-*
12 *quirement pursuant to section 4001(a)(1) of S. Con. Res.*
13 *14 (117th Congress), the concurrent resolution on the budget*
14 *for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th*
15 *Congress), as engrossed in the House of Representatives on*
16 *June 8, 2022.*

17 *MANAGEMENT OF INTERNATIONAL TRANSBOUNDARY WATER*

18 *POLLUTION*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *SEC. 7069. In fiscal year 2023 and in each fiscal year*
21 *thereafter—*

22 *(a) The Administrator of the Environmental Protec-*
23 *tion Agency (the “Administrator”) may transfer amounts*
24 *made available under the heading “Environmental Protec-*
25 *tion Agency—State and Tribal Assistance Grants” in the*

1542

1 *USMCA Supplemental Appropriations Act, 2019 (title IX*
2 *of Public Law 116–113) to the International Boundary and*
3 *Water Commission, United States and Mexico (the “Com-*
4 *mission”), by entering into an interagency agreement or*
5 *by awarding a grant, to support the construction of treat-*
6 *ment works (as that term is defined in section 212(2) of*
7 *the Federal Water Pollution Control Act (33 U.S.C.*
8 *1292(2))), that will be owned or operated by the Commis-*
9 *sion: Provided, That the Commission shall, in consultation*
10 *with the Administrator and subject to the requirements of*
11 *sections 513 and 608 of the Federal Water Pollution Control*
12 *Act (33 U.S.C. 1372 and 1388), use amounts transferred*
13 *pursuant to this section for general, administrative, or*
14 *other costs (including construction management) related to*
15 *the planning, study, design, and construction, of treatment*
16 *works that, as determined by the Commissioner of the Com-*
17 *mission, will—*

18 (1) *protect residents in the United States-Mexico*
19 *border region from water pollution resulting from—*

20 (A) *transboundary flows of wastewater,*
21 *stormwater, or other international transbound-*
22 *ary water flows originating in Mexico; and*

23 (B) *any inadequacies or breakdowns of*
24 *treatment works in Mexico; and*

1543

1 (2) *provide treatment of the flows and water pol-*
2 *lution described in subparagraph (A) in compliance*
3 *with local, State, and Federal law: Provided, That the*
4 *Commission may also use amounts transferred pursu-*
5 *ant to this section to operate and maintain any new*
6 *treatment work constructed, which shall be in addi-*
7 *tion to any amounts otherwise available to the Com-*
8 *mission for such purposes.*

9 (b) *The Commission is authorized to enter into an*
10 *agreement with the appropriate official or officials of the*
11 *United States and Mexican States for the operation and*
12 *maintenance by the Commission of any new treatment*
13 *works, pursuant to subsection (a): Provided, That such*
14 *agreement shall contain a provision relating to the division*
15 *between the two Governments of the costs of such operation*
16 *and maintenance, or of the works involved there as may*
17 *be recommended by said Commission and approved by the*
18 *Government of Mexico.*

19 (c) *Nothing in this section modifies, amends, repeals,*
20 *or otherwise limits the authority of the Commission*
21 *under—*

22 (1) *the treaty relating to the utilization of the*
23 *waters of the Colorado and Tijuana Rivers, and of the*
24 *Rio Grande (Rio Bravo) from Fort Quitman, Texas,*
25 *to the Gulf of Mexico, and supplementary protocol,*

1544

signed at Washington February 3, 1944 (59 Stat.
1219), between the United States and Mexico; or
(2) any other applicable treaty.

4 (d) *Funds transferred pursuant to subsection (a) shall*
5 *be subject to the regular notification procedures of the Com-*
6 *mittees on Appropriations.*

(e) Amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

17 *WAIVER AUTHORITY*

18 *SEC. 7070. The President may waive section 414 of*
19 *Public Law 101-246 and section 410 of Public Law 103-*
20 *236 with respect to the United Nations Educational, Sci-*
21 *entific and Cultural Organization if the President deter-*
22 *mines and reports in writing to the Speaker of the House*
23 *of Representatives, the President Pro Tempore of the Senate,*
24 *and the appropriate congressional committees that to do so*
25 *would enable the United States to counter Chinese influence*

† HR 2617 EAS2

1545

1 *or to promote other national interests of the United States:*
2 *Provided, That the authority of this section shall cease to*
3 *have effect if, after enactment of this Act, the Palestinians*
4 *obtain the same standing as member states or full member-*
5 *ship as a state in the United Nations or any specialized*
6 *agency thereof outside an agreement negotiated between*
7 *Israel and the Palestinians: Provided further, That the au-*
8 *thority of this section shall sunset on September 30, 2025,*
9 *unless extended in a subsequent Act of Congress.*

10 ORGANIZATION OF AMERICAN STATES

11 SEC. 7071. (a) *The Secretary of State shall instruct*
12 *the United States Permanent Representative to the Organi-*
13 *zation of American States (OAS) to use the voice and vote*
14 *of the United States to: (1) implement budgetary reforms*
15 *and efficiencies within the Organization; (2) eliminate ar-*
16 *rears, increase other donor contributions, and impose pen-*
17 *alties for successive late payment of assessments; (3) prevent*
18 *programmatic and organizational redundancies and con-*
19 *solidate duplicative activities and functions; (4) prioritize*
20 *areas in which the OAS has expertise, such as strengthening*
21 *democracy, monitoring electoral processes, and protecting*
22 *human rights; and (5) implement reforms within the Office*
23 *of the Inspector General (OIG) to ensure the OIG has the*
24 *necessary leadership, integrity, professionalism, independ-*
25 *ence, policies, and procedures to properly carry out its re-*

1546

1 *sponsibilities in a manner that meets or exceeds best prac-*
2 *tices in the United States.*

3 **(b)** *Prior to the obligation of funds appropriated by*
4 *this Act and made available for an assessed contribution*
5 *to the Organization of American States, but not later than*
6 *90 days after the date of enactment of this Act, the Sec-*
7 *retary of State shall submit a report to the appropriate con-*
8 *gressional committees on actions taken or planned to be*
9 *taken pursuant to subsection (a) that are in addition to*
10 *actions taken during the preceding fiscal year, and the re-*
11 *sults of such actions.*

12 **MULTILATERAL DEVELOPMENT BANKS**

13 **SEC. 7072. (a) INTERNATIONAL DEVELOPMENT ASSO-**
14 **CIATION TWENTIETH REPLENISHMENT.**—*The International*
15 *Development Association Act (22 U.S.C. 284 et seq.) is*
16 *amended by adding at the end the following new section:*
17 **“SEC. 32. TWENTIETH REPLENISHMENT.**

18 **“(a) IN GENERAL.**—*The United States Governor of the*
19 *International Development Association is authorized to con-*
20 *tribute on behalf of the United States \$3,500,000,000 to the*
21 *twentieth replenishment of the resources of the Association,*
22 *subject to obtaining the necessary appropriations.*

23 **“(b) AUTHORIZATION OF APPROPRIATIONS.**—*In order*
24 *to pay for the United States contribution provided for in*
25 *subsection (a), there are authorized to be appropriated,*

1547

1 *without fiscal year limitation, \$3,500,000,000 for payment*
2 *by the Secretary of the Treasury.”.*

3 *(b) ASIAN DEVELOPMENT FUND TWELFTH REPLEN-*
4 *ISHMENT.—The Asian Development Bank Act (22 U.S.C.*
5 *285 et seq.) is amended by adding at the end the following*
6 *new section:*

7 **“SEC. 37. TWELFTH REPLENISHMENT.**

8 *“(a) The United States Governor of the Bank is au-*
9 *thorized to contribute, on behalf of the United States,*
10 *\$177,440,000 to the twelfth replenishment of the resources*
11 *of the Fund, subject to obtaining the necessary appropria-*
12 *tions.*

13 *“(b) In order to pay for the United States contribution*
14 *provided for in subsection (a), there are authorized to be*
15 *appropriated, without fiscal year limitation, \$177,440,000*
16 *for payment by the Secretary of the Treasury.”.*

17 **WAR CRIMES ACCOUNTABILITY**

18 **SEC. 7073. (a) EXCEPTION FOR CERTAIN INVESTIGA-**
19 **TIONS.—***Section 2004(h) of the American Servicemembers’*
20 *Protection Act of 2002 (22 U.S.C. 7423(h)) is amended—*

21 *(1) by striking “Agents.—No agent” and insert-*
22 *ing the following: “Agents.—*

23 *“(1) IN GENERAL.—No agent”; and*

24 *(2) by adding at the end the following new para-*
25 *graph:*

1548

1 “(2) *EXCEPTION.—The prohibition under para-*
2 *graph (1) shall not apply with respect to investigative*
3 *activities that—*

4 “(A) *relate solely to investigations and*
5 *prosecutions of foreign persons for crimes within*
6 *the jurisdiction of the International Criminal*
7 *Court related to the Situation in Ukraine; and*

8 “(B) *are undertaken in concurrence with*
9 *the Attorney General.”.*

10 (b) *EXCEPTION FOR CERTAIN SUPPORT.—Section*
11 *2015 of the American Servicemembers’ Protection Act of*
12 *2002 (22 U.S.C. 7433) is amended by striking “Nothing”*
13 *through the end of such section and inserting the following:*

14 “(a) *ASSISTANCE.—Nothing in this title shall prohibit*
15 *the United States from rendering assistance to inter-*
16 *national efforts to bring to justice Saddam Hussein,*
17 *Slobodan Milosovic, Osama bin Laden, other members of*
18 *Al Queda, leaders of Islamic Jihad, and other foreign na-*
19 *tionals accused of genocide, war crimes or crimes against*
20 *humanity, or from rendering assistance to the International*
21 *Criminal Court to assist with investigations and prosecu-*
22 *tions of foreign nationals related to the Situation in*
23 *Ukraine, including to support victims and witnesses.*

24 “(b) *AUTHORITY.—Assistance made available pursu-*
25 *ant to subsection (a) of this section may be made available*

1549

1 notwithstanding section 705 of the Foreign Relations Au-
2 thorization Act, Fiscal Year 2000 and 2001 (22 U.S.C.
3 7401), except that none of the funds made available pursu-
4 ant to this subsection may be made available for the purpose
5 of supporting investigations or prosecutions of U.S.
6 servicemembers or other covered United States persons or
7 covered allied persons as such terms are defined in section
8 2013 of this Act.

9 “(c) NOTIFICATION.—The Secretary of State shall no-
10 tify the Committees on Appropriations, the Committee on
11 Foreign Relations of the Senate, and the Committee on For-
12 eign Affairs of the House of Representatives, of any
13 amounts obligated pursuant to subsection (b) not later than
14 15 days before such obligation is made.”.

15 (c) *RULE OF CONSTRUCTION.*—Nothing in this section
16 may be construed to modify the existing roles or authorities
17 of any Federal agency or official.

RESCISSIONS

(INCLUDING RESCISSIONS OF FUNDS)

20 SEC. 7074. (a) MILLENNIUM CHALLENGE CORPORA-
21 TION.—Of the unobligated balances from amounts made
22 available under the heading “Millennium Challenge Cor-
23 poration” from prior Acts making appropriations for the
24 Department of State, foreign operations, and related pro-
25 grams, \$100,000,000 are rescinded.

1550

1 (b) *EMBASSY SECURITY, CONSTRUCTION, AND MAIN-*
2 *TENANCE.—Of the unobligated and unexpended balances*
3 *from amounts available under the heading “Embassy Secu-*
4 *urity, Construction, and Maintenance” from prior Acts mak-*
5 *ing appropriations for the Department of State, foreign op-*
6 *erations, and related programs, \$42,000,000 are rescinded.*

7 (c) *CONTRIBUTIONS FOR INTERNATIONAL PEACE-*
8 *KEEPING ACTIVITIES.—Of the unobligated and unexpended*
9 *balances from amounts available under the heading “Con-*
10 *tributions for International Peacekeeping Activities” from*
11 *prior Acts making appropriations for the Department of*
12 *State, foreign operations, and related programs,*
13 *\$100,000,000 are rescinded.*

14 (d) *RESTRICTION.—No amounts may be rescinded*
15 *from amounts that were previously designated by the Con-*
16 *gress as an emergency requirement pursuant to a concur-*
17 *rent resolution on the budget or the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *This division may be cited as the “Department of*
20 *State, Foreign Operations, and Related Programs Appro-*
21 *priations Act, 2023”.*

1551

1 ***DIVISION L—TRANSPORTATION, HOUSING***
2 ***AND URBAN DEVELOPMENT, AND RE-***
3 ***LATED AGENCIES APPROPRIATIONS***
4 ***ACT, 2023***

5 ***TITLE I***

6 ***DEPARTMENT OF TRANSPORTATION***

7 ***OFFICE OF THE SECRETARY***

8 ***SALARIES AND EXPENSES***

9 *For necessary expenses of the Office of the Secretary,*
10 *\$171,014,000: Provided, That of the sums appropriated*
11 *under this heading—*

12 *(1) \$3,569,000 shall be available for the imme-*
13 *diate Office of the Secretary;*

14 *(2) \$1,277,000 shall be available for the imme-*
15 *diate Office of the Deputy Secretary;*

16 *(3) \$28,089,000 shall be available for the Office*
17 *of the General Counsel;*

18 *(4) \$17,469,000 shall be available for the Office*
19 *of the Under Secretary of Transportation for Policy,*
20 *of which \$2,000,000 is for the Office for Multimodal*
21 *Freight Infrastructure and Policy;*

22 *(5) \$21,026,000 shall be available for the Office*
23 *of the Assistant Secretary for Budget and Programs;*

24 *(6) \$3,968,000 shall be available for the Office of*
25 *the Assistant Secretary for Governmental Affairs;*

1552

1 (7) \$41,399,000 shall be available for the Office
2 of the Assistant Secretary for Administration;

3 (8) \$5,727,000 shall be available for the Office of
4 Public Affairs and Public Engagement;

5 (9) \$2,312,000 shall be available for the Office of
6 the Executive Secretariat;

7 (10) \$15,533,000 shall be available for the Office
8 of Intelligence, Security, and Emergency Response;

9 (11) \$29,195,000 shall be available for the Office
10 of the Chief Information Officer; and

11 (12) \$1,450,000 shall be available for the Office
12 of Tribal Government Affairs:

13 *Provided further, That the Secretary of Transportation (re-*
14 *ferred to in this title as the “Secretary”) is authorized to*
15 *transfer funds appropriated for any office of the Office of*
16 *the Secretary to any other office of the Office of the Sec-*
17 *retary: Provided further, That no appropriation for any of-*
18 *fice shall be increased or decreased by more than 7 percent*
19 *by all such transfers: Provided further, That notice of any*
20 *change in funding greater than 7 percent shall be submitted*
21 *for approval to the House and Senate Committees on Ap-*
22 *propriations: Provided further, That not to exceed \$70,000*
23 *shall be for allocation within the Department for official*
24 *reception and representation expenses as the Secretary may*
25 *determine: Provided further, That notwithstanding any*

1553

1 *other provision of law, there may be credited to this appro-*
2 *priation up to \$2,500,000 in funds received in user fees.*

3 *RESEARCH AND TECHNOLOGY*

4 *For necessary expenses related to the Office of the As-*
5 *sistant Secretary for Research and Technology,*
6 *\$48,996,000, of which \$37,542,000 shall remain available*
7 *until expended: Provided, That of such amounts that are*
8 *available until expended, \$3,224,000 shall be for necessary*
9 *expenses of the Advanced Research Projects Agency—Infra-*
10 *structure (ARPA–I) as authorized by section 119 of title*
11 *49, United States Code: Provided further, That there may*
12 *be credited to this appropriation, to be available until ex-*
13 *pended, funds received from States, counties, municipali-*
14 *ties, other public authorities, and private sources for ex-*
15 *penses incurred for training: Provided further, That any*
16 *reference in law, regulation, judicial proceedings, or else-*
17 *where to the Research and Innovative Technology Adminis-*
18 *tration shall continue to be deemed to be a reference to the*
19 *Office of the Assistant Secretary for Research and Tech-*
20 *nology of the Department of Transportation.*

21 *NATIONAL INFRASTRUCTURE INVESTMENTS*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For necessary expenses to carry out a local and re-*
24 *gional project assistance grant program under section 6702*
25 *of title 49, United States Code, \$800,000,000, to remain*

1554

1 *available until expended: Provided, That section 6702(f)(2)*
2 *of title 49, United States Code, shall not apply to amounts*
3 *made available under this heading in this Act: Provided*
4 *further, That of amounts made available under this heading*
5 *in this Act, not less than \$20,000,000 shall be awarded to*
6 *projects in historically disadvantaged communities or areas*
7 *of persistent poverty as defined under section 6702(a)(1)*
8 *of title 49, United States Code: Provided further, That sec-*
9 *tion 6702(g) of title 49, United States Code, shall not apply*
10 *to amounts made available under this heading in this Act:*
11 *Provided further, That of the amounts made available*
12 *under this heading in this Act not less than 5 percent shall*
13 *be made available for the planning, preparation, or design*
14 *of eligible projects: Provided further, That grants awarded*
15 *under this heading in this Act for eligible projects for plan-*
16 *ning, preparation, or design shall not be subject to a min-*
17 *imum grant size: Provided further, That in distributing*
18 *amounts made available under this heading in this Act, the*
19 *Secretary shall take such measures so as to ensure an equi-*
20 *table geographic distribution of funds, an appropriate bal-*
21 *ance in addressing the needs of urban and rural areas, in-*
22 *cluding Tribal areas, and the investment in a variety of*
23 *transportation modes: Provided further, That section*
24 *6702(c)(2)(C) of title 49, United States Code, shall not*
25 *apply to amounts made available under this heading in this*

1555

1 *Act: Provided further, That a grant award under this head-*
2 *ing in this Act shall be not greater than \$45,000,000: Pro-*
3 *vided further, That section 6702(c)(3) of title 49, United*
4 *States Code, shall not apply to amounts made available*
5 *under this heading in this Act: Provided further, That not*
6 *more than 15 percent of the amounts made available under*
7 *this heading in this Act may be awarded to projects in a*
8 *single State: Provided further, That for amounts made*
9 *available under this heading in this Act, the Secretary shall*
10 *give priority to projects that require a contribution of Fed-*
11 *eral funds in order to complete an overall financing pack-*
12 *age: Provided further, That section 6702(f)(1) of title 49,*
13 *United States Code, shall not apply to amounts made avail-*
14 *able under this heading in this Act: Provided further, That*
15 *of the amounts awarded under this heading in this Act, not*
16 *more than 50 percent shall be allocated for eligible projects*
17 *located in rural areas and not more than 50 percent shall*
18 *be allocated for eligible projects located in urbanized areas:*
19 *Provided further, That for the purpose of determining if an*
20 *award for planning, preparation, or design under this*
21 *heading in this Act is an urban award, the project location*
22 *is the location of the project being planned, prepared, or*
23 *designed: Provided further, That the Secretary may retain*
24 *up to 2 percent of the amounts made available under this*
25 *heading in this Act, and may transfer portions of such*

1556

1 *amounts to the Administrators of the Federal Aviation Ad-*
2 *ministration, the Federal Highway Administration, the*
3 *Federal Transit Administration, the Federal Railroad Ad-*
4 *ministration and the Maritime Administration to fund the*
5 *award and oversight of grants and credit assistance made*
6 *under the program authorized under section 6702 of title*
7 *49, United States Code: Provided further, That for amounts*
8 *made available under this heading in this Act, the Sec-*
9 *retary shall consider and award projects based solely on the*
10 *selection criteria as identified under section 6702(d)(3) and*
11 *(d)(4) of title 49, United States Code.*

12 *THRIVING COMMUNITIES INITIATIVE*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For necessary expenses for a thriving communities*
15 *program, \$25,000,000, to remain available until September*
16 *30, 2025: Provided, That the Secretary of Transportation*
17 *shall make such amounts available for technical assistance*
18 *and cooperative agreements to develop and implement tech-*
19 *nical assistance, planning, and capacity building to im-*
20 *prove and foster thriving communities through transpor-*
21 *tation improvements: Provided further, That the Secretary*
22 *may enter into cooperative agreements with philanthropic*
23 *entities, non-profit organizations, other Federal agencies,*
24 *State or local governments and their agencies, Indian*
25 *Tribes, or other technical assistance providers, to provide*

1557

1 *such technical assistance, planning, and capacity building*
2 *to State, local, or Tribal governments, United States terri-*
3 *ories, metropolitan planning organizations, transit agen-*
4 *cies, or other political subdivisions of State or local govern-*
5 *ments: Provided further, That to be eligible for a cooperative*
6 *agreement under this heading, a recipient shall provide as-*
7 *sistance to entities described in the preceding proviso on*
8 *engaging in public planning processes with residents, local*
9 *businesses, non-profit organizations, and to the extent prac-*
10 *ticable, philanthropic organizations, educational institu-*
11 *tions, or other community stakeholders: Provided further,*
12 *That such cooperative agreements shall facilitate the plan-*
13 *ning and development of transportation and community re-*
14 *vitalization activities supported by the Department of*
15 *Transportation under titles 23, 46, and 49, United States*
16 *Code, that increase mobility, reduce pollution from trans-*
17 *portation sources, expand affordable transportation options,*
18 *facilitate efficient land use, preserve or expand jobs, im-*
19 *prove housing conditions, enhance connections to health*
20 *care, education, and food security, or improve health out-*
21 *comes: Provided further, That the Secretary may prioritize*
22 *assistance provided with amounts made available under*
23 *this heading to communities that have disproportionate*
24 *rates of pollution and poor air quality, communities experi-*
25 *encing disproportionate effects (as defined by Executive*

1558

1 *Order No. 12898), areas of persistent poverty as defined in*
2 *section 6702(a)(1) of title 49, United States Code, or his-*
3 *torically disadvantaged communities: Provided further,*
4 *That the preceding proviso shall not prevent the Secretary*
5 *from providing assistance with amounts made available*
6 *under this heading to entities described in the second pro-*
7 *viso under this heading that request assistance through the*
8 *thriving communities program: Provided further, That*
9 *planning and technical assistance made available under*
10 *this heading may include pre-application assistance for*
11 *capital projects eligible under titles 23, 46, and 49, United*
12 *States Code: Provided further, That the Secretary may re-*
13 *tain amounts made available under this heading for the*
14 *necessary administrative expenses of (1) developing and*
15 *disseminating best practices, modeling, and cost-benefit*
16 *analysis methodologies to assist entities described in the sec-*
17 *ond proviso under this heading with applications for finan-*
18 *cial assistance programs under titles 23, 46, and 49, United*
19 *States Code, and (2) award, administration, and oversight*
20 *of cooperative agreements to carry out the provisions under*
21 *this heading: Provided further, That such amounts and*
22 *payments as may be necessary to carry out the thriving*
23 *communities program may be transferred to appropriate*
24 *accounts of other operating administrations within the De-*
25 *partment of Transportation: Provided further, That the*

1559

1 *Secretary shall notify the House and Senate Committees on*
2 *Appropriations not later than 3 business days prior to a*
3 *transfer carried out under the preceding proviso.*

4 *NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE*
5 *FINANCE BUREAU*

6 *For necessary expenses of the National Surface Trans-*
7 *portation and Innovative Finance Bureau as authorized by*
8 *49 U.S.C. 116, \$8,850,000, to remain available until ex-*
9 *pended: Provided, That the Secretary may collect and spend*
10 *fees, as authorized by title 23, United States Code, to cover*
11 *the costs of services of expert firms, including counsel, in*
12 *the field of municipal and project finance to assist in the*
13 *underwriting and servicing of Federal credit instruments*
14 *and all or a portion of the costs to the Federal Government*
15 *of servicing such credit instruments: Provided further, That*
16 *such fees are available until expended to pay for such costs:*
17 *Provided further, That such amounts are in addition to*
18 *other amounts made available for such purposes and are*
19 *not subject to any obligation limitation or the limitation*
20 *on administrative expenses under section 608 of title 23,*
21 *United States Code.*

22 *RAILROAD REHABILITATION AND IMPROVEMENT FINANCING*
23 *PROGRAM*

24 *The Secretary is authorized to issue direct loans and*
25 *loan guarantees pursuant to chapter 224 of title 49, United*

1560

1 *States Code, and such authority shall exist as long as any*
2 *such direct loan or loan guarantee is outstanding.*

3 *FINANCIAL MANAGEMENT CAPITAL*

4 *For necessary expenses for upgrading and enhancing*
5 *the Department of Transportation's financial systems and*
6 *re-engineering business processes, \$5,000,000, to remain*
7 *available through September 30, 2024.*

8 *CYBER SECURITY INITIATIVES*

9 *For necessary expenses for cyber security initiatives,*
10 *including necessary upgrades to network and information*
11 *technology infrastructure, improvement of identity manage-*
12 *ment and authentication capabilities, securing and pro-*
13 *tecting data, implementation of Federal cyber security ini-*
14 *tiatives, and implementation of enhanced security controls*
15 *on agency computers and mobile devices, \$48,100,000, to*
16 *remain available until September 30, 2024.*

17 *OFFICE OF CIVIL RIGHTS*

18 *For necessary expenses of the Office of Civil Rights,*
19 *\$14,800,000.*

20 *TRANSPORTATION PLANNING, RESEARCH, AND*

21 *DEVELOPMENT*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For necessary expenses for conducting transportation*
24 *planning, research, systems development, development ac-*
25 *tivities, and making grants, \$36,543,000, to remain avail-*

1561

1 *able until expended: Provided, That of such amount,*
2 *\$5,436,000 shall be for necessary expenses of the Interagency*
3 *Infrastructure Permitting Improvement Center (IIPIC):*
4 *Provided further, That there may be transferred to this ap-*
5 *propriation, to remain available until expended, amounts*
6 *transferred from other Federal agencies for expenses in-*
7 *curred under this heading for IIPIC activities not related*
8 *to transportation infrastructure: Provided further, That the*
9 *tools and analysis developed by the IIPIC shall be available*
10 *to other Federal agencies for the permitting and review of*
11 *major infrastructure projects not related to transportation*
12 *only to the extent that other Federal agencies provide fund-*
13 *ing to the Department in accordance with the preceding*
14 *proviso: Provided further, That of the amounts made avail-*
15 *able under this heading, \$12,914,000 shall be made avail-*
16 *able for the purposes, and in amounts, specified for Commu-*
17 *nity Project Funding/Congressionally Directed Spending in*
18 *the table entitled "Community Project Funding/Congres-*
19 *sionally Directed Spending" included in the explanatory*
20 *statement described in section 4 (in the matter preceding*
21 *division A of this consolidated Act).*

22 *WORKING CAPITAL FUND*23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For necessary expenses for operating costs and capital*
25 *outlays of the Working Capital Fund, not to exceed*

1562

1 \$505,285,000, shall be paid from appropriations made
2 available to the Department of Transportation: Provided,
3 That such services shall be provided on a competitive basis
4 to entities within the Department of Transportation: Pro-
5 vided further, That the limitation in the preceding proviso
6 on operating expenses shall not apply to entities external
7 to the Department of Transportation or for funds provided
8 in Public Law 117–58: Provided further, That no funds
9 made available by this Act to an agency of the Department
10 shall be transferred to the Working Capital Fund without
11 majority approval of the Working Capital Fund Steering
12 Committee and approval of the Secretary: Provided further,
13 That no assessments may be levied against any program,
14 budget activity, subactivity, or project funded by this Act
15 unless notice of such assessments and the basis therefor are
16 presented to the House and Senate Committees on Appro-
17 priations and are approved by such Committees.

18 SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND
19 OUTREACH

20 For necessary expenses for small and disadvantaged
21 business utilization and outreach activities, \$5,132,000, to
22 remain available until September 30, 2024: Provided, That
23 notwithstanding section 332 of title 49, United States Code,
24 such amounts may be used for business opportunities re-
25 lated to any mode of transportation: Provided further, That

1563

1 *appropriations made available under this heading shall be*
2 *available for any purpose consistent with prior year appro-*
3 *priations that were made available under the heading “Of-*
4 *fice of the Secretary—Minority Business Resource Center*
5 *Program”.*

6 *PAYMENTS TO AIR CARRIERS*7 *(AIRPORT AND AIRWAY TRUST FUND)*

8 *In addition to funds made available from any other*
9 *source to carry out the essential air service program under*
10 *sections 41731 through 41742 of title 49, United States*
11 *Code, \$354,827,000, to be derived from the Airport and Air-*
12 *way Trust Fund, to remain available until expended: Pro-*
13 *vided, That in determining between or among carriers com-*
14 *peting to provide service to a community, the Secretary*
15 *may consider the relative subsidy requirements of the car-*
16 *riers: Provided further, That basic essential air service min-*
17 *imum requirements shall not include the 15-passenger ca-*
18 *capacity requirement under section 41732(b)(3) of title 49,*
19 *United States Code: Provided further, That amounts au-*
20 *thorized to be distributed for the essential air service pro-*
21 *gram under section 41742(b) of title 49, United States Code,*
22 *shall be made available immediately from amounts other-*
23 *wise provided to the Administrator of the Federal Aviation*
24 *Administration: Provided further, That the Administrator*
25 *may reimburse such amounts from fees credited to the ac-*

1564

1 *count established under section 45303 of title 49, United*
2 *States Code: Provided further, That, notwithstanding sec-*
3 *tion 41733 of title 49, United States Code, for fiscal year*
4 *2023, the requirements established under subparagraphs*
5 *(B) and (C) of section 41731(a)(1) of title 49, United States*
6 *Code, and the subsidy cap established by section 332 of the*
7 *Department of Transportation and Related Agencies Ap-*
8 *propriations Act, 2000, shall not apply to maintain eligi-*
9 *bility under section 41731 of title 49, United States Code.*

10 *ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY*
11 *OF TRANSPORTATION*

12 *(INCLUDING RESCISSION AND TRANSFER OF FUNDS)*

13 *SEC. 101. None of the funds made available by this*
14 *Act to the Department of Transportation may be obligated*
15 *for the Office of the Secretary of Transportation to approve*
16 *assessments or reimbursable agreements pertaining to funds*
17 *appropriated to the operating administrations in this Act,*
18 *except for activities underway on the date of enactment of*
19 *this Act, unless such assessments or agreements have com-*
20 *pleted the normal reprogramming process for congressional*
21 *notification.*

22 *SEC. 102. The Secretary shall post on the web site of*
23 *the Department of Transportation a schedule of all meetings*
24 *of the Council on Credit and Finance, including the agenda*

1565

1 *for each meeting, and require the Council on Credit and*
2 *Finance to record the decisions and actions of each meeting.*

3 *SEC. 103. In addition to authority provided by section*
4 *327 of title 49, United States Code, the Department's Work-*
5 *ing Capital Fund is authorized to provide partial or full*
6 *payments in advance and accept subsequent reimburse-*
7 *ments from all Federal agencies from available funds for*
8 *transit benefit distribution services that are necessary to*
9 *carry out the Federal transit pass transportation fringe*
10 *benefit program under Executive Order No. 13150 and sec-*
11 *tion 3049 of SAFETEA-LU (5 U.S.C. 7905 note): Pro-*
12 *vided, That the Department shall maintain a reasonable*
13 *operating reserve in the Working Capital Fund, to be ex-*
14 *pended in advance to provide uninterrupted transit benefits*
15 *to Government employees: Provided further, That such re-*
16 *serve shall not exceed 1 month of benefits payable and may*
17 *be used only for the purpose of providing for the continu-*
18 *ation of transit benefits: Provided further, That the Working*
19 *Capital Fund shall be fully reimbursed by each customer*
20 *agency from available funds for the actual cost of the transit*
21 *benefit.*

22 *SEC. 104. Receipts collected in the Department's Work-*
23 *ing Capital Fund, as authorized by section 327 of title 49,*
24 *United States Code, for unused transit and van pool bene-*
25 *fits, in an amount not to exceed 10 percent of fiscal year*

1566

1 *2023 collections, shall be available until expended in the*
2 *Department's Working Capital Fund to provide contractual*
3 *services in support of section 189 of this Act: Provided, That*
4 *obligations in fiscal year 2023 of such collections shall not*
5 *exceed \$1,000,000.*

6 *SEC. 105. None of the funds in this title may be obli-*
7 *gated or expended for retention or senior executive bonuses*
8 *for an employee of the Department of Transportation with-*
9 *out the prior written approval of the Assistant Secretary*
10 *for Administration.*

11 *SEC. 106. In addition to authority provided by section*
12 *327 of title 49, United States Code, the Department's Ad-*
13 *ministrative Working Capital Fund is hereby authorized to*
14 *transfer information technology equipment, software, and*
15 *systems from Departmental sources or other entities and*
16 *collect and maintain a reserve at rates which will return*
17 *full cost of transferred assets.*

18 *SEC. 107. None of the funds provided in this Act to*
19 *the Department of Transportation may be used to provide*
20 *credit assistance unless not less than 3 days before any ap-*
21 *plication approval to provide credit assistance under sec-*
22 *tions 603 and 604 of title 23, United States Code, the Sec-*
23 *retary provides notification in writing to the following com-*
24 *mittees: the House and Senate Committees on Appropria-*
25 *tions; the Committee on Environment and Public Works*

1567

1 *and the Committee on Banking, Housing and Urban Af-*
2 *fairs of the Senate; and the Committee on Transportation*
3 *and Infrastructure of the House of Representatives: Pro-*
4 *vided, That such notification shall include, but not be lim-*
5 *ited to, the name of the project sponsor; a description of*
6 *the project; whether credit assistance will be provided as*
7 *a direct loan, loan guarantee, or line of credit; and the*
8 *amount of credit assistance.*

9 *SEC. 108. For an additional amount for necessary ex-*
10 *penses of the Volpe National Transportation Systems Cen-*
11 *ter, as authorized in section 328 of title 49, United States*
12 *Code, \$4,500,000, to remain available until expended.*

13 *SEC. 109. (a) The remaining unobligated balances, as*
14 *of September 30, 2023, from amounts made available in*
15 *section 157(a) of the Continuing Appropriations Act, 2023*
16 *(division A of Public Law 117–180) are hereby perma-*
17 *nently rescinded, and an amount of additional new budget*
18 *authority equivalent to the amount rescinded is hereby ap-*
19 *propriated on September 30, 2023, to remain available*
20 *until September 30, 2024, and shall be available, without*
21 *additional competition, for completing the funding of*
22 *awards made pursuant to the fiscal year 2020 national in-*
23 *frastructure investments program, in addition to other*
24 *funds as may be available for such purposes.*

1568

1 (b) *The remaining unobligated balances, as of Sep-*
2 *tember 30, 2023, from amounts made available in section*
3 *157(b) of the Continuing Appropriations Act, 2023 (divi-*
4 *sion A of Public Law 117–180) are hereby permanently re-*
5 *scinded, and an amount of additional new budget authority*
6 *equivalent to the amount rescinded is hereby appropriated*
7 *on September 30, 2023, to remain available until Sep-*
8 *tember 30, 2024, and shall be available, without additional*
9 *competition, for completing the funding of awards made*
10 *pursuant to the fiscal year 2019 national infrastructure in-*
11 *vestments program, in addition to other funds as may be*
12 *available for such purposes.*

13 SEC. 109A. (a) *Amounts made available to the Sec-*
14 *retary of Transportation or the Department of Transpor-*
15 *tation’s operating administrations in this Act or in Public*
16 *Law 117–103 for the costs of award, administration, or*
17 *oversight of financial assistance under the programs identi-*
18 *fied in subsection (c) may be transferred to the account*
19 *identified in section 801 of division J of Public Law 117–*
20 *58, to remain available until expended, for the necessary*
21 *expenses of award, administration, or oversight of any fi-*
22 *nancial assistance programs in the Department of Trans-*
23 *portation.*

1569

1 (b) Amounts transferred under the authority in this
2 section are available in addition to amounts otherwise
3 available for such purpose.

4 (c) The program from which funds made available
5 under this Act or in Public Law 117–103 may be trans-
6 ferred under subsection (a) is the local and regional project
7 assistance program under section 6702 of title 49, United
8 States Code.

9 SEC. 109B. Of the amounts made available under the
10 heading “National Infrastructure Investments”, not less
11 than \$1,000,000 and not greater than \$25,000,000 shall be
12 available to complete port infrastructure projects that re-
13 ceived awards from the national infrastructure investments
14 program under title I of division G of the Consolidated Ap-
15 propriations Act, 2019 (Public Law 116–6) or rail infra-
16 structure projects that received awards from the national
17 infrastructure investments program under title I of division
18 L of the Consolidated Appropriations Act, 2018 (Public
19 Law 115–141): Provided, That an award funded under this
20 section may allow the total award to a recipient to be great-
21 er than \$25,000,000: Provided further, That sponsors of
22 projects eligible for funds made available under this section
23 shall provide sufficient written justification describing, at
24 a minimum, the current project cost estimate, why the
25 project cannot be completed with the obligated grant

1570

1 *amount, and any other relevant information, as determined*
2 *by the Secretary: Provided further, That the allocation*
3 *under the preceding proviso will be for the amounts nec-*
4 *essary to cover increases to eligible project costs since the*
5 *grant was obligated, based on the information provided:*
6 *Provided further, That section 200.204 of title 2, Code of*
7 *Federal Regulations, shall not apply to amounts made*
8 *available under this section: Provided further, That the*
9 *amounts made available under this section shall not be part*
10 *of the Federal share of total project costs and shall be up*
11 *to 100 percent: Provided further, That section 6702(c)(3)*
12 *of title 49, United States Code, shall not apply to amounts*
13 *made available under this section: Provided further, That*
14 *section 6702(f) of title 49, United States Code, shall not*
15 *apply to amounts made available under this section: Pro-*
16 *vided further, That of amounts made available under this*
17 *section, the Secretary may award to rail infrastructure*
18 *projects only amounts that the Secretary determines are not*
19 *needed to complete port infrastructure projects.*

20 *FEDERAL AVIATION ADMINISTRATION*

21 *OPERATIONS*

22 *(AIRPORT AND AIRWAY TRUST FUND)*

23 *For necessary expenses of the Federal Aviation Admin-*
24 *istration, not otherwise provided for, including operations*
25 *and research activities related to commercial space trans-*

1571

1 *portation, administrative expenses for research and develop-*
2 *ment, establishment of air navigation facilities, the oper-*
3 *ation (including leasing) and maintenance of aircraft, sub-*
4 *sidizing the cost of aeronautical charts and maps sold to*
5 *the public, the lease or purchase of passenger motor vehicles*
6 *for replacement only, \$11,915,000,000, to remain available*
7 *until September 30, 2024, of which \$9,993,821,000 to be*
8 *derived from the Airport and Airway Trust Fund: Pro-*
9 *vided, That of the amounts made available under this head-*
10 *ing—*

11 *(1) not less than \$1,630,794,000 shall be avail-*
12 *able for aviation safety activities;*

13 *(2) \$8,812,537,000 shall be available for air traf-*
14 *fic organization activities;*

15 *(3) \$37,854,000 shall be available for commercial*
16 *space transportation activities;*

17 *(4) \$918,049,000 shall be available for finance*
18 *and management activities;*

19 *(5) \$65,581,000 shall be available for NextGen*
20 *and operations planning activities;*

21 *(6) \$152,509,000 shall be available for security*
22 *and hazardous materials safety activities; and*

23 *(7) \$297,676,000 shall be available for staff of-*
24 *fices:*

1572

1 *Provided further, That not to exceed 5 percent of any budget*
2 *activity, except for aviation safety budget activity, may be*
3 *transferred to any budget activity under this heading: Pro-*
4 *vided further, That no transfer may increase or decrease*
5 *any appropriation under this heading by more than 5 per-*
6 *cent: Provided further, That any transfer in excess of 5 per-*
7 *cent shall be treated as a reprogramming of funds under*
8 *section 405 of this Act and shall not be available for obliga-*
9 *tion or expenditure except in compliance with the proce-*
10 *dures set forth in that section: Provided further, That not*
11 *later than 60 days after the submission of the budget re-*
12 *quest, the Administrator of the Federal Aviation Adminis-*
13 *tration shall transmit to Congress an annual update to the*
14 *report submitted to Congress in December 2004 pursuant*
15 *to section 221 of the Vision 100-Century of Aviation Reau-*
16 *thorization Act (49 U.S.C. 40101 note): Provided further,*
17 *That the amounts made available under this heading shall*
18 *be reduced by \$100,000 for each day after 60 days after*
19 *the submission of the budget request that such report has*
20 *not been transmitted to Congress: Provided further, That*
21 *not later than 60 days after the submission of the budget*
22 *request, the Administrator shall transmit to Congress a*
23 *companion report that describes a comprehensive strategy*
24 *for staffing, hiring, and training flight standards and air-*
25 *craft certification staff in a format similar to the one uti-*

1573

1 lized for the controller staffing plan, including stated attri-
2 tion estimates and numerical hiring goals by fiscal year:
3 Provided further, That the amounts made available under
4 this heading shall be reduced by \$100,000 for each day after
5 the date that is 60 days after the submission of the budget
6 request that such report has not been submitted to Congress:
7 Provided further, That funds may be used to enter into a
8 grant agreement with a nonprofit standard-setting organi-
9 zation to assist in the development of aviation safety stand-
10 ards: Provided further, That none of the funds made avail-
11 able by this Act shall be available for new applicants for
12 the second career training program: Provided further, That
13 none of the funds made available by this Act shall be avail-
14 able for the Federal Aviation Administration to finalize or
15 implement any regulation that would promulgate new avia-
16 tion user fees not specifically authorized by law after the
17 date of the enactment of this Act: Provided further, That
18 there may be credited to this appropriation, as offsetting
19 collections, funds received from States, counties, munici-
20 palities, foreign authorities, other public authorities, and
21 private sources for expenses incurred in the provision of
22 agency services, including receipts for the maintenance and
23 operation of air navigation facilities, and for issuance, re-
24 newal or modification of certificates, including airman,
25 aircraft, and repair station certificates, or for tests related

1574

1 *thereto, or for processing major repair or alteration forms:*
2 *Provided further, That of the amounts made available*
3 *under this heading, not less than \$187,800,000 shall be used*
4 *to fund direct operations of the current air traffic control*
5 *towers in the contract tower program, including the con-*
6 *tract tower cost share program, and any airport that is*
7 *currently qualified or that will qualify for the program dur-*
8 *ing the fiscal year: Provided further, That none of the funds*
9 *made available by this Act for aeronautical charting and*
10 *cartography are available for activities conducted by, or co-*
11 *ordinated through, the Working Capital Fund: Provided*
12 *further, That none of the funds appropriated or otherwise*
13 *made available by this Act or any other Act may be used*
14 *to eliminate the Contract Weather Observers program at*
15 *any airport.*

16 *FACILITIES AND EQUIPMENT*

17 *(AIRPORT AND AIRWAY TRUST FUND)*

18 *For necessary expenses, not otherwise provided for, for*
19 *acquisition, establishment, technical support services, im-*
20 *provement by contract or purchase, and hire of national*
21 *airspace systems and experimental facilities and equip-*
22 *ment, as authorized under part A of subtitle VII of title*
23 *49, United States Code, including initial acquisition of nec-*
24 *essary sites by lease or grant; engineering and service test-*
25 *ing, including construction of test facilities and acquisition*

1575

1 *of necessary sites by lease or grant; construction and fur-*
2 *nishing of quarters and related accommodations for officers*
3 *and employees of the Federal Aviation Administration sta-*
4 *tioned at remote localities where such accommodations are*
5 *not available; and the purchase, lease, or transfer of aircraft*
6 *from funds made available under this heading, including*
7 *aircraft for aviation regulation and certification; to be de-*
8 *rived from the Airport and Airway Trust Fund,*
9 *\$2,945,000,000, of which \$570,000,000 is for personnel and*
10 *related expenses and shall remain available until September*
11 *30, 2024, \$2,221,200,000 shall remain available until Sep-*
12 *tember 30, 2025, and \$153,800,000 is for terminal facilities*
13 *and shall remain available until September 30, 2027: Pro-*
14 *vided, That there may be credited to this appropriation*
15 *funds received from States, counties, municipalities, other*
16 *public authorities, and private sources, for expenses in-*
17 *curred in the establishment, improvement, and moderniza-*
18 *tion of national airspace systems: Provided further, That*
19 *not later than 60 days after submission of the budget re-*
20 *quest, the Secretary of Transportation shall transmit to the*
21 *Congress an investment plan for the Federal Aviation Ad-*
22 *ministration which includes funding for each budget line*
23 *item for fiscal years 2024 through 2028, with total funding*
24 *for each year of the plan constrained to the funding targets*
25 *for those years as estimated and approved by the Office of*

1576

1 *Management and Budget: Provided further, That section*
2 *405 of this Act shall apply to amounts made available*
3 *under this heading in title VIII of the Infrastructure Invest-*
4 *ments and Jobs Appropriations Act (division J of Public*
5 *Law 117–58): Provided further, That the amounts in the*
6 *table entitled “Allocation of Funds for FAA Facilities and*
7 *Equipment from the Infrastructure Investment and Jobs*
8 *Act—Fiscal Year 2023” in the explanatory statement de-*
9 *scribed in section 4 (in the matter preceding division A of*
10 *this consolidated Act) shall be the baseline for application*
11 *of reprogramming and transfer authorities for the current*
12 *fiscal year pursuant to paragraph (7) of such section 405*
13 *for amounts referred to in the preceding proviso: Provided*
14 *further, That, notwithstanding paragraphs (5) and (6) of*
15 *such section 405, unless prior approval is received from the*
16 *House and Senate Committees on Appropriations, not to*
17 *exceed 10 percent of any funding level specified for projects*
18 *and activities in the table referred to in the preceding pro-*
19 *viso may be transferred to any other funding level specified*
20 *for projects and activities in such table and no transfer of*
21 *such funding levels may increase or decrease any funding*
22 *level in such table by more than 10 percent: Provided fur-*
23 *ther, That of the amounts made available under this head-*
24 *ing for terminal facilities, \$45,000,000 shall be made avail-*
25 *able for the purposes, and in amounts, specified for Commu-*

1577

1 *nity Project Funding/Congressionally Directed Spending in*
2 *the table entitled “Community Project Funding/Congres-*
3 *sionally Directed Spending” included in the explanatory*
4 *statement described in section 4 (in the matter preceding*
5 *division A of this consolidated Act).*

6 *RESEARCH, ENGINEERING, AND DEVELOPMENT*

7 *(AIRPORT AND AIRWAY TRUST FUND)*

8 *For necessary expenses, not otherwise provided for, for*
9 *research, engineering, and development, as authorized*
10 *under part A of subtitle VII of title 49, United States Code,*
11 *including construction of experimental facilities and acqui-*
12 *sition of necessary sites by lease or grant, \$255,000,000, to*
13 *be derived from the Airport and Airway Trust Fund and*
14 *to remain available until September 30, 2025: Provided,*
15 *That there may be credited to this appropriation as offset-*
16 *ting collections, funds received from States, counties, mu-*
17 *nicipalities, other public authorities, and private sources,*
18 *which shall be available for expenses incurred for research,*
19 *engineering, and development: Provided further, That*
20 *amounts made available under this heading shall be used*
21 *in accordance with the explanatory statement described in*
22 *section 4 (in the matter preceding division A of this consoli-*
23 *dated Act): Provided further, That not to exceed 10 percent*
24 *of any funding level specified under this heading in the ex-*
25 *planatory statement described in section 4 (in the matter*

1578

1 preceding division A of this consolidated Act) may be trans-
2 ferred to any other funding level specified under this head-
3 ing in the explanatory statement described in section 4 (in
4 the matter preceding division A of this consolidated Act):
5 Provided further, That no transfer may increase or decrease
6 any funding level by more than 10 percent: Provided fur-
7 ther, That any transfer in excess of 10 percent shall be treat-
8 ed as a reprogramming of funds under section 405 of this
9 Act and shall not be available for obligation or expenditure
10 except in compliance with the procedures set forth in that
11 section.

12 GRANTS-IN-AID FOR AIRPORTS

13 (LIQUIDATION OF CONTRACT AUTHORIZATION)

14 (LIMITATION ON OBLIGATIONS)

15 (AIRPORT AND AIRWAY TRUST FUND)

16 (INCLUDING TRANSFER OF FUNDS)

17 For liquidation of obligations incurred for grants-in-
18 aid for airport planning and development, and noise com-
19 patibility planning and programs as authorized under sub-
20 chapter I of chapter 471 and subchapter I of chapter 475
21 of title 49, United States Code, and under other law author-
22 izing such obligations; for procurement, installation, and
23 commissioning of runway incursion prevention devices and
24 systems at airports of such title; for grants authorized under
25 section 41743 of title 49, United States Code; and for in-

1579

1 *spection activities and administration of airport safety pro-*
2 *grams, including those related to airport operating certifi-*
3 *cates under section 44706 of title 49, United States Code,*
4 *\$3,350,000,000, to be derived from the Airport and Airway*
5 *Trust Fund and to remain available until expended: Pro-*
6 *vided, That none of the amounts made available under this*
7 *heading shall be available for the planning or execution of*
8 *programs the obligations for which are in excess of*
9 *\$3,350,000,000, in fiscal year 2023, notwithstanding sec-*
10 *tion 47117(g) of title 49, United States Code: Provided fur-*
11 *ther, That none of the amounts made available under this*
12 *heading shall be available for the replacement of baggage*
13 *conveyor systems, reconfiguration of terminal baggage*
14 *areas, or other airport improvements that are necessary to*
15 *install bulk explosive detection systems: Provided further,*
16 *That notwithstanding section 47109(a) of title 49, United*
17 *States Code, the Government's share of allowable project*
18 *costs under paragraph (2) of such section for subgrants or*
19 *paragraph (3) of such section shall be 95 percent for a*
20 *project at other than a large or medium hub airport that*
21 *is a successive phase of a multi-phased construction project*
22 *for which the project sponsor received a grant in fiscal year*
23 *2011 for the construction project: Provided further, That*
24 *notwithstanding any other provision of law, of amounts*
25 *limited under this heading, not less than \$137,372,000 shall*

1580

1 *be available for administration, \$15,000,000 shall be avail-*
2 *able for the Airport Cooperative Research Program,*
3 *\$40,828,000 shall be available for Airport Technology Re-*
4 *search, and \$10,000,000, to remain available until ex-*
5 *pendent, shall be available and transferred to “Office of the*
6 *Secretary, Salaries and Expenses” to carry out the Small*
7 *Community Air Service Development Program: Provided*
8 *further, That in addition to airports eligible under section*
9 *41743 of title 49, United States Code, such program may*
10 *include the participation of an airport that serves a com-*
11 *munity or consortium that is not larger than a small hub*
12 *airport, according to FAA hub classifications effective at*
13 *the time the Office of the Secretary issues a request for pro-*
14 *posals.*

15 *GRANTS-IN-AID FOR AIRPORTS*

16 *For an additional amount for “Grants-In-Aid for Air-*
17 *ports”, to enable the Secretary of Transportation to make*
18 *grants for projects as authorized by subchapter 1 of chapter*
19 *471 and subchapter 1 of chapter 475 of title 49, United*
20 *States Code, \$558,555,000, to remain available through*
21 *September 30, 2025: Provided, That amounts made avail-*
22 *able under this heading shall be derived from the general*
23 *fund, and such funds shall not be subject to apportionment*
24 *formulas, special apportionment categories, or minimum*
25 *percentages under chapter 471 of title 49, United States*

1581

1 *Code: Provided further, That of the sums appropriated*
2 *under this heading—*

3 (1) \$283,555,000 shall be made available for the
4 purposes, and in amounts, specified for Community
5 Project Funding/Congressionally Directed Spending
6 in the table entitled “Community Project Funding/
7 Congressionally Directed Spending” included in the
8 explanatory statement described in section 4 (in the
9 matter preceding division A of this consolidated Act);
10 and

11 (2) up to \$275,000,000 shall be made available
12 to the Secretary to distribute as discretionary grants
13 to airports, of which not less than \$25,000,000 shall
14 be made available to any commercial service airport,
15 notwithstanding the requirement for the airport to be
16 located in an air quality nonattainment or mainte-
17 nance area in section 47102(3)(K) and 47102(3)(L)
18 of title 49, United States Code, for work necessary to
19 construct or modify airport facilities to provide low-
20 emission fuel systems, gate electrification, other re-
21 lated air quality improvements, acquisition of air-
22 port-owned vehicles or ground support equipment
23 with low-emission technology:

24 *Provided further, That the Secretary may make discre-*
25 *tionary grants to primary airports for airport-owned infra-*

1582

1 *structure required for the on-airport distribution, blending,*
2 *or storage of sustainable aviation fuels that achieve at least*
3 *a 50 percent reduction in lifecycle greenhouse gas emissions,*
4 *using a methodology determined by the Secretary, includ-*
5 *ing, but not limited to, on-airport construction or expan-*
6 *sion of pipelines, rail lines and spurs, loading and off-load-*
7 *ing facilities, blending facilities, and storage tanks: Pro-*
8 *vided further, That the Secretary may make discretionary*
9 *grants for airport development improvements of primary*
10 *runways, taxiways, and aprons necessary at a nonhub,*
11 *small hub, medium hub, or large hub airport to increase*
12 *operational resilience for the purpose of resuming commer-*
13 *cial service flight operations following an earthquake, flood-*
14 *ing, high water, hurricane, storm surge, tidal wave, tor-*
15 *nado, tsunami, wind driven water, or winter storms: Pro-*
16 *vided further, That the amounts made available under this*
17 *heading shall not be subject to any limitation on obligations*
18 *for the Grants-in-Aid for Airports program set forth in any*
19 *Act: Provided further, That the Administrator of the Fed-*
20 *eral Aviation Administration may retain up to 0.5 percent*
21 *of the amounts made available under this heading to fund*
22 *the award and oversight by the Administrator of grants*
23 *made under this heading.*

1583

1 *ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION*2 *ADMINISTRATION*

3 *SEC. 110. None of the funds made available by this*
4 *Act may be used to compensate in excess of 600 technical*
5 *staff-years under the federally funded research and develop-*
6 *ment center contract between the Federal Aviation Admin-*
7 *istration and the Center for Advanced Aviation Systems*
8 *Development during fiscal year 2023.*

9 *SEC. 111. None of the funds made available by this*
10 *Act shall be used to pursue or adopt guidelines or regula-*
11 *tions requiring airport sponsors to provide to the Federal*
12 *Aviation Administration without cost building construc-*
13 *tion, maintenance, utilities and expenses, or space in air-*
14 *port sponsor-owned buildings for services relating to air*
15 *traffic control, air navigation, or weather reporting: Pro-*
16 *vided, That the prohibition on the use of funds in this sec-*
17 *tion does not apply to negotiations between the agency and*
18 *airport sponsors to achieve agreement on “below-market”*
19 *rates for these items or to grant assurances that require air-*
20 *port sponsors to provide land without cost to the Federal*
21 *Aviation Administration for air traffic control facilities.*

22 *SEC. 112. The Administrator of the Federal Aviation*
23 *Administration may reimburse amounts made available to*
24 *satisfy section 41742(a)(1) of title 49, United States Code,*
25 *from fees credited under section 45303 of title 49, United*

1584

1 *States Code, and any amount remaining in such account*
2 *at the close of any fiscal year may be made available to*
3 *satisfy section 41742(a)(1) of title 49, United States Code,*
4 *for the subsequent fiscal year.*

5 *SEC. 113. Amounts collected under section 40113(e) of*
6 *title 49, United States Code, shall be credited to the appro-*
7 *priation current at the time of collection, to be merged with*
8 *and available for the same purposes as such appropriation.*

9 *SEC. 114. None of the funds made available by this*
10 *Act shall be available for paying premium pay under sec-*
11 *tion 5546(a) of title 5, United States Code, to any Federal*
12 *Aviation Administration employee unless such employee ac-*
13 *tually performed work during the time corresponding to*
14 *such premium pay.*

15 *SEC. 115. None of the funds made available by this*
16 *Act may be obligated or expended for an employee of the*
17 *Federal Aviation Administration to purchase a store gift*
18 *card or gift certificate through use of a Government-issued*
19 *credit card.*

20 *SEC. 116. Notwithstanding any other provision of law,*
21 *none of the funds made available under this Act or any*
22 *prior Act may be used to implement or to continue to im-*
23 *plement any limitation on the ability of any owner or oper-*
24 *ator of a private aircraft to obtain, upon a request to the*
25 *Administrator of the Federal Aviation Administration, a*

1585

1 *blocking of that owner's or operator's aircraft registration*
2 *number, Mode S transponder code, flight identification, call*
3 *sign, or similar identifying information from any ground*
4 *based display to the public that would allow the real-time*
5 *or near real-time flight tracking of that aircraft's move-*
6 *ments, except data made available to a Government agency,*
7 *for the noncommercial flights of that owner or operator.*

8 *SEC. 117. None of the funds made available by this*
9 *Act shall be available for salaries and expenses of more than*
10 *nine political and Presidential appointees in the Federal*
11 *Aviation Administration.*

12 *SEC. 118. None of the funds made available by this*
13 *Act may be used to increase fees pursuant to section 44721*
14 *of title 49, United States Code, until the Federal Aviation*
15 *Administration provides to the House and Senate Commit-*
16 *tees on Appropriations a report that justifies all fees related*
17 *to aeronautical navigation products and explains how such*
18 *fees are consistent with Executive Order No. 13642.*

19 *SEC. 119. None of the funds made available by this*
20 *Act may be used to close a regional operations center of*
21 *the Federal Aviation Administration or reduce its services*
22 *unless the Administrator notifies the House and Senate*
23 *Committees on Appropriations not less than 90 full business*
24 *days in advance.*

1586

1 *SEC. 119A. None of the funds made available by or*
2 *limited by this Act may be used to change weight restric-*
3 *tions or prior permission rules at Teterboro airport in*
4 *Teterboro, New Jersey.*

5 *SEC. 119B. None of the funds made available by this*
6 *Act may be used by the Administrator of the Federal Avia-*
7 *tion Administration to withhold from consideration and*
8 *approval any new application for participation in the Con-*
9 *tract Tower Program, or for reevaluation of Cost-share Pro-*
10 *gram participants so long as the Federal Aviation Adminis-*
11 *tration has received an application from the airport, and*
12 *so long as the Administrator determines such tower is eligi-*
13 *ble using the factors set forth in Federal Aviation Adminis-*
14 *tration published establishment criteria.*

15 *SEC. 119C. None of the funds made available by this*
16 *Act may be used to open, close, redesignate as a lesser office,*
17 *or reorganize a regional office, the aeronautical center, or*
18 *the technical center unless the Administrator submits a re-*
19 *quest for the reprogramming of funds under section 405 of*
20 *this Act.*

21 *SEC. 119D. The Federal Aviation Administration Ad-*
22 *ministrative Services Franchise Fund may be reimbursed*
23 *after performance or paid in advance from funds available*
24 *to the Federal Aviation Administration and other Federal*
25 *agencies for which the Fund performs services.*

1587

1 *SEC. 119E. None of the funds appropriated or other-*
2 *wise made available to the FAA may be used to carry out*
3 *the FAA’s obligations under section 44502(e) of title 49,*
4 *United States Code, unless the eligible air traffic system*
5 *or equipment to be transferred to the FAA under section*
6 *44502(e) of title 49, United States Code, was purchased by*
7 *the transferor airport—*

8 *(1) during the period of time beginning on Octo-*
9 *ber 5, 2018 and ending on December 31, 2021; or*

10 *(2) on or after January 1, 2022 for transferor*
11 *airports located in a non-contiguous States.*

12 *SEC. 119F. Of the funds provided under the heading*
13 *“Grants-in-aid for Airports”, up to \$3,500,000 shall be for*
14 *necessary expenses, including an independent verification*
15 *regime, to provide reimbursement to airport sponsors that*
16 *do not provide gateway operations and providers of general*
17 *aviation ground support services, or other aviation tenants,*
18 *located at those airports closed during a temporary flight*
19 *restriction (TFR) for any residence of the President that*
20 *is designated or identified to be secured by the United States*
21 *Secret Service, and for direct and incremental financial*
22 *losses incurred while such airports are closed solely due to*
23 *the actions of the Federal Government: Provided, That no*
24 *funds shall be obligated or distributed to airport sponsors*
25 *that do not provide gateway operations and providers of*

1588

1 *general aviation ground support services until an inde-*
2 *pendent audit is completed: Provided further, That losses*
3 *incurred as a result of violations of law, or through fault*
4 *or negligence, of such operators and service providers or of*
5 *third parties (including airports) are not eligible for reim-*
6 *bursements: Provided further, That obligation and expendi-*
7 *ture of funds are conditional upon full release of the United*
8 *States Government for all claims for financial losses result-*
9 *ing from such actions.*

10 *FEDERAL HIGHWAY ADMINISTRATION*
11 *LIMITATION ON ADMINISTRATIVE EXPENSES*
12 *(HIGHWAY TRUST FUND)*
13 *(INCLUDING TRANSFER OF FUNDS)*

14 *Not to exceed \$473,535,991 together with advances and*
15 *reimbursements received by the Federal Highway Adminis-*
16 *tration, shall be obligated for necessary expenses for admin-*
17 *istration and operation of the Federal Highway Adminis-*
18 *tration: Provided, That in addition, \$3,248,000 shall be*
19 *transferred to the Appalachian Regional Commission in ac-*
20 *cordance with section 104(a) of title 23, United States Code.*

21 *FEDERAL-AID HIGHWAYS*
22 *(LIMITATION ON OBLIGATIONS)*
23 *(HIGHWAY TRUST FUND)*

24 *Funds available for the implementation or execution*
25 *of authorized Federal-aid highway and highway safety con-*

1589

1 *struction programs shall not exceed total obligations of*
2 *\$58,764,510,674 for fiscal year 2023: Provided, That the*
3 *limitation on obligations under this heading shall only*
4 *apply to contract authority authorized from the Highway*
5 *Trust Fund (other than the Mass Transit Account), unless*
6 *otherwise specified in law.*

7 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

8 *(HIGHWAY TRUST FUND)*

9 *For the payment of obligations incurred in carrying*
10 *out authorized Federal-aid highway and highway safety*
11 *construction programs, \$59,503,510,674 shall be derived*
12 *from the Highway Trust Fund (other than the Mass Transit*
13 *Account), to remain available until expended.*

14 *HIGHWAY INFRASTRUCTURE PROGRAMS*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *There is hereby appropriated to the Secretary*
17 *\$3,417,811,613: Provided, That the funds made available*
18 *under this heading shall be derived from the general fund,*
19 *shall be in addition to any funds provided for fiscal year*
20 *2023 in this or any other Act for: (1) “Federal-aid High-*
21 *ways” under chapter 1 of title 23, United States Code; (2)*
22 *the Appalachian Development Highway System as author-*
23 *ized under section 1069(y) of Public Law 102–240; (3) the*
24 *nationally significant Federal lands and Tribal projects*
25 *program under section 1123 of the FAST Act, as amended*

1590

1 *(23 U.S.C. 201 note); (4) the Northern Border Regional*
2 *Commission (40 U.S.C. 15101 et seq.); or (5) the Denali*
3 *Commission, and shall not affect the distribution or amount*
4 *of funds provided in any other Act: Provided further, That,*
5 *except for funds made available under this heading for the*
6 *Northern Border Regional Commission and the Denali*
7 *Commission, section 11101(e) of Public Law 117–58 shall*
8 *apply to funds made available under this heading: Provided*
9 *further, That unless otherwise specified, amounts made*
10 *available under this heading shall be available until Sep-*
11 *tember 30, 2026, and shall not be subject to any limitation*
12 *on obligations for Federal-aid highways or highway safety*
13 *construction programs set forth in any Act making annual*
14 *appropriations: Provided further, That of the sums appro-*
15 *priated under this heading—*

16 *(1) \$1,862,811,613 shall be for the purposes, and*
17 *in the amounts, specified for Community Project*
18 *Funding/Congressionally Directed Spending in the*
19 *table entitled “Community Project Funding/Congres-*
20 *sionally Directed Spending” included in the explana-*
21 *tory statement described in section 4 (in the matter*
22 *preceding division A of this consolidated Act): Pro-*
23 *vided, That, except as otherwise provided under this*
24 *heading, the funds made available under this para-*
25 *graph shall be administered as if apportioned under*

1591

1 *chapter 1 of title 23, United States Code: Provided*
2 *further, That funds made available under this para-*
3 *graph that are used for Tribal projects shall be ad-*
4 *ministered as if allocated under chapter 2 of title 23,*
5 *United States Code, except that the set-asides de-*
6 *scribed in subparagraph (C) of section 202(b)(3) of*
7 *title 23, United States Code, and subsections (a)(6),*
8 *(c), and (e) of section 202 of such title, and section*
9 *1123(h)(1) of MAP-21 (as amended by Public Law*
10 *117-58), shall not apply to such funds;*

11 *(2) \$100,000,000 shall be for necessary expenses*
12 *for construction of the Appalachian Development*
13 *Highway System, as authorized under section*
14 *1069(y) of Public Law 102-240: Provided, That for*
15 *the purposes of funds made available under this para-*
16 *graph, the term “Appalachian State” means a State*
17 *that contains 1 or more counties (including any polit-*
18 *ical subdivision located within the area) in the Appa-*
19 *lachian region as defined in section 14102(a) of title*
20 *40, United States Code: Provided further, That funds*
21 *made available under this heading for construction of*
22 *the Appalachian Development Highway System shall*
23 *remain available until expended: Provided further,*
24 *That, except as provided in the following proviso,*
25 *funds made available under this heading for construc-*

1592

1 *tion of the Appalachian Development Highway Sys-*
2 *tem shall be administered as if apportioned under*
3 *chapter 1 of title 23, United States Code: Provided*
4 *further, That a project carried out with funds made*
5 *available under this heading for construction of the*
6 *Appalachian Development Highway System shall be*
7 *carried out in the same manner as a project under*
8 *section 14501 of title 40, United States Code: Pro-*
9 *vided further, That subject to the following proviso,*
10 *funds made available under this heading for construc-*
11 *tion of the Appalachian Development Highway Sys-*
12 *tem shall be apportioned to Appalachian States ac-*
13 *cording to the percentages derived from the 2012 Ap-*
14 *palachian Development Highway System Cost-to-*
15 *Complete Estimate, adopted in Appalachian Regional*
16 *Commission Resolution Number 736, and confirmed*
17 *as each Appalachian State's relative share of the esti-*
18 *mated remaining need to complete the Appalachian*
19 *Development Highway System, adjusted to exclude*
20 *those corridors that such States have no current plans*
21 *to complete, as reported in the 2013 Appalachian De-*
22 *velopment Highway System Completion Report, un-*
23 *less those States have modified and assigned a higher*
24 *priority for completion of an Appalachian Develop-*
25 *ment Highway System corridor, as reported in the*

† HR 2617 EAS2

1593

1 *2020 Appalachian Development Highway System Fu-*
2 *ture Outlook: Provided further, That the Secretary*
3 *shall adjust apportionments made under the pre-*
4 *ceding proviso so that no Appalachian State shall be*
5 *apportioned an amount in excess of 30 percent of the*
6 *amount made available for construction of the Appa-*
7 *lachian Development Highway System under this*
8 *heading: Provided further, That the Secretary shall*
9 *consult with the Appalachian Regional Commission*
10 *in making adjustments under the preceding two pro-*
11 *visos: Provided further, That the Federal share of the*
12 *costs for which an expenditure is made for construc-*
13 *tion of the Appalachian Development Highway Sys-*
14 *tem under this heading shall be up to 100 percent;*

15 *(3) \$40,000,000 shall be for the nationally sig-*
16 *nificant Federal lands and Tribal projects program*
17 *under section 1123 of the FAST Act (23 U.S.C. 201*
18 *note), of which not less than \$20,000,000 shall be for*
19 *competitive grants to tribal governments;*

20 *(4) \$12,000,000 shall be for the regional infra-*
21 *structure accelerator demonstration program author-*
22 *ized under section 1441 of the FAST Act (23 U.S.C.*
23 *601 note): Provided, That for funds made available*
24 *under this paragraph, the Federal share of the costs*

1594

1 *shall be, at the option of the recipient, up to 100 per-*
2 *cent;*

3 (5) *\$20,000,000 shall be for the national scenic*
4 *byways program under section 162 of title 23, United*
5 *States Code: Provided, That, except as otherwise pro-*
6 *vided under this heading, the funds made available*
7 *under this paragraph shall be administered as if ap-*
8 *portioned under chapter 1 of title 23, United States*
9 *Code;*

10 (6) *\$45,000,000 shall be for the active transpor-*
11 *tation infrastructure investment program under sec-*
12 *tion 11529 of the Infrastructure Investment and Jobs*
13 *Act (23 U.S.C. 217 note): Provided, That except as*
14 *otherwise provided under such section or this heading,*
15 *the funds made available under this paragraph shall*
16 *be administered as if apportioned under chapter 1 of*
17 *title 23, United States Code: Provided further, That*
18 *funds made available under this paragraph shall re-*
19 *main available until expended;*

20 (7) *\$3,000,000 shall be to carry out the Polli-*
21 *nator-Friendly Practices on Roadsides and Highway*
22 *Rights-of-Way Program under section 332 of title 23,*
23 *United States Code;*

24 (8) *\$5,000,000 shall be for a cooperative series of*
25 *agreements with universities, Federal agencies, the*

1595

1 *National Academy of Sciences, transportation agen-*
2 *cies, or nonprofit organizations, to examine the im-*
3 *pacts of culverts, roads, and bridges on threatened or*
4 *endangered salmon populations: Provided, That, for*
5 *funds made available under this paragraph, the Fed-*
6 *eral share of the costs of an activity carried out with*
7 *such funds shall be 80 percent: Provided further,*
8 *That, except as otherwise provided under this head-*
9 *ing, the funds made available under this paragraph*
10 *shall be administered as if authorized under chapter*
11 *5 of title 23, United States Code;*

12 (9) *\$1,145,000,000 shall be for a bridge replace-*
13 *ment and rehabilitation program: Provided, That, for*
14 *the purposes of funds made available under this para-*
15 *graph, the term “State” means any of the 50 States*
16 *or the District of Columbia and the term “qualifying*
17 *State” means any State in which the percentage of*
18 *total deck area of bridges classified as in poor condi-*
19 *tion in such State is at least 5 percent or in which*
20 *the percentage of total bridges classified as in poor*
21 *condition in such State is at least 5 percent: Provided*
22 *further, That, of the funds made available under this*
23 *paragraph, the Secretary shall reserve \$6,000,000 for*
24 *each State that does not meet the definition of a*
25 *qualifying State: Provided further, That, after mak-*

1596

1 *ing the reservations under the preceding proviso, the*
2 *Secretary shall distribute the remaining funds made*
3 *available under this paragraph to each qualifying*
4 *State by the proportion that the percentage of total*
5 *deck area of bridges classified as in poor condition in*
6 *such qualifying State bears to the sum of the percent-*
7 *ages of total deck area of bridges classified as in poor*
8 *condition in all qualifying States: Provided further,*
9 *That, of the funds made available under this para-*
10 *graph—*

11 *(A) no qualifying State shall receive more*
12 *than \$60,000,000;*

13 *(B) each State shall receive an amount not*
14 *less than \$6,000,000; and*

15 *(C) after calculating the distribution of*
16 *funds pursuant to the preceding proviso, any*
17 *amount in excess of \$60,000,000 shall be redis-*
18 *tributed equally among each State that does not*
19 *meet the definition of a qualifying State:*

20 *Provided further, That the funds made available*
21 *under this paragraph shall be used for highway*
22 *bridge replacement or rehabilitation projects on pub-*
23 *lic roads: Provided further, That for purposes of this*
24 *paragraph, the Secretary shall calculate the percent-*
25 *ages of total deck area of bridges (including the per-*

1597

1 *centages of total deck area classified as in poor condi-*
2 *tion) and the percentages of total bridge counts (in-*
3 *cluding the percentages of total bridges classified as*
4 *in poor condition) based on the National Bridge In-*
5 *ventory as of December 31, 2018: Provided further,*
6 *That, except as otherwise provided under this head-*
7 *ing, the funds made available under this paragraph*
8 *shall be administered as if apportioned under chapter*
9 *1 of title 23, United States Code;*

10 *(10) \$15,000,000 shall be transferred to the*
11 *Northern Border Regional Commission (40 U.S.C.*
12 *15101 et seq.) to make grants, in addition to amounts*
13 *otherwise made available to the Northern Border Re-*
14 *gional Commission for such purpose, to carry out*
15 *pilot projects that demonstrate the capabilities of*
16 *wood-based infrastructure projects: Provided, That a*
17 *grant made with funds made available under this*
18 *paragraph shall be administered in the same manner*
19 *as a grant made under subtitle V of title 40, United*
20 *States Code;*

21 *(11) \$150,000,000 shall be for competitive*
22 *awards for activities eligible under section 176(d)(4)*
23 *of title 23, United States Code, of which \$125,000,000*
24 *shall be for such activities eligible under subpara-*
25 *graph (A) of such section, and of which \$25,000,000*

1598

1 *shall be for such activities eligible under subpara-*
2 *graph (C) of such section: Provided, That, except as*
3 *otherwise provided under this heading, the funds*
4 *made available under this paragraph shall be admin-*
5 *istered as if apportioned under chapter 1 of title 23,*
6 *United States Code: Provided further, That, except as*
7 *otherwise provided under this heading, funds made*
8 *available under this paragraph shall be administered*
9 *as if made available to carry out section 176(d) of*
10 *such title: Provided further, That, for purposes of the*
11 *calculation under section 176(d)(5)(G)(ii) of such*
12 *title, amounts made available under this paragraph*
13 *shall be included in the calculation of the total*
14 *amount provided for fiscal year 2023 under section*
15 *176(d) of such title: Provided further, That for pur-*
16 *poses of applying the set-asides under section*
17 *176(d)(5)(H)(ii) and (iii) of such title, amounts made*
18 *available under this paragraph for competitive*
19 *awards for activities eligible under sections*
20 *176(d)(4)(A) and 176(d)(4)(C) of such title shall be*
21 *included in the calculation of the amounts made*
22 *available to carry out section 176(d) of such title for*
23 *fiscal year 2023: Provided further, That, the Sec-*
24 *retary may retain not more than a total of 5 percent*
25 *of the amounts made available under this paragraph*

1599

1 *to carry out this paragraph and to review applica-*
2 *tions for grants under this paragraph, and may*
3 *transfer portions of the funds retained under this pro-*
4 *viso to the relevant Administrators to fund the award*
5 *and oversight of grants provided under this para-*
6 *graph: Provided further, That a project assisted with*
7 *funds made available under this paragraph shall be*
8 *treated as a project on a Federal-aid highway;*

9 *(12) \$5,000,000 shall be transferred to the Denali*
10 *Commission for activities eligible under section 307(e)*
11 *of the Denali Commission Act of 1998 (42 U.S.C.*
12 *3121 note; Public Law 105–277): Provided, That*
13 *funds made available under this paragraph shall not*
14 *be subject to section 311 of such Act: Provided further,*
15 *That except as otherwise provided under section*
16 *307(e) of such Act or this heading, funds made avail-*
17 *able under this paragraph shall be administered as if*
18 *directly appropriated to the Denali Commission and*
19 *subject to applicable provisions of such Act, including*
20 *the requirement in section 307(e) of such Act that the*
21 *local community provides a 10 percent non-Federal*
22 *match in the form of any necessary land or planning*
23 *and design funds: Provided further, That such funds*
24 *shall be available until expended: Provided further,*
25 *That the Federal share of the costs for which an ex-*

1600

1 *penditure is made with funds transferred under this*
2 *paragraph shall be up to 90 percent; and*

3 *(13) \$15,000,000 shall be transferred to the*
4 *Denali Commission to carry out the Denali Access*
5 *System Program under section 309 of the Denali*
6 *Commission Act of 1998 (42 U.S.C. 3121 note; Public*
7 *Law 105–277): Provided, That a transfer under this*
8 *paragraph shall not be subject to section 311 of such*
9 *Act: Provided further, That except as otherwise pro-*
10 *vided under this heading, funds made available under*
11 *this paragraph shall be administered as if directly*
12 *appropriated to the Denali Commission and subject*
13 *to applicable provisions of such Act: Provided further,*
14 *That funds made available under this paragraph*
15 *shall not be subject to section 309(j)(2) of such Act:*
16 *Provided further, That funds made available under*
17 *this paragraph shall be available until expended: Pro-*
18 *vided further, That the Federal share of the costs for*
19 *which an expenditure is made with funds transferred*
20 *under this paragraph shall be up to 100 percent.*

21 *ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY*

22 *ADMINISTRATION*

23 *SEC. 120. (a) For fiscal year 2023, the Secretary of*
24 *Transportation shall—*

1601

1 (1) *not distribute from the obligation limitation*
2 *for Federal-aid highways—*

3 (A) *amounts authorized for administrative*
4 *expenses and programs by section 104(a) of title*
5 *23, United States Code; and*

6 (B) *amounts authorized for the Bureau of*
7 *Transportation Statistics;*

8 (2) *not distribute an amount from the obligation*
9 *limitation for Federal-aid highways that is equal to*
10 *the unobligated balance of amounts—*

11 (A) *made available from the Highway Trust*
12 *Fund (other than the Mass Transit Account) for*
13 *Federal-aid highway and highway safety con-*
14 *struction programs for previous fiscal years the*
15 *funds for which are allocated by the Secretary*
16 *(or apportioned by the Secretary under section*
17 *202 or 204 of title 23, United States Code); and*

18 (B) *for which obligation limitation was*
19 *provided in a previous fiscal year;*

20 (3) *determine the proportion that—*

21 (A) *the obligation limitation for Federal-aid*
22 *highways, less the aggregate of amounts not dis-*
23 *tributed under paragraphs (1) and (2) of this*
24 *subsection; bears to*

1602

1 *(B) the total of the sums authorized to be*
2 *appropriated for the Federal-aid highway and*
3 *highway safety construction programs (other*
4 *than sums authorized to be appropriated for pro-*
5 *visions of law described in paragraphs (1)*
6 *through (11) of subsection (b) and sums author-*
7 *ized to be appropriated for section 119 of title*
8 *23, United States Code, equal to the amount re-*
9 *ferred to in subsection (b)(12) for such fiscal*
10 *year), less the aggregate of the amounts not dis-*
11 *tributed under paragraphs (1) and (2) of this*
12 *subsection;*

13 *(4) distribute the obligation limitation for Fed-*
14 *eral-aid highways, less the aggregate amounts not dis-*
15 *tributed under paragraphs (1) and (2), for each of the*
16 *programs (other than programs to which paragraph*
17 *(1) applies) that are allocated by the Secretary under*
18 *authorized Federal-aid highway and highway safety*
19 *construction programs, or apportioned by the Sec-*
20 *retary under section 202 or 204 of title 23, United*
21 *States Code, by multiplying—*

22 *(A) the proportion determined under para-*
23 *graph (3); by*

1603

1 (B) the amounts authorized to be appro-
2 priated for each such program for such fiscal
3 year; and

4 (5) distribute the obligation limitation for Fed-
5 eral-aid highways, less the aggregate amounts not dis-
6 tributed under paragraphs (1) and (2) and the
7 amounts distributed under paragraph (4), for Fed-
8 eral-aid highway and highway safety construction
9 programs that are apportioned by the Secretary
10 under title 23, United States Code (other than the
11 amounts apportioned for the National Highway Per-
12 formance Program in section 119 of title 23, United
13 States Code, that are exempt from the limitation
14 under subsection (b)(12) and the amounts appor-
15 tioned under sections 202 and 204 of that title) in the
16 proportion that—

17 (A) amounts authorized to be appropriated
18 for the programs that are apportioned under title
19 23, United States Code, to each State for such
20 fiscal year; bears to

21 (B) the total of the amounts authorized to
22 be appropriated for the programs that are ap-
23 portioned under title 23, United States Code, to
24 all States for such fiscal year.

1604

1 (b) *EXCEPTIONS FROM OBLIGATION LIMITATION.*—

2 *The obligation limitation for Federal-aid highways shall*
3 *not apply to obligations under or for—*

4 (1) *section 125 of title 23, United States Code;*

5 (2) *section 147 of the Surface Transportation As-*
6 *istance Act of 1978 (23 U.S.C. 144 note; 92 Stat.*
7 *2714);*

8 (3) *section 9 of the Federal-Aid Highway Act of*
9 *1981 (95 Stat. 1701);*

10 (4) *subsections (b) and (j) of section 131 of the*
11 *Surface Transportation Assistance Act of 1982 (96*
12 *Stat. 2119);*

13 (5) *subsections (b) and (c) of section 149 of the*
14 *Surface Transportation and Uniform Relocation As-*
15 *istance Act of 1987 (101 Stat. 198);*

16 (6) *sections 1103 through 1108 of the Intermodal*
17 *Surface Transportation Efficiency Act of 1991 (105*
18 *Stat. 2027);*

19 (7) *section 157 of title 23, United States Code*
20 *(as in effect on June 8, 1998);*

21 (8) *section 105 of title 23, United States Code*
22 *(as in effect for fiscal years 1998 through 2004, but*
23 *only in an amount equal to \$639,000,000 for each of*
24 *those fiscal years);*

1605

1 (9) *Federal-aid highway programs for which ob-*
2 *ligation authority was made available under the*
3 *Transportation Equity Act for the 21st Century (112*
4 *Stat. 107) or subsequent Acts for multiple years or to*
5 *remain available until expended, but only to the ex-*
6 *tent that the obligation authority has not lapsed or*
7 *been used;*

8 (10) *section 105 of title 23, United States Code*
9 *(as in effect for fiscal years 2005 through 2012, but*
10 *only in an amount equal to \$639,000,000 for each of*
11 *those fiscal years);*

12 (11) *section 1603 of SAFETEA-LU (23 U.S.C.*
13 *118 note; 119 Stat. 1248), to the extent that funds ob-*
14 *ligated in accordance with that section were not sub-*
15 *ject to a limitation on obligations at the time at*
16 *which the funds were initially made available for ob-*
17 *ligation; and*

18 (12) *section 119 of title 23, United States Code*
19 *(but, for each of fiscal years 2013 through 2023, only*
20 *in an amount equal to \$639,000,000).*

21 (c) *REDISTRIBUTION OF UNUSED OBLIGATION AU-*
22 *THORITY.—Notwithstanding subsection (a), the Secretary*
23 *shall, after August 1 of such fiscal year—*

24 (1) *revise a distribution of the obligation limita-*
25 *tion made available under subsection (a) if an*

1606

1 *amount distributed cannot be obligated during that*
2 *fiscal year; and*

3 (2) *redistribute sufficient amounts to those States*
4 *able to obligate amounts in addition to those pre-*
5 *viously distributed during that fiscal year, giving pri-*
6 *ority to those States having large unobligated bal-*
7 *ances of funds apportioned under sections 144 (as in*
8 *effect on the day before the date of enactment of Pub-*
9 *lic Law 112–141) and 104 of title 23, United States*
10 *Code.*

11 (d) *APPLICABILITY OF OBLIGATION LIMITATIONS TO*
12 *TRANSPORTATION RESEARCH PROGRAMS.—*

13 (1) *IN GENERAL.—Except as provided in para-*
14 *graph (2), the obligation limitation for Federal-aid*
15 *highways shall apply to contract authority for trans-*
16 *portation research programs carried out under—*

17 (A) *chapter 5 of title 23, United States*
18 *Code;*

19 (B) *title VI of the Fixing America’s Surface*
20 *Transportation Act; and*

21 (C) *title III of division A of the Infrastruc-*
22 *ture Investment and Jobs Act (Public Law 117–*
23 *58).*

24 (2) *EXCEPTION.—Obligation authority made*
25 *available under paragraph (1) shall—*

1607

1 (A) remain available for a period of 4 fiscal
2 years; and

3 (B) be in addition to the amount of any
4 limitation imposed on obligations for Federal-
5 aid highway and highway safety construction
6 programs for future fiscal years.

7 (e) *REDISTRIBUTION OF CERTAIN AUTHORIZED*
8 *FUNDS.—*

9 (1) *IN GENERAL.—*Not later than 30 days after
10 the date of distribution of obligation limitation under
11 subsection (a), the Secretary shall distribute to the
12 States any funds (excluding funds authorized for the
13 program under section 202 of title 23, United States
14 Code) that—

15 (A) are authorized to be appropriated for
16 such fiscal year for Federal-aid highway pro-
17 grams; and

18 (B) the Secretary determines will not be al-
19 located to the States (or will not be apportioned
20 to the States under section 204 of title 23,
21 United States Code), and will not be available
22 for obligation, for such fiscal year because of the
23 imposition of any obligation limitation for such
24 fiscal year.

1608

1 (2) *RATIO.*—*Funds shall be distributed under*
2 *paragraph (1) in the same proportion as the distribu-*
3 *tion of obligation authority under subsection (a)(5).*

4 (3) *AVAILABILITY.*—*Funds distributed to each*
5 *State under paragraph (1) shall be available for any*
6 *purpose described in section 133(b) of title 23, United*
7 *States Code.*

8 *SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-*
9 *ceived by the Bureau of Transportation Statistics from the*
10 *sale of data products, for necessary expenses incurred pur-*
11 *suant to chapter 63 of title 49, United States Code, may*
12 *be credited to the Federal-aid highways account for the pur-*
13 *pose of reimbursing the Bureau for such expenses.*

14 *SEC. 122. Not less than 15 days prior to waiving,*
15 *under his or her statutory authority, any Buy America re-*
16 *quirement for Federal-aid highways projects, the Secretary*
17 *of Transportation shall make an informal public notice and*
18 *comment opportunity on the intent to issue such waiver and*
19 *the reasons therefor: Provided, That the Secretary shall post*
20 *on a website any waivers granted under the Buy America*
21 *requirements.*

22 *SEC. 123. None of the funds made available in this*
23 *Act may be used to make a grant for a project under section*
24 *117 of title 23, United States Code, unless the Secretary,*
25 *at least 60 days before making a grant under that section,*

1609

1 *provides written notification to the House and Senate Com-*
2 *mittees on Appropriations of the proposed grant, including*
3 *an evaluation and justification for the project and the*
4 *amount of the proposed grant award.*

5 *SEC. 124. (a) A State or territory, as defined in section*
6 *165 of title 23, United States Code, may use for any project*
7 *eligible under section 133(b) of title 23 or section 165 of*
8 *title 23 and located within the boundary of the State or*
9 *territory any earmarked amount, and any associated obli-*
10 *gation limitation: Provided, That the Department of Trans-*
11 *portation for the State or territory for which the earmarked*
12 *amount was originally designated or directed notifies the*
13 *Secretary of its intent to use its authority under this section*
14 *and submits an annual report to the Secretary identifying*
15 *the projects to which the funding would be applied. Notwith-*
16 *standing the original period of availability of funds to be*
17 *obligated under this section, such funds and associated obli-*
18 *gation limitation shall remain available for obligation for*
19 *a period of 3 fiscal years after the fiscal year in which the*
20 *Secretary is notified. The Federal share of the cost of a*
21 *project carried out with funds made available under this*
22 *section shall be the same as associated with the earmark.*
23 *(b) In this section, the term “earmarked amount”*
24 *means—*

1610

1 (1) *congressionally directed spending, as defined*
2 *in rule XLIV of the Standing Rules of the Senate,*
3 *identified in a prior law, report, or joint explanatory*
4 *statement, which was authorized to be appropriated*
5 *or appropriated more than 10 fiscal years prior to*
6 *the current fiscal year, and administered by the Fed-*
7 *eral Highway Administration; or*

8 (2) *a congressional earmark, as defined in rule*
9 *XXI of the Rules of the House of Representatives,*
10 *identified in a prior law, report, or joint explanatory*
11 *statement, which was authorized to be appropriated*
12 *or appropriated more than 10 fiscal years prior to*
13 *the current fiscal year, and administered by the Fed-*
14 *eral Highway Administration.*

15 (c) *The authority under subsection (a) may be exer-*
16 *cised only for those projects or activities that have obligated*
17 *less than 10 percent of the amount made available for obli-*
18 *gation as of October 1 of the current fiscal year, and shall*
19 *be applied to projects within the same general geographic*
20 *area within 25 miles for which the funding was designated,*
21 *except that a State or territory may apply such authority*
22 *to unexpended balances of funds from projects or activities*
23 *the State or territory certifies have been closed and for*
24 *which payments have been made under a final voucher.*

1611

1 (d) *The Secretary shall submit consolidated reports of*
2 *the information provided by the States and territories an-*
3 *nually to the House and Senate Committees on Appropria-*
4 *tions.*

5 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*

6 *MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS*

7 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

8 *(LIMITATION ON OBLIGATIONS)*

9 *(HIGHWAY TRUST FUND)*

10 *For payment of obligations incurred in the implemen-*
11 *tation, execution and administration of motor carrier safe-*
12 *ty operations and programs pursuant to section 31110 of*
13 *title 49, United States Code, as amended by the Infrastruc-*
14 *ture Investment and Jobs Act (Public Law 117–58),*
15 *\$367,500,000, to be derived from the Highway Trust Fund*
16 *(other than the Mass Transit Account), together with ad-*
17 *vances and reimbursements received by the Federal Motor*
18 *Carrier Safety Administration, the sum of which shall re-*
19 *main available until expended: Provided, That funds avail-*
20 *able for implementation, execution, or administration of*
21 *motor carrier safety operations and programs authorized*
22 *under title 49, United States Code, shall not exceed total*
23 *obligations of \$367,500,000, for “Motor Carrier Safety Op-*
24 *erations and Programs” for fiscal year 2023, of which*
25 *\$14,073,000, to remain available for obligation until Sep-*

1612

1 *tember 30, 2025, is for the research and technology pro-*
2 *gram, and of which not less than \$63,098,000, to remain*
3 *available for obligation until September 30, 2025, is for de-*
4 *velopment, modernization, enhancement, and continued op-*
5 *eration and maintenance of information technology and in-*
6 *formation management.*

7 *MOTOR CARRIER SAFETY GRANTS*
8 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
9 *(LIMITATION ON OBLIGATIONS)*
10 *(HIGHWAY TRUST FUND)*

11 *For payment of obligations incurred in carrying out*
12 *sections 31102, 31103, 31104, and 31313 of title 49, United*
13 *States Code, \$506,150,000, to be derived from the Highway*
14 *Trust Fund (other than the Mass Transit Account) and to*
15 *remain available until expended: Provided, That funds*
16 *available for the implementation or execution of motor car-*
17 *rier safety programs shall not exceed total obligations of*
18 *\$506,150,000 in fiscal year 2023 for “Motor Carrier Safety*
19 *Grants”: Provided further, That of the amounts made avail-*
20 *able under this heading—*

21 *(1) \$398,500,000, to remain available for obliga-*
22 *tion until September 30, 2024, shall be for the motor*
23 *carrier safety assistance program;*

24 *(2) \$42,650,000, to remain available for obliga-*
25 *tion until September 30, 2024, shall be for the com-*

1613

1 *mercial driver's license program implementation pro-*
2 *gram;*

3 (3) \$58,800,000, to remain available for obliga-
4 tion until September 30, 2024, shall be for the high
5 priority program;

(4) \$1,200,000, to remain available for obligation until September 30, 2024, shall be for the commercial motor vehicle operators grant program; and

9 (5) \$5,000,000, to remain available for obliga-
10 tion until September 30, 2024, shall be for the com-
11 mercial motor vehicle enforcement training and sup-
12 port grant program.

13 *ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER*
14 *SAFETY ADMINISTRATION*

15 *SEC. 130. The Federal Motor Carrier Safety Adminis-*
16 *tration shall send notice of section 385.308 of title 49, Code*
17 *of Federal Regulations, violations by certified mail, reg-*
18 *istered mail, or another manner of delivery, which records*
19 *the receipt of the notice by the persons responsible for the*
20 *violations.*

SEC. 131. The Federal Motor Carrier Safety Adminis-
tration shall update annual inspection regulations under
Appendix G to subchapter B of chapter III of title 49, Code
of Federal Regulations, as recommended by GAO-19-264.

1614

1 *SEC. 132. None of the funds appropriated or otherwise*
2 *made available to the Department of Transportation by this*
3 *Act or any other Act may be obligated or expended to imple-*
4 *ment, administer, or enforce the requirements of section*
5 *31137 of title 49, United States Code, or any regulation*
6 *issued by the Secretary pursuant to such section, with re-*
7 *spect to the use of electronic logging devices by operators*
8 *of commercial motor vehicles, as defined in section 31132(1)*
9 *of such title, transporting livestock as defined in section 602*
10 *of the Emergency Livestock Feed Assistance Act of 1988 (7*
11 *U.S.C. 1471) or insects.*

12 *NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*13 *OPERATIONS AND RESEARCH*

14 *For expenses necessary to discharge the functions of the*
15 *Secretary, with respect to traffic and highway safety, au-*
16 *thorized under chapter 301 and part C of subtitle VI of*
17 *title 49, United States Code, \$210,000,000, to remain avail-*
18 *able through September 30, 2024.*

19 *OPERATIONS AND RESEARCH*20 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*21 *(LIMITATION ON OBLIGATIONS)*22 *(HIGHWAY TRUST FUND)*

23 *For payment of obligations incurred in carrying out*
24 *the provisions of section 403 of title 23, United States Code,*
25 *including behavioral research on Automated Driving Sys-*

1615

1 *tems and Advanced Driver Assistance Systems and improv-*
2 *ing consumer responses to safety recalls, section 25024 of*
3 *the Infrastructure Investment and Jobs Act (Public Law*
4 *117–58), and chapter 303 of title 49, United States Code,*
5 *\$197,000,000, to be derived from the Highway Trust Fund*
6 *(other than the Mass Transit Account) and to remain avail-*
7 *able until expended: Provided, That none of the funds in*
8 *this Act shall be available for the planning or execution of*
9 *programs the total obligations for which, in fiscal year*
10 *2023, are in excess of \$197,000,000: Provided further, That*
11 *of the sums appropriated under this heading—*

12 (1) *\$190,000,000 shall be for programs author-*
13 *ized under section 403 of title 23, United States Code,*
14 *including behavioral research on Automated Driving*
15 *Systems and Advanced Driver Assistance Systems*
16 *and improving consumer responses to safety recalls,*
17 *and section 25024 of the Infrastructure Investment*
18 *and Jobs Act (Public Law 117–58); and*

19 (2) *\$7,000,000 shall be for the National Driver*
20 *Register authorized under chapter 303 of title 49,*
21 *United States Code:*

22 *Provided further, That within the \$197,000,000 obligation*
23 *limitation for operations and research, \$57,500,000 shall*
24 *remain available until September 30, 2024, and shall be*
25 *in addition to the amount of any limitation imposed on*

1616

1 *obligations for future years: Provided further, That*
2 *amounts for behavioral research on Automated Driving*
3 *Systems and Advanced Driver Assistance Systems and im-*
4 *proving consumer responses to safety recalls are in addition*
5 *to any other funds provided for those purposes for fiscal*
6 *year 2023 in this Act.*

7 *HIGHWAY TRAFFIC SAFETY GRANTS*
8 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
9 *(LIMITATION ON OBLIGATIONS)*
10 *(HIGHWAY TRUST FUND)*

11 *For payment of obligations incurred in carrying out*
12 *provisions of sections 402, 404, and 405 of title 23, United*
13 *States Code, and grant administration expenses under*
14 *chapter 4 of title 23, United States Code, to remain avail-*
15 *able until expended, \$795,220,000, to be derived from the*
16 *Highway Trust Fund (other than the Mass Transit Ac-*
17 *count): Provided, That none of the funds in this Act shall*
18 *be available for the planning or execution of programs for*
19 *which the total obligations in fiscal year 2023 are in excess*
20 *of \$795,220,000 for programs authorized under sections*
21 *402, 404, and 405 of title 23, United States Code, and grant*
22 *administration expenses under chapter 4 of title 23, United*
23 *States Code: Provided further, That of the sums appro-*
24 *priated under this heading—*

1617

1 (1) \$370,900,000 shall be for “Highway Safety
2 *Programs*” under section 402 of title 23, United
3 *States Code*;

4 (2) \$346,500,000 shall be for “National Priority
5 *Safety Programs*” under section 405 of title 23,
6 *United States Code*;

7 (3) \$38,300,000 shall be for the “High Visibility
8 *Enforcement Program*” under section 404 of title 23,
9 *United States Code*; and

10 (4) \$39,520,000 shall be for grant administrative
11 *expenses under chapter 4 of title 23, United States*
12 *Code*;

13 *Provided further, That none of these funds shall be used for*
14 *construction, rehabilitation, or remodeling costs, or for of-*
15 *fice furnishings and fixtures for State, local or private*
16 *buildings or structures: Provided further, That not to exceed*
17 *\$500,000 of the funds made available for “National Priority*
18 *Safety Programs*” under section 405 of title 23, United
19 *States Code, for “Impaired Driving Countermeasures” (as*
20 *described in subsection (d) of that section) shall be available*
21 *for technical assistance to the States: Provided further, That*
22 *with respect to the “Transfers” provision under section*
23 *405(a)(8) of title 23, United States Code, any amounts*
24 *transferred to increase the amounts made available under*
25 *section 402 shall include the obligation authority for such*

1618

1 *amounts: Provided further, That the Administrator shall*
2 *notify the House and Senate Committees on Appropriations*
3 *of any exercise of the authority granted under the preceding*
4 *proviso or under section 405(a)(8) of title 23, United States*
5 *Code, within 5 days.*

6 *ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY*

7 *TRAFFIC SAFETY ADMINISTRATION*

8 *SEC. 140. An additional \$130,000 shall be made avail-*
9 *able to the National Highway Traffic Safety Administra-*
10 *tion, out of the amount limited for section 402 of title 23,*
11 *United States Code, to pay for travel and related expenses*
12 *for State management reviews and to pay for core com-*
13 *petency development training and related expenses for high-*
14 *way safety staff.*

15 *SEC. 141. The limitations on obligations for the pro-*
16 *grams of the National Highway Traffic Safety Administra-*
17 *tion set in this Act shall not apply to obligations for which*
18 *obligation authority was made available in previous public*
19 *laws but only to the extent that the obligation authority*
20 *has not lapsed or been used.*

21 *SEC. 142. None of the funds in this Act or any other*
22 *Act shall be used to enforce the requirements of section*
23 *405(a)(9) of title 23, United States Code.*

1619

1 *SEC. 143. Section 24220 of the Infrastructure Invest-*
2 *ment and Jobs Act (Public Law 117–58) is amended by*
3 *adding at the end the following:*

4 “(f) *SHORT TITLE.*—*This section may be cited as the*
5 *‘Honoring the Abbas Family Legacy to Terminate Drunk*
6 *Driving Act’.*”.

7 *FEDERAL RAILROAD ADMINISTRATION*

8 *SAFETY AND OPERATIONS*

9 *For necessary expenses of the Federal Railroad Admin-*
10 *istration, not otherwise provided for, \$250,449,000, of which*
11 *\$25,000,000 shall remain available until expended.*

12 *RAILROAD RESEARCH AND DEVELOPMENT*

13 *For necessary expenses for railroad research and devel-*
14 *opment, \$44,000,000, to remain available until expended:*
15 *Provided, That of the amounts provided under this heading,*
16 *up to \$3,000,000 shall be available pursuant to section*
17 *20108(d) of title 49, United States Code, for the construc-*
18 *tion, alteration, and repair of buildings and improvements*
19 *at the Transportation Technology Center.*

20 *FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER*

21 *RAIL*

22 *For necessary expenses related to Federal-State Part-*
23 *nership for Intercity Passenger Rail grants as authorized*
24 *by section 24911 of title 49, United States Code,*
25 *\$100,000,000, to remain available until expended: Pro-*

1620

1 *vided, That the Secretary may withhold up to 2 percent*
2 *of the amounts made available under this heading in this*
3 *Act for the costs of award and project management oversight*
4 *of grants carried out under title 49, United States Code.*

5 *CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY*6 *IMPROVEMENTS*7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For necessary expenses related to Consolidated Rail*
9 *Infrastructure and Safety Improvements grants, as author-*
10 *ized by section 22907 of title 49, United States Code,*
11 *\$535,000,000, to remain available until expended: Pro-*
12 *vided, That of the amounts made available under this head-*
13 *ing in this Act—*

14 *(1) not less than \$150,000,000 shall be for*
15 *projects eligible under section 22907(c)(2) of title 49,*
16 *United States Code, that support the development of*
17 *new intercity passenger rail service routes including*
18 *alignments for existing routes;*

19 *(2) not less than \$25,000,000 shall be for projects*
20 *eligible under section 22907(c)(11) of title 49, United*
21 *States Code: Provided, That for amounts made avail-*
22 *able in this paragraph, the Secretary shall give pref-*
23 *erence to projects that are located in counties with the*
24 *most pedestrian trespasser casualties;*

1621

1 (3) \$5,000,000 shall be for preconstruction plan-
2 ning activities and capital costs related to the deploy-
3 ment of magnetic levitation transportation projects;

4 (4) \$30,426,000 shall be made available for the
5 purposes, and in amounts, specified for Community
6 Project Funding/Congressionally Directed Spending
7 in the table entitled “Community Project Funding/
8 Congressionally Directed Spending” included in the
9 explanatory statement described in section 4 (in the
10 matter preceding division A of this consolidated Act):
11 Provided, That requirements under subsections (g)
12 and (l) of section 22907 of title 49, United States
13 Code, shall not apply to this paragraph: Provided
14 further, That any remaining funds available after the
15 distribution of the Community Project Funding/Con-
16 gressionally Directed Spending described in this
17 paragraph shall be available to the Secretary to dis-
18 tribute as discretionary grants under this heading;
19 and

20 (5) not less than \$5,000,000 shall be available for
21 workforce development and training activities as au-
22 thorized under section 22907(c)(13) of title 49, United
23 States Code:

24 Provided further, That for amounts made available under
25 this heading in this Act, eligible projects under section

1622

1 22907(c)(8) of title 49, United States Code, shall also in-
2 clude railroad systems planning (including the preparation
3 of regional intercity passenger rail plans and State Rail
4 Plans) and railroad project development activities (includ-
5 ing railroad project planning, preliminary engineering, de-
6 sign, environmental analysis, feasibility studies, and the de-
7 velopment and analysis of project alternatives): Provided
8 further, That section 22905(f) of title 49, United States
9 Code, shall not apply to amounts made available under this
10 heading in this Act for projects that implement or sustain
11 positive train control systems otherwise eligible under sec-
12 tion 22907(c)(1) of title 49, United States Code: Provided
13 further, That amounts made available under this heading
14 in this Act for projects selected for commuter rail passenger
15 transportation may be transferred by the Secretary, after
16 selection, to the appropriate agencies to be administered in
17 accordance with chapter 53 of title 49, United States Code:
18 Provided further, That for amounts made available under
19 this heading in this Act, eligible recipients under section
20 22907(b)(7) of title 49, United States Code, shall include
21 any holding company of a Class II railroad or Class III
22 railroad (as those terms are defined in section 20102 of title
23 49, United States Code): Provided further, That section
24 22907(e)(1)(A) of title 49, United States Code, shall not
25 apply to amounts made available under this heading in this

1623

1 *Act: Provided further, That section 22907(e)(1)(A) of title*
2 *49, United States Code, shall not apply to amounts made*
3 *available under this heading in previous fiscal years if such*
4 *funds are announced in a notice of funding opportunity*
5 *that includes funds made available under this heading in*
6 *this Act: Provided further, That the preceding proviso shall*
7 *not apply to funds made available under this heading in*
8 *the Infrastructure Investment and Jobs Act (division J of*
9 *Public Law 117–58): Provided further, That unobligated*
10 *balances remaining after 6 years from the date of enactment*
11 *of this Act may be used for any eligible project under section*
12 *22907(c) of title 49, United States Code: Provided further,*
13 *That the Secretary may withhold up to 2 percent of the*
14 *amounts made available under this heading in this Act for*
15 *the costs of award and project management oversight of*
16 *grants carried out under title 49, United States Code.*

17 *NORTHEAST CORRIDOR GRANTS TO THE NATIONAL*
18 *RAILROAD PASSENGER CORPORATION*

19 *To enable the Secretary of Transportation to make*
20 *grants to the National Railroad Passenger Corporation for*
21 *activities associated with the Northeast Corridor as author-*
22 *ized by section 22101(a) of the Infrastructure Investment*
23 *and Jobs Act (Public Law 117–58), \$1,260,000,000, to re-*
24 *main available until expended: Provided, That the Sec-*
25 *retary may retain up to one-half of 1 percent of the*

1624

1 *amounts made available under both this heading in this*
2 *Act and the “National Network Grants to the National*
3 *Railroad Passenger Corporation” heading in this Act to*
4 *fund the costs of project management and oversight of ac-*
5 *tivities authorized by section 22101(c) of the Infrastructure*
6 *Investment and Jobs Act (Public Law 117–58): Provided*
7 *further, That in addition to the project management over-*
8 *sight funds authorized under section 22101(c) of the Infra-*
9 *structure Investment and Jobs Act (Public Law 117–58),*
10 *the Secretary may retain up to an additional \$5,000,000*
11 *of the amounts made available under this heading in this*
12 *Act to fund expenses associated with the Northeast Corridor*
13 *Commission established under section 24905 of title 49,*
14 *United States Code.*

15 *NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD*
16 *PASSENGER CORPORATION*

17 *To enable the Secretary of Transportation to make*
18 *grants to the National Railroad Passenger Corporation for*
19 *activities associated with the National Network as author-*
20 *ized by section 22101(b) of the Infrastructure Investment*
21 *and Jobs Act (division B of Public Law 117–58),*
22 *\$1,193,000,000, to remain available until expended: Pro-*
23 *vided, That the Secretary may retain up to an additional*
24 *\$3,000,000 of the funds provided under this heading in this*
25 *Act to fund expenses associated with the State-Supported*

1625

1 *Route Committee established under section 24712 of title*
2 *49, United States Code: Provided further, That at least*
3 *\$50,000,000 of the amount provided under this heading in*
4 *this Act shall be available for the development, installation*
5 *and operation of railroad safety improvements, including*
6 *the implementation of a positive train control system, on*
7 *State-supported routes as defined under section 24102(13)*
8 *of title 49, United States Code, on which positive train con-*
9 *trol systems are not required by law or regulation as identi-*
10 *fied on or before the date of enactment of this Act: Provided*
11 *further, That any unexpended balances from amounts pro-*
12 *vided under this heading in this Act and in prior fiscal*
13 *years for the development, installation and operation of*
14 *railroad safety technology on State-supported routes on*
15 *which positive train control systems are not required by law*
16 *or regulation shall also be available for railroad safety im-*
17 *provements on State-supported routes as identified on or*
18 *before the date of enactment of Public Law 117–103: Pro-*
19 *vided further, That none of the funds provided under this*
20 *heading in this Act shall be used by Amtrak to give notice*
21 *under subsection (a) or (c) of section 24706 of title 49,*
22 *United States Code, with respect to long-distance routes (as*
23 *defined in section 24102 of title 49, United States Code)*
24 *on which Amtrak is the sole operator on a host railroad’s*
25 *line and a positive train control system is not required by*

1626

1 *law or regulation, or, except in an emergency or during*
2 *maintenance or construction outages impacting such routes,*
3 *to otherwise discontinue, reduce the frequency of, suspend,*
4 *or substantially alter the route of rail service on any por-*
5 *tion of such route operated in fiscal year 2018, including*
6 *implementation of service permitted by section*
7 *24305(a)(3)(A) of title 49, United States Code, in lieu of*
8 *rail service: Provided further, That the National Railroad*
9 *Passenger Corporation may use up to \$66,000,000 of the*
10 *amounts made available under this heading in this Act to*
11 *support planning and capital costs, and operating assist-*
12 *ance consistent with the Federal funding limitations under*
13 *section 22908 of title 49, United States Code, of corridors*
14 *selected under section 25101 of title 49, United States Code,*
15 *that are operated by the National Railroad Passenger Cor-*
16 *poration.*

17 *ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD*

18 *ADMINISTRATION*

19 *(INCLUDING RESCISSION)*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *SEC. 150. None of the funds made available by this*
22 *Act may be used by the National Railroad Passenger Cor-*
23 *poration in contravention of the Worker Adjustment and*
24 *Retraining Notification Act (29 U.S.C. 2101 et seq.).*

1627

1 *SEC. 151. The amounts made available to the Sec-*
2 *retary or to the Federal Railroad Administration for the*
3 *costs of award, administration, and project management*
4 *oversight of financial assistance which are administered by*
5 *the Federal Railroad Administration, in this and prior*
6 *Acts, may be transferred to the Federal Railroad Adminis-*
7 *tration’s “Financial Assistance Oversight and Technical*
8 *Assistance” account for the necessary expenses to support*
9 *the award, administration, project management oversight,*
10 *and technical assistance of financial assistance adminis-*
11 *tered by the Federal Railroad Administration, in the same*
12 *manner as appropriated for in this and prior Acts: Pro-*
13 *vided, That this section shall not apply to amounts that*
14 *were previously designated by the Congress as an emergency*
15 *requirement pursuant to a concurrent resolution on the*
16 *budget or the Balanced Budget and Emergency Deficit Con-*
17 *trol Act of 1985.*

18 *SEC. 152. Amounts made available under the heading*
19 *“Department of Transportation—Federal Railroad Admin-*
20 *istration—Restoration and Enhancement” in any prior fis-*
21 *cal years are subject to the requirements of section 22908*
22 *of title 49, United States Code, as in effect on the effective*
23 *date of the Infrastructure Investment and Jobs Act (Public*
24 *Law 117–58).*

1628

1 *SEC. 153. Section 802 of title VIII of division J of*
2 *Public Law 117–58 is amended—*

3 *(1) in the first proviso, by inserting “that could*
4 *be” after “amounts”; and*

5 *(2) in the second proviso, by inserting “that*
6 *could be” after “amounts”:*

7 *Provided, That amounts repurposed by the amendments*
8 *made by this section that were previously designated by the*
9 *Congress as an emergency requirement pursuant to the Bal-*
10 *anced Budget and Emergency Deficit Control Act of 1985*
11 *or a concurrent resolution on the budget are designated as*
12 *an emergency requirement pursuant to section 4001(a)(1)*
13 *of S. Con. Res. 14 (117th Congress), the concurrent resolu-*
14 *tion on the budget for fiscal year 2022, and section 1(e)*
15 *of H. Res. 1151 (117th Congress) as engrossed in the House*
16 *of Representatives on June 8, 2022.*

17 *SEC. 154. Of the unobligated balances of funds remain-*
18 *ing from—*

19 *(1) “Rail Line Relocation and Improvement*
20 *Program” account totaling \$1,811,124.16 appro-*
21 *priated by Public Law 112–10 is hereby permanently*
22 *rescinded; and*

23 *(2) “Railroad Safety Grants” account totaling*
24 *\$1,610,000.00 appropriated by Public Law 114–113*
25 *is hereby permanently rescinded.*

1629

1 *SEC. 155. None of the funds made available to the Na-*
2 *tional Railroad Passenger Corporation may be used to fund*
3 *any overtime costs in excess of \$35,000 for any individual*
4 *employee: Provided, That the President of Amtrak may*
5 *waive the cap set in the preceding proviso for specific em-*
6 *ployees when the President of Amtrak determines such a*
7 *cap poses a risk to the safety and operational efficiency of*
8 *the system: Provided further, That the President of Amtrak*
9 *shall report to the House and Senate Committees on Appro-*
10 *priations no later than 60 days after the date of enactment*
11 *of this Act, a summary of all overtime payments incurred*
12 *by Amtrak for 2022 and the 3 prior calendar years: Pro-*
13 *vided further, That such summary shall include the total*
14 *number of employees that received waivers and the total*
15 *overtime payments Amtrak paid to employees receiving*
16 *waivers for each month for 2022 and for the 3 prior cal-*
17 *endar years.*

18 *SEC. 156. None of the funds made available to the Na-*
19 *tional Railroad Passenger Corporation under the headings*
20 *“Northeast Corridor Grants to the National Railroad Pas-*
21 *senger Corporation” and “National Network Grants to the*
22 *National Railroad Passenger Corporation” may be used to*
23 *reduce the total number of Amtrak Police Department uni-*
24 *formed officers patrolling on board passenger trains or at*

1630

1 *stations, facilities or rights-of-way below the staffing level*
2 *on May 1, 2019.*

3 *SEC. 157. It is the sense of Congress that—*

4 *(1) long-distance passenger rail routes provide*
5 *much-needed transportation access for 4,700,000 rid-*
6 *ers in 325 communities in 40 States and are particu-*
7 *larly important in rural areas; and*

8 *(2) long-distance passenger rail routes and serv-*
9 *ices should be sustained to ensure connectivity*
10 *throughout the National Network (as defined in sec-*
11 *tion 24102 of title 49, United States Code).*

12 *SEC. 158. State-supported routes operated by Amtrak.*
13 *Section 24712(a) of title 49, United States Code, is hereby*
14 *amended by inserting after section 24712(a)(7) the fol-*
15 *lowing—*

16 *“(8) STAFFING.—The Committee may—*

17 *“(A) appoint, terminate, and fix the com-*
18 *pensation of an executive director and other*
19 *Committee employees necessary for the Com-*
20 *mittee to carry out its duties; and*

21 *“(B) enter into contracts necessary to carry*
22 *out its duties, including providing Committee*
23 *employees with retirement and other employee*
24 *benefits under the condition that Non-Federal*
25 *members or officers, the executive director, and*

1631

1 *employees of the Committee are not Federal em-*
2 *ployees for any purpose.*

3 “(9) *AUTHORIZATION OF APPROPRIATIONS.—*
4 *Amounts made available by the Secretary of Trans-*
5 *portation for the Committee may be used to carry out*
6 *this section.*”.

7 *SEC. 159. For an additional amount for “Consolidated*
8 *Rail Infrastructure and Safety Improvements”,*
9 *\$25,000,000, to remain available until expended, for*
10 *projects selected in response to the Notice of Funding Op-*
11 *portunity published by the Federal Railroad Administra-*
12 *tion on August 19, 2019 (84 FR 42979), and where a grant*
13 *for the project was obligated after June 1, 2021 and remains*
14 *open: Provided, That sponsors of projects eligible for funds*
15 *made available under this heading in this section shall pro-*
16 *vide sufficient written justification describing, at a min-*
17 *imum, the current project cost estimate, why the project*
18 *cannot be completed with the obligated grant amount, and*
19 *any other relevant information, as determined by the Sec-*
20 *retary: Provided further, That funds made available under*
21 *this section shall be allocated to projects eligible to receive*
22 *funding under this section in order of the date the grants*
23 *were obligated: Provided further, That the allocation under*
24 *the preceding proviso will be for the amounts necessary to*
25 *cover increases to eligible project costs since the grant was*

1632

1 *obligated, based on the information provided: Provided fur-*
2 *ther, That the amounts made available under this section*
3 *shall not be part of the Federal share of total project costs*
4 *under section 22907(h)(2) of title 49, United States Code:*
5 *Provided further, That the Federal Railroad Administra-*
6 *tion shall provide the amounts allocated to projects under*
7 *this section no later than 90 days after the date the suffi-*
8 *cient written justifications required under this section have*
9 *been submitted.*

10 *FEDERAL TRANSIT ADMINISTRATION*

11 *TRANSIT FORMULA GRANTS*

12 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

13 *(LIMITATION ON OBLIGATIONS)*

14 *(HIGHWAY TRUST FUND)*

15 *For payment of obligations incurred in the Federal*
16 *Public Transportation Assistance Program in this account,*
17 *and for payment of obligations incurred in carrying out*
18 *the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312,*
19 *5314, 5318, 5329(e)(6), 5334, 5335, 5337, 5339, and 5340,*
20 *as amended by the Infrastructure Investment and Jobs Act,*
21 *section 20005(b) of Public Law 112–141, and section*
22 *3006(b) of the Fixing America’s Surface Transportation*
23 *Act, \$13,634,000,000, to be derived from the Mass Transit*
24 *Account of the Highway Trust Fund and to remain avail-*
25 *able until expended: Provided, That funds available for the*

1633

1 *implementation or execution of programs authorized under*
2 *49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318,*
3 *5329(e)(6), 5334, 5335, 5337, 5339, and 5340, as amended*
4 *by the Infrastructure Investment and Jobs Act, section*
5 *20005(b) of Public Law 112–141, and section 3006(b) of*
6 *the Fixing America’s Surface Transportation Act, shall not*
7 *exceed total obligations of \$13,634,000,000 in fiscal year*
8 *2023.*

9 TRANSIT INFRASTRUCTURE GRANTS

10 *For an additional amount for buses and bus facilities*
11 *grants under section 5339(b) of title 49, United States Code,*
12 *low or no emission grants under section 5339(c) of such*
13 *title, ferry boats grants under section 5307(h) of such title,*
14 *bus testing facilities under section 5318 of such title, inno-*
15 *vative mobility solutions grants under section 5312 of such*
16 *title, accelerating innovative mobility initiative grants*
17 *under section 5312 of such title, accelerating the adoption*
18 *of zero emission buses under section 5312 of such title, Com-*
19 *munity Project Funding/Congressionally Directed Spend-*
20 *ing for projects and activities eligible under chapter 53 of*
21 *such title, and ferry service for rural communities under*
22 *section 71103 of division G of Public Law 117–58,*
23 *\$541,959,324, to remain available until expended: Pro-*
24 *vided, That of the sums provided under this heading in this*
25 *Act—*

1634

1 (1) \$90,000,000 shall be available for buses and
2 bus facilities competitive grants as authorized under
3 section 5339(b) of such title;

4 (2) \$50,000,000 shall be available for the low or
5 no emission grants as authorized under section
6 5339(c) of such title: Provided, That the minimum
7 grant award shall be not less than \$750,000;

8 (3) \$15,000,000 shall be available for ferry boat
9 grants as authorized under section 5307(h) of such
10 title: Provided, That of the amounts provided under
11 this paragraph, no less than \$5,000,000 shall be
12 available for low or zero emission ferries or ferries
13 using electric battery or fuel cell components and the
14 infrastructure to support such ferries;

15 (4) \$2,000,000 shall be available for the oper-
16 ation and maintenance of the bus testing facilities se-
17 lected under section 5318 of such title;

18 (5) \$360,459,324 shall be available for the pur-
19 poses, and in amounts, specified for Community
20 Project Funding/Congressionally Directed Spending
21 in the table entitled “Community Project Funding/
22 Congressionally Directed Spending” included in the
23 explanatory statement described in section 4 (in the
24 matter preceding division A of this consolidated Act):
25 Provided, That unless otherwise specified, applicable

1635

1 *requirements under chapter 53 of title 49, United*
2 *States Code, shall apply to amounts made available*
3 *in this paragraph, except that the Federal share of the*
4 *costs for a project in this paragraph shall be in an*
5 *amount equal to 80 percent of the net costs of the*
6 *project, unless the Secretary approves a higher max-*
7 *imum Federal share of the net costs of the project con-*
8 *sistent with administration of similar projects funded*
9 *under chapter 53 of title 49, United States Code;*

10 *(6) \$17,500,000 shall be available for ferry serv-*
11 *ice for rural communities under section 71103 of di-*
12 *vision G of Public Law 117–58: Provided, That for*
13 *amounts made available in this paragraph, notwith-*
14 *standing section 71103(a)(2)(B), eligible service shall*
15 *include passenger ferry service that serves at least two*
16 *rural areas with a single segment over 20 miles be-*
17 *tween the two rural areas and is not otherwise eligible*
18 *under section 5307(h) of title 49, United States Code:*
19 *Provided further, That entities that provide eligible*
20 *service pursuant to the preceding proviso may use*
21 *amounts made available in this paragraph for public*
22 *transportation capital projects to support any ferry*
23 *service between two rural areas: Provided further,*
24 *That entities eligible for amounts made available in*

1636

1 *this paragraph shall only provide ferry service to*
2 *rural areas;*

3 (7) *\$1,000,000 shall be available for the dem-*
4 *onstration and deployment of innovative mobility so-*
5 *lutions as authorized under section 5312 of title 49,*
6 *United States Code: Provided, That such amounts*
7 *shall be available for competitive grants or coopera-*
8 *tive agreements for the development of software to fa-*
9 *cilitate the provision of demand-response public*
10 *transportation service that dispatches public trans-*
11 *portation fleet vehicles through riders mobile devices*
12 *or other advanced means: Provided further, That the*
13 *Secretary shall evaluate the potential for software de-*
14 *veloped with grants or cooperative agreements to be*
15 *shared for use by public transportation agencies;*

16 (8) *\$1,000,000 shall be for the accelerating inno-*
17 *vative mobility initiative as authorized under section*
18 *5312 of title 49, United States Code: Provided, That*
19 *such amounts shall be available for competitive grants*
20 *to improve mobility and enhance the rider experience*
21 *with a focus on innovative service delivery models,*
22 *creative financing, novel partnerships, and integrated*
23 *payment solutions in order to help disseminate prov-*
24 *en innovation mobility practices throughout the pub-*
25 *lic transportation industry; and*

1637

1 (9) \$5,000,000 shall be available to support tech-
2 nical assistance, research, demonstration, or deploy-
3 ment activities or projects to accelerate the adoption
4 of zero emission buses in public transit as authorized
5 under section 5312 of title 49, United States Code:

6 *Provided further, That amounts made available under this*
7 *heading in this Act shall be derived from the general fund:*
8 *Provided further, That amounts made available under this*
9 *heading in this Act shall not be subject to any limitation*
10 *on obligations for transit programs set forth in this or any*
11 *other Act.*

12 TECHNICAL ASSISTANCE AND TRAINING

13 *For necessary expenses to carry out section 5314 of*
14 *title 49, United States Code, \$7,500,000, to remain avail-*
15 *able until September 30, 2024: Provided, That the assist-*
16 *ance provided under this heading does not duplicate the ac-*
17 *tivities of section 5311(b) or section 5312 of title 49, United*
18 *States Code: Provided further, That amounts made avail-*
19 *able under this heading are in addition to any other*
20 *amounts made available for such purposes: Provided fur-*
21 *ther, That amounts made available under this heading shall*
22 *not be subject to any limitation on obligations set forth in*
23 *this or any other Act.*

1638

1 *CAPITAL INVESTMENT GRANTS*

2 *For necessary expenses to carry out fixed guideway*
3 *capital investment grants under section 5309 of title 49,*
4 *United States Code, and section 3005(b) of the Fixing*
5 *America's Surface Transportation Act (Public Law 114–*
6 *94), \$2,210,000,000, to remain available until expended:*
7 *Provided, That of the sums appropriated under this heading*
8 *in this Act—*

9 (1) *\$1,772,900,000 shall be available for projects*
10 *authorized under section 5309(d) of title 49, United*
11 *States Code;*

12 (2) *\$100,000,000 shall be available for projects*
13 *authorized under section 5309(e) of title 49, United*
14 *States Code;*

15 (3) *\$215,000,000 shall be available for projects*
16 *authorized under section 5309(h) of title 49, United*
17 *States Code; and*

18 (4) *\$100,000,000 shall be available for projects*
19 *authorized under section 3005(b) of the Fixing Amer-*
20 *ica's Surface Transportation Act:*

21 *Provided further, That the Secretary shall continue to ad-*
22 *minister the capital investment grants program in accord-*
23 *ance with the procedural and substantive requirements of*
24 *section 5309 of title 49, United States Code, and of section*
25 *3005(b) of the Fixing America's Surface Transportation*

1639

1 *Act: Provided further, That projects that receive a grant*
2 *agreement under the Expedited Project Delivery for Capital*
3 *Investment Grants Pilot Program under section 3005(b) of*
4 *the Fixing America's Surface Transportation Act shall be*
5 *deemed eligible for funding provided for projects under sec-*
6 *tion 5309 of title 49, United States Code, without further*
7 *evaluation or rating under such section: Provided further,*
8 *That such funding shall not exceed the Federal share under*
9 *section 3005(b): Provided further, That upon submission to*
10 *the Congress of the fiscal year 2024 President's budget, the*
11 *Secretary of Transportation shall transmit to Congress the*
12 *annual report on capital investment grants, including pro-*
13 *posed allocations for fiscal year 2024.*

14 *GRANTS TO THE WASHINGTON METROPOLITAN AREA*

15 *TRANSIT AUTHORITY*

16 *For grants to the Washington Metropolitan Area Tran-*
17 *sit Authority as authorized under section 601 of division*
18 *B of the Passenger Rail Investment and Improvement Act*
19 *of 2008 (Public Law 110–432), \$150,000,000, to remain*
20 *available until expended: Provided, That the Secretary of*
21 *Transportation shall approve grants for capital and pre-*
22 *ventive maintenance expenditures for the Washington Met-*
23 *ropolitan Area Transit Authority only after receiving and*
24 *reviewing a request for each specific project: Provided fur-*
25 *ther, That the Secretary shall determine that the Wash-*

1640

1 *ington Metropolitan Area Transit Authority has placed the*
2 *highest priority on those investments that will improve the*
3 *safety of the system before approving such grants.*

4 *ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT*

5 *ADMINISTRATION*

6 *(INCLUDING RESCISSIONS)*

7 *SEC. 160. The limitations on obligations for the pro-*
8 *grams of the Federal Transit Administration shall not*
9 *apply to any authority under 49 U.S.C. 5338, previously*
10 *made available for obligation, or to any other authority pre-*
11 *viously made available for obligation.*

12 *SEC. 161. Notwithstanding any other provision of law,*
13 *funds appropriated or limited by this Act under the heading*
14 *“Capital Investment Grants” of the Federal Transit Ad-*
15 *ministration for projects specified in this Act not obligated*
16 *by September 30, 2026, and other recoveries, shall be di-*
17 *rected to projects eligible to use the funds for the purposes*
18 *for which they were originally provided.*

19 *SEC. 162. Notwithstanding any other provision of law,*
20 *any funds appropriated before October 1, 2022, under any*
21 *section of chapter 53 of title 49, United States Code, that*
22 *remain available for expenditure, may be transferred to and*
23 *administered under the most recent appropriation heading*
24 *for any such section.*

1641

1 *SEC. 163. None of the funds made available by this*
2 *Act or any other Act shall be used to adjust apportionments*
3 *or withhold funds from apportionments pursuant to section*
4 *9503(e)(4) of the Internal Revenue Code of 1986 (26 U.S.C.*
5 *9503(e)(4)).*

6 *SEC. 164. None of the funds made available by this*
7 *Act or any other Act shall be used to impede or hinder*
8 *project advancement or approval for any project seeking a*
9 *Federal contribution from the capital investment grants*
10 *program of greater than 40 percent of project costs as au-*
11 *thorized under section 5309 of title 49, United States Code.*

12 *SEC. 165. For an additional amount for “Department*
13 *of Transportation—Federal Transit Administration—Cap-*
14 *ital Investment Grants”, \$425,000,000, to remain available*
15 *until expended, for allocation to recipients with existing full*
16 *funding grant agreements under sections 5309(d) and*
17 *5309(e) of title 49, United States Code: Provided, That allo-*
18 *cations shall be made only to recipients—*

19 *(1) that have received allocations for fiscal year*
20 *2022 or that have expended 100 percent of the funds*
21 *allocated under section 3401(b)(4) of the American*
22 *Rescue Plan Act of 2021 (Public Law 117–2); and*
23 *(2) that have a non-capital investment grant*
24 *share of at least \$800,000,000 and either a capital in-*
25 *vestment grant share of 40 percent or less or signed*

1642

1 *a full funding grant agreement between January 20,*
2 *2017 and January 20, 2021; and*

3 *(3) that have expended at least 75 percent of the*
4 *allocations received under paragraph (4) of section*
5 *3401(b) of the American Rescue Plan Act of 2021*
6 *(Public Law 117–2) or expended at least 50 percent*
7 *of the Federal operating assistance allocations re-*
8 *ceived under section 5307 of title 49, United States*
9 *Code, in the Coronavirus Aid, Relief, and Economic*
10 *Security Act (Public Law 116–136), the Coronavirus*
11 *Response and Relief Supplemental Appropriations*
12 *Act, 2021 (division M of Public Law 116–260), or the*
13 *American Rescue Plan Act of 2021 (Public Law 117–*
14 *2):*

15 *Provided further, That recipients with projects open for rev-*
16 *enue service shall not be eligible to receive an allocation*
17 *of funding under this section: Provided further, That*
18 *amounts shall be provided to recipients proportionally*
19 *based on the non-capital investment grant share of the*
20 *project: Provided further, That no project may receive an*
21 *allocation of more than 15 percent of the total amount in*
22 *this section: Provided further, That the Secretary shall pro-*
23 *portionally distribute funds in excess of such 15 percent to*
24 *recipients for which the percent of funds does not exceed*
25 *15 percent: Provided further, That amounts allocated pur-*

1643

1 *suant to this section shall be provided to eligible recipients*
2 *notwithstanding the limitation of any calculation of the*
3 *maximum amount of Federal financial assistance for the*
4 *project under section 5309(k)(2)(C)(ii) of title 49, United*
5 *States Code: Provided further, That the Federal Transit Ad-*
6 *ministration shall allocate amounts under this section no*
7 *later than 30 days after the date of enactment of this Act.*

8 *SEC. 166. (a) The remaining unobligated balances, as*
9 *of September 30, 2023, from amounts made available to the*
10 *Department of Transportation in section 422 under title*
11 *IV of division L of the Consolidated Appropriations Act,*
12 *2022 (Public Law 117–103) are hereby rescinded, and an*
13 *amount of additional new budget authority equivalent to*
14 *the amount rescinded is hereby appropriated on September*
15 *30, 2023, for an additional amount for fiscal year 2023,*
16 *to remain available until September 30, 2025, and shall*
17 *be available for the same purposes and under the same au-*
18 *thorities for which such amounts were originally provided*
19 *in the Consolidated Appropriations Act, 2019 (Public Law*
20 *116–6).*

21 *(b) The remaining unobligated balances, as of Sep-*
22 *tember 30, 2023, from amounts made available to the De-*
23 *partment of Transportation under the heading “Federal*
24 *Transit Administration—Capital Investment Grants” in*
25 *division H of the Further Consolidated Appropriations Act,*

1644

1 2020 (Public Law 116–94) are hereby rescinded, and an
2 amount of additional new budget authority equivalent to
3 the amount rescinded is hereby appropriated on September
4 30, 2023, for an additional amount for fiscal year 2023,
5 to remain available until September 30, 2025, and shall
6 be available for the same purposes and under the same au-
7 thorities for which such amounts were originally provided
8 in Public Law 116–94.

9 SEC. 167. Any unexpended balances from amounts
10 previously appropriated for low or no emission vehicle com-
11 ponent assessment under 49 U.S.C. 5312(h) under the head-
12 ings “Transit Formula Grants” and “Transit Infrastruc-
13 ture Grants” in fiscal years 2021 and 2022 may be used
14 by the facilities selected for such vehicle component assess-
15 ment for capital projects in order to build new infrastruc-
16 ture and enhance existing facilities in order to expand com-
17 ponent testing capability, in accordance with the industry
18 stakeholder testing objectives and capabilities as outlined
19 through the work of the Federal Transit Administration
20 Transit Vehicle Innovation and Deployment Centers pro-
21 gram and included in the Center for Transportation and
22 the Environment report submitted to the Federal Transit
23 Administration for review.

1645

1 *GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT*
2 *CORPORATION*

3 *The Great Lakes St. Lawrence Seaway Development*
4 *Corporation is hereby authorized to make such expendi-*
5 *tures, within the limits of funds and borrowing authority*
6 *available to the Corporation, and in accord with law, and*
7 *to make such contracts and commitments without regard*
8 *to fiscal year limitations, as provided by section 9104 of*
9 *title 31, United States Code, as may be necessary in car-*
10 *rying out the programs set forth in the Corporation's budget*
11 *for the current fiscal year.*

12 *OPERATIONS AND MAINTENANCE*

13 *(HARBOR MAINTENANCE TRUST FUND)*

14 *For necessary expenses to conduct the operations,*
15 *maintenance, and capital infrastructure activities on por-*
16 *tions of the St. Lawrence Seaway owned, operated, and*
17 *maintained by the Great Lakes St. Lawrence Seaway De-*
18 *velopment Corporation, \$38,500,000, to be derived from the*
19 *Harbor Maintenance Trust Fund, pursuant to section 210*
20 *of the Water Resources Development Act of 1986 (33 U.S.C.*
21 *2238): Provided, That of the amounts made available under*
22 *this heading, not less than \$14,800,000 shall be for the sea-*
23 *way infrastructure program.*

1646

1 *MARITIME ADMINISTRATION*2 *MARITIME SECURITY PROGRAM*3 *(INCLUDING RESCISSION OF FUNDS)*

4 *For necessary expenses to maintain and preserve a*
5 *U.S.-flag merchant fleet as authorized under chapter 531*
6 *of title 46, United States Code, to serve the national security*
7 *needs of the United States, \$318,000,000, to remain avail-*
8 *able until expended: Provided, That of the unobligated bal-*
9 *ances from prior year appropriations available under this*
10 *heading, \$55,000,000 are hereby permanently rescinded.*

11 *CABLE SECURITY FLEET*

12 *For the cable security fleet program, as authorized*
13 *under chapter 532 of title 46, United States Code,*
14 *\$10,000,000, to remain available until expended.*

15 *TANKER SECURITY PROGRAM*

16 *For Tanker Security Fleet payments, as authorized*
17 *under section 53406 of title 46, United States Code,*
18 *\$60,000,000, to remain available until expended.*

19 *OPERATIONS AND TRAINING*

20 *For necessary expenses of operations and training ac-*
21 *tivities authorized by law, \$213,181,000: Provided, That of*
22 *the sums appropriated under this heading—*

23 *(1) \$87,848,000 shall remain available until*
24 *September 30, 2024, for the operations of the United*
25 *States Merchant Marine Academy;*

1647

1 (2) \$11,900,000 shall remain available until ex-
2 pended, for facilities maintenance and repair, and
3 equipment, at the United States Merchant Marine
4 Academy;

5 (3) \$31,921,000 shall remain available until ex-
6 pended, for capital improvements at the United
7 States Merchant Marine Academy;

8 (4) \$6,000,000 shall remain available until Sep-
9 tember 30, 2024, for the Maritime Environmental
10 and Technical Assistance program authorized under
11 section 50307 of title 46, United States Code; and

12 (5) \$10,000,000 shall remain available until ex-
13 pended, for the America's Marine Highway Program
14 to make grants for the purposes authorized under
15 paragraphs (1) and (3) of section 55601(b) of title 46,
16 United States Code:

17 *Provided further, That the Administrator of the Maritime*
18 *Administration shall transmit to the House and Senate*
19 *Committees on Appropriations the annual report on sexual*
20 *assault and sexual harassment at the United States Mer-*
21 *chant Marine Academy as required pursuant to section*
22 *3510 of the National Defense Authorization Act for fiscal*
23 *year 2017 (46 U.S.C. 51318): Provided further, That avail-*
24 *able balances under this heading for the Short Sea Trans-*
25 *portation Program (now known as the America's Marine*

1648

1 *Highway Program) from prior year recoveries shall be*
2 *available to carry out activities authorized under para-*
3 *graphs (1) and (3) of section 55601(b) of title 46, United*
4 *States Code.*

5 *STATE MARITIME ACADEMY OPERATIONS*

6 *For necessary expenses of operations, support, and*
7 *training activities for State Maritime Academies,*
8 *\$120,700,000: Provided, That of the sums appropriated*
9 *under this heading—*

10 *(1) \$30,500,000 shall remain available until ex-*
11 *pended, for maintenance, repair, life extension, insur-*
12 *ance, and capacity improvement of National Defense*
13 *Reserve Fleet training ships, and for support of train-*
14 *ing ship operations at the State Maritime Academies,*
15 *of which not more than \$8,000,000 shall be for ex-*
16 *penses related to training mariners, and for costs as-*
17 *sociated with training vessel sharing pursuant to sec-*
18 *tion 51504(g)(3) of title 46, United States Code, for*
19 *costs associated with mobilizing, operating and de-*
20 *mobilizing the vessel; travel costs for students, faculty*
21 *and crew; and the costs of the general agent, crew*
22 *costs, fuel, insurance, operational fees, and vessel hire*
23 *costs, as determined by the Secretary;*

24 *(2) \$75,000,000 shall remain available until ex-*
25 *pended, for the National Security Multi-Mission Ves-*

1649

1 *sel Program, including funds for construction, plan-*
2 *ning, administration, and design of school ships and,*
3 *as determined by the Secretary, necessary expenses to*
4 *design, plan, construct infrastructure, and purchase*
5 *equipment necessary to berth such ships;*

6 *(3) \$2,400,000 shall remain available until Sep-*
7 *tember 30, 2027, for the Student Incentive Program;*

8 *(4) \$6,800,000 shall remain available until ex-*
9 *pended, for training ship fuel assistance; and*

10 *(5) \$6,000,000 shall remain available until Sep-*
11 *tember 30, 2024, for direct payments for State Mari-*
12 *time Academies:*

13 *Provided further, That the Administrator of the Maritime*
14 *Administration may use the funds made available under*
15 *paragraph (2) and the funds provided for shoreside infra-*
16 *structure improvements in Public Law 117–103 for the pur-*
17 *poses described in paragraph (2): Provided further, That*
18 *such funds may be used to reimburse State Maritime Acad-*
19 *emies for costs incurred prior to the date of enactment of*
20 *this Act.*

21 *ASSISTANCE TO SMALL SHIPYARDS*

22 *To make grants to qualified shipyards as authorized*
23 *under section 54101 of title 46, United States Code,*
24 *\$20,000,000, to remain available until expended.*

1650

1 *SHIP DISPOSAL*2 *(INCLUDING RESCISSION OF FUNDS)*

3 *For necessary expenses related to the disposal of obso-*
4 *lete vessels in the National Defense Reserve Fleet of the Mar-*
5 *itime Administration, \$6,000,000, to remain available*
6 *until expended: Provided, That of the unobligated balances*
7 *from prior year appropriations made available under this*
8 *heading, \$12,000,000 are hereby permanently rescinded.*

9 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*10 *ACCOUNT*11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For administrative expenses to carry out the guaran-*
13 *teed loan program, \$3,000,000, which shall be transferred*
14 *to and merged with the appropriations for “Maritime Ad-*
15 *ministration—Operations and Training”.*

16 *PORT INFRASTRUCTURE DEVELOPMENT PROGRAM*

17 *To make grants to improve port facilities as authorized*
18 *under section 54301 of title 46, United States Code,*
19 *\$212,203,512, to remain available until expended: Pro-*
20 *vided, That projects eligible for amounts made available*
21 *under this heading in this Act shall be projects for coastal*
22 *seaports, inland river ports, or Great Lakes ports: Provided*
23 *further, That of the amounts made available under this*
24 *heading in this Act, not less than \$187,203,512 shall be for*
25 *coastal seaports or Great Lakes ports: Provided further,*

1651

1 *That the requirements under section 3501(a)(12) of the Na-*
2 *tional Defense Authorization Act for Fiscal Year 2022 (Pub-*
3 *lic Law 117–81) shall apply to amounts made available*
4 *under this heading in this Act: Provided further, That for*
5 *grants awarded under this heading in this Act, the min-*
6 *imum grant size shall be \$1,000,000: Provided further, That*
7 *for amounts made available under this heading in this Act,*
8 *the requirement under section 54301(a)(6)(A)(ii) of title 46,*
9 *United States Code, shall not apply to projects located in*
10 *noncontiguous States or territories.*

11 *ADMINISTRATIVE PROVISION—MARITIME ADMINISTRATION*

12 *SEC. 170. Notwithstanding any other provision of this*
13 *Act, in addition to any existing authority, the Maritime*
14 *Administration is authorized to furnish utilities and serv-*
15 *ices and make necessary repairs in connection with any*
16 *lease, contract, or occupancy involving Government prop-*
17 *erty under control of the Maritime Administration: Pro-*
18 *vided, That payments received therefor shall be credited to*
19 *the appropriation charged with the cost thereof and shall*
20 *remain available until expended: Provided further, That*
21 *rental payments under any such lease, contract, or occu-*
22 *pancy for items other than such utilities, services, or repairs*
23 *shall be deposited into the Treasury as miscellaneous re-*
24 *ceipts.*

1652

1 *PIPELINE AND HAZARDOUS MATERIALS SAFETY*2 *ADMINISTRATION*3 *OPERATIONAL EXPENSES*

4 *For necessary operational expenses of the Pipeline and*
5 *Hazardous Materials Safety Administration, \$29,936,000,*
6 *of which \$4,500,000 shall remain available until September*
7 *30, 2025.*

8 *HAZARDOUS MATERIALS SAFETY*

9 *For expenses necessary to discharge the hazardous ma-*
10 *terials safety functions of the Pipeline and Hazardous Ma-*
11 *terials Safety Administration, \$70,743,000, of which*
12 *\$12,070,000 shall remain available until September 30,*
13 *2025, of which \$1,000,000 shall be made available for car-*
14 *rying out section 5107(i) of title 49, United States Code:*
15 *Provided, That up to \$800,000 in fees collected under sec-*
16 *tion 5108(g) of title 49, United States Code, shall be depos-*
17 *ited in the general fund of the Treasury as offsetting re-*
18 *ceipts: Provided further, That there may be credited to this*
19 *appropriation, to be available until expended, funds re-*
20 *ceived from States, counties, municipalities, other public*
21 *authorities, and private sources for expenses incurred for*
22 *training, for reports publication and dissemination, and for*
23 *travel expenses incurred in performance of hazardous mate-*
24 *rials exemptions and approvals functions.*

1653

1 *PIPELINE SAFETY*2 *(PIPELINE SAFETY FUND)*3 *(OIL SPILL LIABILITY TRUST FUND)*

4 *For expenses necessary to carry out a pipeline safety*
5 *program, as authorized by section 60107 of title 49, United*
6 *States Code, and to discharge the pipeline program respon-*
7 *sibilities of the Oil Pollution Act of 1990 (Public Law 101–*
8 *380), \$190,385,000, to remain available until September*
9 *30, 2025, of which \$29,000,000 shall be derived from the*
10 *Oil Spill Liability Trust Fund; of which \$153,985,000 shall*
11 *be derived from the Pipeline Safety Fund; of which*
12 *\$400,000 shall be derived from the fees collected under sec-*
13 *tion 60303 of title 49, United States Code, and deposited*
14 *in the Liquefied Natural Gas Siting Account for compliance*
15 *reviews of liquefied natural gas facilities; and of which*
16 *\$7,000,000 shall be derived from fees collected under section*
17 *60302 of title 49, United States Code, and deposited in the*
18 *Underground Natural Gas Storage Facility Safety Account*
19 *for the purpose of carrying out section 60141 of title 49,*
20 *United States Code: Provided, That not less than*
21 *\$1,058,000 of the amounts made available under this head-*
22 *ing shall be for the One-Call State grant program: Provided*
23 *further, That any amounts made available under this head-*
24 *ing in this Act or in prior Acts for research contracts,*
25 *grants, cooperative agreements or research other trans-*

1654

1 *actions agreements (“OTAs”) shall require written notifica-*
2 *tion to the House and Senate Committees on Appropria-*
3 *tions not less than 3 full business days before such research*
4 *contracts, grants, cooperative agreements, or research OTAs*
5 *are announced by the Department of Transportation: Pro-*
6 *vided further, That the Secretary shall transmit to the*
7 *House and Senate Committees on Appropriations the report*
8 *on pipeline safety testing enhancement as required pursu-*
9 *ant to section 105 of the Protecting our Infrastructure of*
10 *Pipelines and Enhancing Safety Act of 2020 (division R*
11 *of Public Law 116–260): Provided further, That the Sec-*
12 *retary may obligate amounts made available under this*
13 *heading to engineer, erect, alter, and repair buildings or*
14 *make any other public improvements for research facilities*
15 *at the Transportation Technology Center after the Secretary*
16 *submits an updated research plan and the report in the pre-*
17 *ceding proviso to the House and Senate Committees on Ap-*
18 *propriations and after such plan and report in the pre-*
19 *ceding proviso are approved by the House and Senate Com-*
20 *mittees on Appropriations.*

21 *EMERGENCY PREPAREDNESS GRANTS*

22 *(LIMITATION ON OBLIGATIONS)*

23 *(EMERGENCY PREPAREDNESS FUND)*

24 *For expenses necessary to carry out the Emergency*
25 *Preparedness Grants program, not more than \$28,318,000*

1655

1 *shall remain available until September 30, 2025, from*
2 *amounts made available by section 5116(h) and subsections*
3 *(b) and (c) of section 5128 of title 49, United States Code:*
4 *Provided, That notwithstanding section 5116(h)(4) of title*
5 *49, United States Code, not more than 4 percent of the*
6 *amounts made available from this account shall be avail-*
7 *able to pay the administrative costs of carrying out sections*
8 *5116, 5107(e), and 5108(g)(2) of title 49, United States*
9 *Code: Provided further, That notwithstanding subsections*
10 *(b) and (c) of section 5128 of title 49, United States Code,*
11 *and the limitation on obligations provided under this head-*
12 *ing, prior year recoveries recognized in the current year*
13 *shall be available to develop and deliver hazardous mate-*
14 *rials emergency response training for emergency responders,*
15 *including response activities for the transportation of crude*
16 *oil, ethanol, flammable liquids, and other hazardous com-*
17 *modities by rail, consistent with National Fire Protection*
18 *Association standards, and to make such training available*
19 *through an electronic format: Provided further, That the*
20 *prior year recoveries made available under this heading*
21 *shall also be available to carry out sections 5116(a)(1)(C),*
22 *5116(h), 5116(i), 5116(j), and 5107(e) of title 49, United*
23 *States Code.*

1656

1 *OFFICE OF INSPECTOR GENERAL*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Office of Inspector Gen-*
4 *eral to carry out the provisions of the Inspector General*
5 *Act of 1978, as amended, \$108,073,000: Provided, That the*
6 *Inspector General shall have all necessary authority, in car-*
7 *rying out the duties specified in the Inspector General Act,*
8 *as amended (5 U.S.C. App.), to investigate allegations of*
9 *fraud, including false statements to the government (18*
10 *U.S.C. 1001), by any person or entity that is subject to*
11 *regulation by the Department of Transportation.*

12 *GENERAL PROVISIONS—DEPARTMENT OF*13 *TRANSPORTATION*

14 *SEC. 180. (a) During the current fiscal year, applica-*
15 *ble appropriations to the Department of Transportation*
16 *shall be available for maintenance and operation of air-*
17 *craft; hire of passenger motor vehicles and aircraft; pur-*
18 *chase of liability insurance for motor vehicles operating in*
19 *foreign countries on official department business; and uni-*
20 *forms or allowances therefor, as authorized by sections 5901*
21 *and 5902 of title 5, United States Code.*

22 *(b) During the current fiscal year, applicable appro-*
23 *priations to the Department and its operating administra-*
24 *tions shall be available for the purchase, maintenance, oper-*
25 *ation, and deployment of unmanned aircraft systems that*

1657

1 *advance the missions of the Department of Transportation*
2 *or an operating administration of the Department of*
3 *Transportation.*

4 *(c) Any unmanned aircraft system purchased, pro-*
5 *cured, or contracted for by the Department prior to the date*
6 *of enactment of this Act shall be deemed authorized by Con-*
7 *gress as if this provision was in effect when the system was*
8 *purchased, procured, or contracted for.*

9 *SEC. 181. Appropriations contained in this Act for the*
10 *Department of Transportation shall be available for services*
11 *as authorized by section 3109 of title 5, United States Code,*
12 *but at rates for individuals not to exceed the per diem rate*
13 *equivalent to the rate for an Executive Level IV.*

14 *SEC. 182. (a) No recipient of amounts made available*
15 *by this Act shall disseminate personal information (as de-*
16 *finied in section 2725(3) of title 18, United States Code)*
17 *obtained by a State department of motor vehicles in connec-*
18 *tion with a motor vehicle record as defined in section*
19 *2725(1) of title 18, United States Code, except as provided*
20 *in section 2721 of title 18, United States Code, for a use*
21 *permitted under section 2721 of title 18, United States*
22 *Code.*

23 *(b) Notwithstanding subsection (a), the Secretary shall*
24 *not withhold amounts made available by this Act for any*
25 *grantee if a State is in noncompliance with this provision.*

1658

1 *SEC. 183. None of the funds made available by this*
2 *Act shall be available for salaries and expenses of more than*
3 *125 political and Presidential appointees in the Depart-*
4 *ment of Transportation: Provided, That none of the per-*
5 *sonnel covered by this provision may be assigned on tem-*
6 *porary detail outside the Department of Transportation.*

7 *SEC. 184. Funds received by the Federal Highway Ad-*
8 *ministration and Federal Railroad Administration from*
9 *States, counties, municipalities, other public authorities,*
10 *and private sources for expenses incurred for training may*
11 *be credited respectively to the Federal Highway Adminis-*
12 *tration's "Federal-Aid Highways" account and to the Fed-*
13 *eral Railroad Administration's "Safety and Operations"*
14 *account, except for State rail safety inspectors participating*
15 *in training pursuant to section 20105 of title 49, United*
16 *States Code.*

17 *SEC. 185. None of the funds made available by this*
18 *Act or in title VIII of division J of Public Law 117-58*
19 *to the Department of Transportation may be used to make*
20 *a loan, loan guarantee, line of credit, letter of intent, feder-*
21 *ally funded cooperative agreement, full funding grant agree-*
22 *ment, or discretionary grant unless the Secretary of Trans-*
23 *portation notifies the House and Senate Committees on Ap-*
24 *propriations not less than 3 full business days before any*
25 *project competitively selected to receive any discretionary*

1659

1 *grant award, letter of intent, loan commitment, loan guar-*
2 *antee commitment, line of credit commitment, federally*
3 *funded cooperative agreement, or full funding grant agree-*
4 *ment is announced by the Department or its operating ad-*
5 *ministrations: Provided, That the Secretary of Transpor-*
6 *tation shall provide the House and Senate Committees on*
7 *Appropriations with a comprehensive list of all such loans,*
8 *loan guarantees, lines of credit, letters of intent, federally*
9 *funded cooperative agreements, full funding grant agree-*
10 *ments, and discretionary grants prior to the notification*
11 *required under the preceding proviso: Provided further,*
12 *That the Secretary gives concurrent notification to the*
13 *House and Senate Committees on Appropriations for any*
14 *“quick release” of funds from the emergency relief program:*
15 *Provided further, That no notification shall involve funds*
16 *that are not available for obligation.*

17 *SEC. 186. Rebates, refunds, incentive payments, minor*
18 *fees, and other funds received by the Department of Trans-*
19 *portation from travel management centers, charge card pro-*
20 *grams, the subleasing of building space, and miscellaneous*
21 *sources are to be credited to appropriations of the Depart-*
22 *ment of Transportation and allocated to organizational*
23 *units of the Department of Transportation using fair and*
24 *equitable criteria and such funds shall be available until*
25 *expended.*

1660

1 *SEC. 187. Notwithstanding any other provision of law,*
2 *if any funds provided by or limited by this Act are subject*
3 *to a reprogramming action that requires notice to be pro-*
4 *vided to the House and Senate Committees on Appropria-*
5 *tions, transmission of such reprogramming notice shall be*
6 *provided solely to the House and Senate Committees on Ap-*
7 *propriations, and such reprogramming action shall be ap-*
8 *proved or denied solely by the House and Senate Commit-*
9 *tees on Appropriations: Provided, That the Secretary of*
10 *Transportation may provide notice to other congressional*
11 *committees of the action of the House and Senate Commit-*
12 *tees on Appropriations on such reprogramming but not*
13 *sooner than 30 days after the date on which the reprogram-*
14 *ming action has been approved or denied by the House and*
15 *Senate Committees on Appropriations.*

16 *SEC. 188. Funds appropriated by this Act to the oper-*
17 *ating administrations may be obligated for the Office of the*
18 *Secretary for the costs related to assessments or reimburs-*
19 *able agreements only when such amounts are for the costs*
20 *of goods and services that are purchased to provide a direct*
21 *benefit to the applicable operating administration or ad-*
22 *ministrations.*

23 *SEC. 189. The Secretary of Transportation is author-*
24 *ized to carry out a program that establishes uniform stand-*
25 *ards for developing and supporting agency transit pass and*

1661

1 *transit benefits authorized under section 7905 of title 5,*
2 *United States Code, including distribution of transit bene-*
3 *fits by various paper and electronic media.*

4 *SEC. 190. The Department of Transportation may use*
5 *funds provided by this Act, or any other Act, to assist a*
6 *contract under title 49 or 23 of the United States Code uti-*
7 *lizing geographic, economic, or any other hiring preference*
8 *not otherwise authorized by law, or to amend a rule, regula-*
9 *tion, policy or other measure that forbids a recipient of a*
10 *Federal Highway Administration or Federal Transit Ad-*
11 *ministration grant from imposing such hiring preference*
12 *on a contract or construction project with which the De-*
13 *partment of Transportation is assisting, only if the grant*
14 *recipient certifies the following:*

15 *(1) that except with respect to apprentices or*
16 *trainees, a pool of readily available but unemployed*
17 *individuals possessing the knowledge, skill, and abil-*
18 *ity to perform the work that the contract requires re-*
19 *sides in the jurisdiction;*

20 *(2) that the grant recipient will include appro-*
21 *priate provisions in its bid document ensuring that*
22 *the contractor does not displace any of its existing*
23 *employees in order to satisfy such hiring preference;*
24 *and*

1662

1 *(3) that any increase in the cost of labor, train-*
2 *ing, or delays resulting from the use of such hiring*
3 *preference does not delay or displace any transpor-*
4 *tation project in the applicable Statewide Transpor-*
5 *tation Improvement Program or Transportation Im-*
6 *provement Program.*

7 *SEC. 191. The Secretary of Transportation shall co-*
8 *ordinate with the Secretary of Homeland Security to ensure*
9 *that best practices for Industrial Control Systems Procure-*
10 *ment are up-to-date and shall ensure that systems procured*
11 *with funds provided under this title were procured using*
12 *such practices.*

13 *This title may be cited as the “Department of Trans-*
14 *portation Appropriations Act, 2023”.*

1663

1 *TITLE II*
2 *DEPARTMENT OF HOUSING AND URBAN*
3 *DEVELOPMENT*
4 *MANAGEMENT AND ADMINISTRATION*
5 *EXECUTIVE OFFICES*

6 *For necessary salaries and expenses for Executive Of-*
7 *fices, which shall be comprised of the offices of the Secretary,*
8 *Deputy Secretary, Adjudicatory Services, Congressional*
9 *and Intergovernmental Relations, Public Affairs, Small*
10 *and Disadvantaged Business Utilization, and the Center for*
11 *Faith-Based and Neighborhood Partnerships, \$18,500,000,*
12 *to remain available until September 30, 2024: Provided,*
13 *That not to exceed \$25,000 of the amount made available*
14 *under this heading shall be available to the Secretary of*
15 *Housing and Urban Development (referred to in this title*
16 *as “the Secretary”) for official reception and representation*
17 *expenses as the Secretary may determine.*

18 *ADMINISTRATIVE SUPPORT OFFICES*
19 *For necessary salaries and expenses for Administrative*
20 *Support Offices, \$659,600,000, to remain available until*
21 *September 30, 2024: Provided, That of the sums appro-*
22 *priated under this heading—*
23 *(1) \$90,000,000 shall be available for the Office*
24 *of the Chief Financial Officer;*

1664

1 (2) \$125,000,000 shall be available for the Office
2 of the General Counsel, of which not less than
3 \$20,300,000 shall be for the Departmental Enforcement
4 Center;

5 (3) \$225,000,000 shall be available for the Office
6 of Administration, of which not less than \$3,500,000
7 may be for modernization and deferred maintenance
8 of the Weaver Building;

9 (4) \$51,500,000 shall be available for the Office
10 of the Chief Human Capital Officer;

11 (5) \$28,000,000 shall be available for the Office
12 of the Chief Procurement Officer;

13 (6) \$65,500,000 shall be available for the Office
14 of Field Policy and Management;

15 (7) \$4,600,000 shall be available for the Office of
16 Departmental Equal Employment Opportunity; and

17 (8) \$70,000,000 shall be available for the Office
18 of the Chief Information Officer:

19 *Provided further, That funds made available under this*
20 *heading may be used for necessary administrative and non-*
21 *administrative expenses of the Department, not otherwise*
22 *provided for, including purchase of uniforms, or allowances*
23 *therefor, as authorized by sections 5901 and 5902 of title*
24 *5, United States Code; hire of passenger motor vehicles; and*
25 *services as authorized by section 3109 of title 5, United*

1665

1 *States Code: Provided further, That notwithstanding any*
2 *other provision of law, funds appropriated under this head-*
3 *ing may be used for advertising and promotional activities*
4 *that directly support program activities funded in this title:*
5 *Provided further, That the Secretary shall provide the*
6 *House and Senate Committees on Appropriations quarterly*
7 *written notification regarding the status of pending con-*
8 *gressional reports: Provided further, That the Secretary*
9 *shall provide in electronic form all signed reports required*
10 *by Congress.*

11 *PROGRAM OFFICES*

12 *For necessary salaries and expenses for Program Of-*
13 *fices, \$1,054,300,000, to remain available until September*
14 *30, 2024: Provided, That of the sums appropriated under*
15 *this heading—*

16 *(1) \$278,200,000 shall be available for the Office*
17 *of Public and Indian Housing;*

18 *(2) \$163,400,000 shall be available for the Office*
19 *of Community Planning and Development;*

20 *(3) \$465,000,000 shall be available for the Office*
21 *of Housing, of which not less than \$13,300,000 shall*
22 *be for the Office of Recapitalization;*

23 *(4) \$39,600,000 shall be available for the Office*
24 *of Policy Development and Research;*

1666

1 (5) \$97,000,000 shall be available for the Office
2 of Fair Housing and Equal Opportunity; and

3 (6) \$11,100,000 shall be available for the Office
4 of Lead Hazard Control and Healthy Homes.

5 WORKING CAPITAL FUND

6 (INCLUDING TRANSFER OF FUNDS)

7 For the working capital fund for the Department of
8 Housing and Urban Development (referred to in this para-
9 graph as the “Fund”), pursuant, in part, to section 7(f)
10 of the Department of Housing and Urban Development Act
11 (42 U.S.C. 3535(f)), amounts transferred, including reim-
12 bursements pursuant to section 7(f), to the Fund under this
13 heading shall be available only for Federal shared services
14 used by offices and agencies of the Department, and for any
15 such portion of any office or agency’s printing, records
16 management, space renovation, furniture, or supply serv-
17 ices the Secretary has determined shall be provided through
18 the Fund, and the operational expenses of the Fund: Pro-
19 vided, That amounts within the Fund shall not be available
20 to provide services not specifically authorized under this
21 heading: Provided further, That upon a determination by
22 the Secretary that any other service (or portion thereof) au-
23 thorized under this heading shall be provided through the
24 Fund, amounts made available in this title for salaries and
25 expenses under the headings “Executive Offices”, “Adminis-

1667

1 *trative Support Offices”, “Program Offices”, and “Govern-*
2 *ment National Mortgage Association”, for such services*
3 *shall be transferred to the Fund, to remain available until*
4 *expended: Provided further, That the Secretary shall notify*
5 *the House and Senate Committees on Appropriations of its*
6 *plans for executing such transfers at least 15 days in ad-*
7 *vance of such transfers.*

8 *PUBLIC AND INDIAN HOUSING*

9 *TENANT-BASED RENTAL ASSISTANCE*

10 *For activities and assistance for the provision of ten-*
11 *ant-based rental assistance authorized under the United*
12 *States Housing Act of 1937, as amended (42 U.S.C. 1437*
13 *et seq.) (in this title “the Act”), not otherwise provided for,*
14 *\$23,599,532,000, to remain available until expended, which*
15 *shall be available on October 1, 2022 (in addition to the*
16 *\$4,000,000,000 previously appropriated under this heading*
17 *that shall be available on October 1, 2022), and*
18 *\$4,000,000,000, to remain available until expended, which*
19 *shall be available on October 1, 2023: Provided, That of the*
20 *sums appropriated under this heading—*

21 *(1) \$23,748,420,000 shall be available for renew-*
22 *als of expiring section 8 tenant-based annual con-*
23 *tributions contracts (including renewals of enhanced*
24 *vouchers under any provision of law authorizing such*
25 *assistance under section 8(t) of the Act) and includ-*

1668

1 *ing renewal of other special purpose incremental*
2 *vouchers: Provided, That notwithstanding any other*
3 *provision of law, from amounts provided under this*
4 *paragraph and any carryover, the Secretary for the*
5 *calendar year 2023 funding cycle shall provide re-*
6 *newal funding for each public housing agency based*
7 *on validated voucher management system (VMS) leas-*
8 *ing and cost data for the prior calendar year and by*
9 *applying an inflation factor as established by the Sec-*
10 *retary, by notice published in the Federal Register,*
11 *and by making any necessary adjustments for the*
12 *costs associated with the first-time renewal of vouch-*
13 *ers under this paragraph including tenant protection*
14 *and Choice Neighborhoods vouchers: Provided further,*
15 *That none of the funds provided under this paragraph*
16 *may be used to fund a total number of unit months*
17 *under lease which exceeds a public housing agency's*
18 *authorized level of units under contract, except for*
19 *public housing agencies participating in the Moving*
20 *to Work (MTW) demonstration, which are instead*
21 *governed in accordance with the requirements of the*
22 *MTW demonstration program or their MTW agree-*
23 *ments, if any: Provided further, That the Secretary*
24 *shall, to the extent necessary to stay within the*
25 *amount specified under this paragraph (except as oth-*

1669

1 *erwise modified under this paragraph), prorate each*
2 *public housing agency's allocation otherwise estab-*
3 *lished pursuant to this paragraph: Provided further,*
4 *That except as provided in the following provisos, the*
5 *entire amount specified under this paragraph (except*
6 *as otherwise modified under this paragraph) shall be*
7 *obligated to the public housing agencies based on the*
8 *allocation and pro rata method described above, and*
9 *the Secretary shall notify public housing agencies of*
10 *their annual budget by the latter of 60 days after en-*
11 *actment of this Act or March 1, 2023: Provided fur-*
12 *ther, That the Secretary may extend the notification*
13 *period with the prior written approval of the House*
14 *and Senate Committees on Appropriations: Provided*
15 *further, That public housing agencies participating in*
16 *the MTW demonstration shall be funded in accord-*
17 *ance with the requirements of the MTW demonstra-*
18 *tion program or their MTW agreements, if any, and*
19 *shall be subject to the same pro rata adjustments*
20 *under the preceding provisos: Provided further, That*
21 *the Secretary may offset public housing agencies' cal-*
22 *endar year 2023 allocations based on the excess*
23 *amounts of public housing agencies' net restricted as-*
24 *sets accounts, including HUD-held programmatic re-*
25 *serves (in accordance with VMS data in calendar*

1670

1 *year 2022 that is verifiable and complete), as deter-*
2 *mined by the Secretary: Provided further, That public*
3 *housing agencies participating in the MTW dem-*
4 *onstration shall also be subject to the offset, as deter-*
5 *mined by the Secretary, excluding amounts subject to*
6 *the single fund budget authority provisions of their*
7 *MTW agreements, from the agencies' calendar year*
8 *2023 MTW funding allocation: Provided further, That*
9 *the Secretary shall use any offset referred to in the*
10 *preceding two provisos throughout the calendar year*
11 *to prevent the termination of rental assistance for*
12 *families as the result of insufficient funding, as deter-*
13 *mined by the Secretary, and to avoid or reduce the*
14 *proration of renewal funding allocations: Provided*
15 *further, That up to \$200,000,000 shall be available*
16 *only:*

17 *(A) for adjustments in the allocations for*
18 *public housing agencies, after application for an*
19 *adjustment by a public housing agency that ex-*
20 *perienced a significant increase, as determined*
21 *by the Secretary, in renewal costs of vouchers re-*
22 *sulting from unforeseen circumstances or from*
23 *portability under section 8(r) of the Act;*

24 *(B) for vouchers that were not in use during*
25 *the previous 12-month period in order to be*

1671

1 *available to meet a commitment pursuant to sec-*
2 *tion 8(o)(13) of the Act, or an adjustment for a*
3 *funding obligation not yet expended in the pre-*
4 *vious calendar year for a MTW-eligible activity*
5 *to develop affordable housing for an agency*
6 *added to the MTW demonstration under the ex-*
7 *pansion authority provided in section 239 of the*
8 *Transportation, Housing and Urban Develop-*
9 *ment, and Related Agencies Appropriations Act,*
10 *2016 (division L of Public Law 114–113);*

11 *(C) for adjustments for costs associated with*
12 *HUD–Veterans Affairs Supportive Housing*
13 *(HUD–VASH) vouchers;*

14 *(D) for public housing agencies that despite*
15 *taking reasonable cost savings measures, as de-*
16 *termined by the Secretary, would otherwise be*
17 *required to terminate rental assistance for fami-*
18 *lies as a result of insufficient funding;*

19 *(E) for adjustments in the allocations for*
20 *public housing agencies that—*

21 *(i) are leasing a lower-than-average*
22 *percentage of their authorized vouchers,*

23 *(ii) have low amounts of budget au-*
24 *thority in their net restricted assets ac-*

1672

1 *counts and HUD-held programmatic re-*
2 *serves, relative to other agencies, and*

3 *(iii) are not participating in the Mov-*
4 *ing to Work demonstration, to enable such*
5 *agencies to lease more vouchers;*

6 *(F) for withheld payments in accordance*
7 *with section 8(o)(8)(A)(ii) of the Act for months*
8 *in the previous calendar year that were subse-*
9 *quently paid by the public housing agency after*
10 *the agency's actual costs were validated; and*

11 *(G) for public housing agencies that have*
12 *experienced increased costs or loss of units in an*
13 *area for which the President declared a disaster*
14 *under title IV of the Robert T. Stafford Disaster*
15 *Relief and Emergency Assistance Act (42 U.S.C.*
16 *5170 et seq.):*

17 *Provided further, That the Secretary shall allocate*
18 *amounts under the preceding proviso based on need,*
19 *as determined by the Secretary;*

20 *(2) \$337,000,000 shall be available for section 8*
21 *rental assistance for relocation and replacement of*
22 *housing units that are demolished or disposed of pur-*
23 *suant to section 18 of the Act, conversion of section*
24 *23 projects to assistance under section 8, relocation of*
25 *witnesses (including victims of violent crimes) in con-*

1673

1 *nection with efforts to combat crime in public and as-*
2 *sisted housing pursuant to a request from a law en-*
3 *forcement or prosecution agency, enhanced vouchers*
4 *under any provision of law authorizing such assist-*
5 *ance under section 8(t) of the Act, Choice Neighbor-*
6 *hood vouchers, mandatory and voluntary conversions,*
7 *and tenant protection assistance including replace-*
8 *ment and relocation assistance or for project-based as-*
9 *sistance to prevent the displacement of unassisted el-*
10 *derly tenants currently residing in section 202 prop-*
11 *erties financed between 1959 and 1974 that are refi-*
12 *nanced pursuant to Public Law 106–569, as amend-*
13 *ed, or under the authority as provided under this Act:*
14 *Provided, That when a public housing development is*
15 *submitted for demolition or disposition under section*
16 *18 of the Act, the Secretary may provide section 8*
17 *rental assistance when the units pose an imminent*
18 *health and safety risk to residents: Provided further,*
19 *That the Secretary may provide section 8 rental as-*
20 *sistance from amounts made available under this*
21 *paragraph for units assisted under a project-based*
22 *subsidy contract funded under the “Project-Based*
23 *Rental Assistance” heading under this title where the*
24 *owner has received a Notice of Default and the units*
25 *pose an imminent health and safety risk to residents:*

1674

1 *Provided further, That of the amounts made available*
2 *under this paragraph, no less than \$5,000,000 may be*
3 *available to provide tenant protection assistance, not*
4 *otherwise provided under this paragraph, to residents*
5 *residing in low vacancy areas and who may have to*
6 *pay rents greater than 30 percent of household in-*
7 *come, as the result of: (A) the maturity of a HUD-*
8 *insured, HUD-held or section 202 loan that requires*
9 *the permission of the Secretary prior to loan prepay-*
10 *ment; (B) the expiration of a rental assistance con-*
11 *tract for which the tenants are not eligible for en-*
12 *hanced voucher or tenant protection assistance under*
13 *existing law; or (C) the expiration of affordability re-*
14 *strictions accompanying a mortgage or preservation*
15 *program administered by the Secretary: Provided fur-*
16 *ther, That such tenant protection assistance made*
17 *available under the preceding proviso may be pro-*
18 *vided under the authority of section 8(t) or section*
19 *8(o)(13) of the Act: Provided further, That any tenant*
20 *protection voucher made available from amounts*
21 *under this paragraph shall not be reissued by any*
22 *public housing agency, except the replacement vouch-*
23 *ers as defined by the Secretary by notice, when the*
24 *initial family that received any such voucher no*
25 *longer receives such voucher, and the authority for*

1675

1 *any public housing agency to issue any such voucher*
2 *shall cease to exist: Provided further, That the Sec-*
3 *retary may only provide replacement vouchers for*
4 *units that were occupied within the previous 24*
5 *months that cease to be available as assisted housing,*
6 *subject only to the availability of funds;*

7 *(3) \$2,777,612,000 shall be available for admin-*
8 *istrative and other expenses of public housing agencies*
9 *in administering the section 8 tenant-based rental as-*
10 *stance program, of which up to \$30,000,000 shall be*
11 *available to the Secretary to allocate to public hous-*
12 *ing agencies that need additional funds to administer*
13 *their section 8 programs, including fees associated*
14 *with section 8 tenant protection rental assistance, the*
15 *administration of disaster related vouchers, HUD-*
16 *VASH vouchers, and other special purpose incre-*
17 *mental vouchers: Provided, That no less than*
18 *\$2,747,612,000 of the amount provided in this para-*
19 *graph shall be allocated to public housing agencies for*
20 *the calendar year 2023 funding cycle based on section*
21 *8(q) of the Act (and related Appropriation Act provi-*
22 *sions) as in effect immediately before the enactment*
23 *of the Quality Housing and Work Responsibility Act*
24 *of 1998 (Public Law 105–276): Provided further,*
25 *That if the amounts made available under this para-*

1676

1 *graph are insufficient to pay the amounts determined*
2 *under the preceding proviso, the Secretary may de-*
3 *crease the amounts allocated to agencies by a uniform*
4 *percentage applicable to all agencies receiving fund-*
5 *ing under this paragraph or may, to the extent nec-*
6 *essary to provide full payment of amounts determined*
7 *under the preceding proviso, utilize unobligated bal-*
8 *ances, including recaptures and carryover, remaining*
9 *from funds appropriated to the Department of Hous-*
10 *ing and Urban Development under this heading from*
11 *prior fiscal years, excluding special purpose vouchers,*
12 *notwithstanding the purposes for which such amounts*
13 *were appropriated: Provided further, That all public*
14 *housing agencies participating in the MTW dem-*
15 *onstration shall be funded in accordance with the re-*
16 *quirements of the MTW demonstration program or*
17 *their MTW agreements, if any, and shall be subject to*
18 *the same uniform percentage decrease as under the*
19 *preceding proviso: Provided further, That amounts*
20 *provided under this paragraph shall be only for ac-*
21 *tivities related to the provision of tenant-based rental*
22 *assistance authorized under section 8, including re-*
23 *lated development activities;*
24 *(4) \$606,500,000 shall be available for the re-*
25 *newal of tenant-based assistance contracts under sec-*

1677

1 *tion 811 of the Cranston-Gonzalez National Affordable*
2 *Housing Act (42 U.S.C. 8013), including necessary*
3 *administrative expenses: Provided, That administra-*
4 *tive and other expenses of public housing agencies in*
5 *administering the special purpose vouchers in this*
6 *paragraph shall be funded under the same terms and*
7 *be subject to the same pro rata reduction as the per-*
8 *cent decrease for administrative and other expenses to*
9 *public housing agencies under paragraph (3) of this*
10 *heading: Provided further, That up to \$10,000,000*
11 *shall be available only—*

12 *(A) for adjustments in the allocation for*
13 *public housing agencies, after applications for an*
14 *adjustment by a public housing agency that ex-*
15 *perienced a significant increase, as determined*
16 *by the Secretary, in Mainstream renewal costs*
17 *resulting from unforeseen circumstances; and*

18 *(B) for public housing agencies that despite*
19 *taking reasonable cost savings measures, as de-*
20 *termined by the Secretary, would otherwise be*
21 *required to terminate the rental assistance for*
22 *Mainstream families as a result of insufficient*
23 *funding:*

24 *Provided further, That the Secretary shall allocate*
25 *amounts under the preceding proviso based on need,*

1678

1 *as determined by the Secretary: Provided further,*
2 *That upon turnover, section 811 special purpose*
3 *vouchers funded under this heading in this or prior*
4 *Acts, or under any other heading in prior Acts, shall*
5 *be provided to non-elderly persons with disabilities;*

6 *(5) Of the amounts provided under paragraph*
7 *(1), up to \$7,500,000 shall be available for rental as-*
8 *sistance and associated administrative fees for Tribal*
9 *HUD–VASH to serve Native American veterans that*
10 *are homeless or at-risk of homelessness living on or*
11 *near a reservation or other Indian areas: Provided,*
12 *That such amount shall be made available for renewal*
13 *grants to recipients that received assistance under*
14 *prior Acts under the Tribal HUD–VASH program:*
15 *Provided further, That the Secretary shall be author-*
16 *ized to specify criteria for renewal grants, including*
17 *data on the utilization of assistance reported by grant*
18 *recipients: Provided further, That such assistance*
19 *shall be administered in accordance with program re-*
20 *quirements under the Native American Housing As-*
21 *sistance and Self-Determination Act of 1996 and*
22 *modeled after the HUD–VASH program: Provided*
23 *further, That the Secretary shall be authorized to*
24 *waive, or specify alternative requirements for any*
25 *provision of any statute or regulation that the Sec-*

1679

1 *retary administers in connection with the use of*
2 *funds made available under this paragraph (except*
3 *for requirements related to fair housing, non-*
4 *discrimination, labor standards, and the environ-*
5 *ment), upon a finding by the Secretary that any such*
6 *waivers or alternative requirements are necessary for*
7 *the effective delivery and administration of such as-*
8 *stance: Provided further, That grant recipients shall*
9 *report to the Secretary on utilization of such rental*
10 *assistance and other program data, as prescribed by*
11 *the Secretary: Provided further, That the Secretary*
12 *may reallocate, as determined by the Secretary,*
13 *amounts returned or recaptured from awards under*
14 *the Tribal HUD–VASH program under prior Acts to*
15 *existing recipients under the Tribal HUD–VASH*
16 *program;*

17 (6) \$50,000,000 shall be available for incre-
18 *mental rental voucher assistance for use through a*
19 *supported housing program administered in conjunc-*
20 *tion with the Department of Veterans Affairs as au-*
21 *thorized under section 8(o)(19) of the United States*
22 *Housing Act of 1937: Provided, That the Secretary of*
23 *Housing and Urban Development shall make such*
24 *funding available, notwithstanding section 203 (com-*
25 *petition provision) of this title, to public housing*

† HR 2617 EAS2

1680

1 *agencies that partner with eligible VA Medical Cen-*
2 *ters or other entities as designated by the Secretary*
3 *of the Department of Veterans Affairs, based on geo-*
4 *graphical need for such assistance as identified by the*
5 *Secretary of the Department of Veterans Affairs, pub-*
6 *lic housing agency administrative performance, and*
7 *other factors as specified by the Secretary of Housing*
8 *and Urban Development in consultation with the Sec-*
9 *retary of the Department of Veterans Affairs: Pro-*
10 *vided further, That the Secretary of Housing and*
11 *Urban Development may waive, or specify alternative*
12 *requirements for (in consultation with the Secretary*
13 *of the Department of Veterans Affairs), any provision*
14 *of any statute or regulation that the Secretary of*
15 *Housing and Urban Development administers in con-*
16 *nection with the use of funds made available under*
17 *this paragraph (except for requirements related to*
18 *fair housing, nondiscrimination, labor standards, and*
19 *the environment), upon a finding by the Secretary*
20 *that any such waivers or alternative requirements are*
21 *necessary for the effective delivery and administration*
22 *of such voucher assistance: Provided further, That as-*
23 *stance made available under this paragraph shall*
24 *continue to remain available for homeless veterans*
25 *upon turn-over: Provided further, That of the total*

1681

1 *amount made available under this paragraph, up to*
2 *\$10,000,000 may be for additional fees established by*
3 *and allocated pursuant to a method determined by the*
4 *Secretary for administrative and other expenses (in-*
5 *cluding those eligible activities defined by notice to fa-*
6 *cilitate leasing, such as security deposit assistance*
7 *and costs related to the retention and support of par-*
8 *ticipating owners) of public housing agencies in ad-*
9 *ministering HUD–VASH vouchers;*

10 *(7) \$30,000,000 shall be available for the family*
11 *unification program as authorized under section 8(x)*
12 *of the Act: Provided, That the amounts made avail-*
13 *able under this paragraph are provided as follows:*

14 *(A) \$5,000,000 shall be available for new*
15 *incremental voucher assistance: Provided, That*
16 *the assistance made available under this sub-*
17 *paragraph shall continue to remain available for*
18 *family unification upon turnover; and*

19 *(B) \$25,000,000 shall be available for new*
20 *incremental voucher assistance to assist eligible*
21 *youth as defined by such section 8(x)(2)(B) of*
22 *the Act: Provided, That assistance made avail-*
23 *able under this subparagraph shall continue to*
24 *remain available for such eligible youth upon*
25 *turnover: Provided further, That of the total*

1682

1 *amount made available under this subpara-*
2 *graph, up to \$15,000,000 shall be available on a*
3 *noncompetitive basis to public housing agencies*
4 *that partner with public child welfare agencies*
5 *to identify such eligible youth, that request such*
6 *assistance to timely assist such eligible youth,*
7 *and that meet any other criteria as specified by*
8 *the Secretary: Provided further, That the Sec-*
9 *retary shall review utilization of the assistance*
10 *made available under the preceding proviso, at*
11 *an interval to be determined by the Secretary,*
12 *and unutilized voucher assistance that is no*
13 *longer needed shall be recaptured by the Sec-*
14 *retary and reallocated pursuant to the preceding*
15 *proviso:*

16 *Provided further, That for any public housing agency*
17 *administering voucher assistance appropriated in a*
18 *prior Act under the family unification program, or*
19 *made available and competitively selected under this*
20 *paragraph, that determines that it no longer has an*
21 *identified need for such assistance upon turnover,*
22 *such agency shall notify the Secretary, and the Sec-*
23 *retary shall recapture such assistance from the agency*
24 *and reallocate it to any other public housing agency*
25 *or agencies based on need for voucher assistance in*

† HR 2617 EAS2

1683

1 *connection with such specified program or eligible*
2 *youth, as applicable;*

3 *(8) \$50,000,000 shall be available for new incre-*
4 *mental voucher assistance under section 8(o) of the*
5 *Act to be allocated pursuant to a method, as deter-*
6 *mined by the Secretary, which may include a formula*
7 *that may include such factors as severe cost burden,*
8 *overcrowding, substandard housing for very low-in-*
9 *come renters, homelessness, and administrative capac-*
10 *ity, where such allocation method shall include both*
11 *rural and urban areas: Provided, That the Secretary*
12 *may specify additional terms and conditions to en-*
13 *sure that public housing agencies provide vouchers for*
14 *use by survivors of domestic violence, or individuals*
15 *and families who are homeless, as defined in section*
16 *103(a) of the McKinney-Vento Homeless Assistance*
17 *Act (42 U.S.C. 11302(a)), or at risk of homelessness,*
18 *as defined in section 401(1) of such Act (42 U.S.C.*
19 *11360(1)); and*

20 *(9) the Secretary shall separately track all spe-*
21 *cial purpose vouchers funded under this heading.*

22 *HOUSING CERTIFICATE FUND*

23 *(INCLUDING RESCISSIONS)*

24 *Unobligated balances, including recaptures and carry-*
25 *over, remaining from funds appropriated to the Depart-*

1684

1 *ment of Housing and Urban Development under this head-*
2 *ing, the heading “Annual Contributions for Assisted Hous-*
3 *ing” and the heading “Project-Based Rental Assistance”,*
4 *for fiscal year 2023 and prior years may be used for re-*
5 *newal of or amendments to section 8 project-based contracts*
6 *and for performance-based contract administrators, not-*
7 *withstanding the purposes for which such funds were appro-*
8 *priated: Provided, That any obligated balances of contract*
9 *authority from fiscal year 1974 and prior fiscal years that*
10 *have been terminated shall be rescinded: Provided further,*
11 *That amounts heretofore recaptured, or recaptured during*
12 *the current fiscal year, from section 8 project-based con-*
13 *tracts from source years fiscal year 1975 through fiscal year*
14 *1987 are hereby rescinded, and an amount of additional*
15 *new budget authority, equivalent to the amount rescinded*
16 *is hereby appropriated, to remain available until expended,*
17 *for the purposes set forth under this heading, in addition*
18 *to amounts otherwise available.*

19 *PUBLIC HOUSING FUND*

20 *For 2023 payments to public housing agencies for the*
21 *operation and management of public housing, as authorized*
22 *by section 9(e) of the United States Housing Act of 1937*
23 *(42 U.S.C. 1437g(e)) (the “Act”), and to carry out capital*
24 *and management activities for public housing agencies, as*
25 *authorized under section 9(d) of the Act (42 U.S.C.*

1685

1 1437g(d)), \$8,514,000,000, to remain available until Sep-
2 tember 30, 2026: *Provided, That of the sums appropriated*
3 *under this heading—*

4 (1) \$5,109,000,000 shall be available for the Sec-
5 retary to allocate pursuant to the Operating Fund
6 formula at part 990 of title 24, Code of Federal Regu-
7 lations, for 2023 payments;

8 (2) \$25,000,000 shall be available for the Sec-
9 retary to allocate pursuant to a need-based applica-
10 tion process notwithstanding section 203 of this title
11 and not subject to such Operating Fund formula to
12 public housing agencies that experience, or are at risk
13 of, financial shortfalls, as determined by the Sec-
14 retary: *Provided, That after all such shortfall needs*
15 *are met, the Secretary may distribute any remaining*
16 *funds to all public housing agencies on a pro-rata*
17 *basis pursuant to such Operating Fund formula;*

18 (3) \$3,200,000,000 shall be available for the Sec-
19 retary to allocate pursuant to the Capital Fund for-
20 mula at section 905.400 of title 24, Code of Federal
21 Regulations: *Provided, That for funds provided under*
22 *this paragraph, the limitation in section 9(g)(1) of*
23 *the Act shall be 25 percent: Provided further, That the*
24 *Secretary may waive the limitation in the preceding*
25 *proviso to allow public housing agencies to fund ac-*

1686

1 *tivities authorized under section 9(e)(1)(C) of the Act:*
2 *Provided further, That the Secretary shall notify pub-*
3 *lic housing agencies requesting waivers under the pre-*
4 *ceding proviso if the request is approved or denied*
5 *within 14 days of submitting the request: Provided*
6 *further, That from the funds made available under*
7 *this paragraph, the Secretary shall provide bonus*
8 *awards in fiscal year 2023 to public housing agencies*
9 *that are designated high performers: Provided further,*
10 *That the Department shall notify public housing*
11 *agencies of their formula allocation within 60 days of*
12 *enactment of this Act;*

13 *(4) \$50,000,000 shall be available for the Sec-*
14 *retary to make grants, notwithstanding section 203 of*
15 *this title, to public housing agencies for emergency*
16 *capital needs, including safety and security measures*
17 *necessary to address crime and drug-related activity,*
18 *as well as needs resulting from unforeseen or unpre-*
19 *ventable emergencies and natural disasters excluding*
20 *Presidentially declared emergencies and natural dis-*
21 *asters under the Robert T. Stafford Disaster Relief*
22 *and Emergency Act (42 U.S.C. 5121 et seq.) occur-*
23 *ring in fiscal year 2023, of which \$20,000,000 shall*
24 *be available for public housing agencies under admin-*
25 *istrative and judicial receiverships or under the con-*

† HR 2617 EAS2

1687

1 *trol of a Federal monitor: Provided, That of the*
2 *amount made available under this paragraph, not*
3 *less than \$10,000,000 shall be for safety and security*
4 *measures: Provided further, That in addition to the*
5 *amount in the preceding proviso for such safety and*
6 *security measures, any amounts that remain avail-*
7 *able, after all applications received on or before Sep-*
8 *tember 30, 2024, for emergency capital needs have*
9 *been processed, shall be allocated to public housing*
10 *agencies for such safety and security measures;*

11 *(5) \$65,000,000 shall be available for competitive*
12 *grants to public housing agencies to evaluate and re-*
13 *duce residential health hazards in public housing, in-*
14 *cluding lead-based paint (by carrying out the activi-*
15 *ties of risk assessments, abatement, and interim con-*
16 *trols, as those terms are defined in section 1004 of the*
17 *Residential Lead-Based Paint Hazard Reduction Act*
18 *of 1992 (42 U.S.C. 4851b)), carbon monoxide, mold,*
19 *radon, and fire safety: Provided, That not less than*
20 *\$25,000,000 of the amounts provided under this para-*
21 *graph shall be awarded for evaluating and reducing*
22 *lead-based paint hazards: Provided further, That for*
23 *purposes of environmental review, a grant under this*
24 *paragraph shall be considered funds for projects or*
25 *activities under title I of the Act for purposes of sec-*

1688

1 *tion 26 of the Act (42 U.S.C. 1437x) and shall be sub-*
2 *ject to the regulations implementing such section: Pro-*
3 *vided further, That amounts made available under*
4 *this paragraph shall be combined with amounts made*
5 *available under the sixth paragraph under this head-*
6 *ing in the Consolidated Appropriations Act, 2021*
7 *(Public Law 116–260) and shall be used in accord-*
8 *ance with the purposes and requirements under this*
9 *paragraph;*

10 *(6) \$15,000,000 shall be available to support the*
11 *costs of administrative and judicial receiverships and*
12 *for competitive grants to PHAs in receivership, des-*
13 *ignated troubled or substandard, or otherwise at risk,*
14 *as determined by the Secretary, for costs associated*
15 *with public housing asset improvement, in addition*
16 *to other amounts for that purpose provided under any*
17 *heading under this title; and*

18 *(7) \$50,000,000 shall be available to support on-*
19 *going public housing financial and physical assess-*
20 *ment activities:*

21 *Provided further, That notwithstanding any other provision*
22 *of law or regulation, during fiscal year 2023, the Secretary*
23 *of Housing and Urban Development may not delegate to*
24 *any Department official other than the Deputy Secretary*
25 *and the Assistant Secretary for Public and Indian Housing*

1689

1 *any authority under paragraph (2) of section 9(j) of the*
2 *Act regarding the extension of the time periods under such*
3 *section: Provided further, That for purposes of such section*
4 *9(j), the term “obligate” means, with respect to amounts,*
5 *that the amounts are subject to a binding agreement that*
6 *will result in outlays, immediately or in the future.*

7 *CHOICE NEIGHBORHOODS INITIATIVE*

8 *For competitive grants under the Choice Neighborhoods*
9 *Initiative (subject to section 24 of the United States Hous-*
10 *ing Act of 1937 (42 U.S.C. 1437v) unless otherwise specified*
11 *under this heading), for transformation, rehabilitation, and*
12 *replacement housing needs of both public and HUD-assisted*
13 *housing and to transform neighborhoods of poverty into*
14 *functioning, sustainable, mixed-income neighborhoods with*
15 *appropriate services, schools, public assets, transportation,*
16 *and access to jobs, \$350,000,000, to remain available until*
17 *September 30, 2027: Provided, That grant funds may be*
18 *used for resident and community services, community de-*
19 *velopment, and affordable housing needs in the community,*
20 *and for conversion of vacant or foreclosed properties to af-*
21 *fordable housing: Provided further, That not more than 20*
22 *percent of the amount of any grant made with amounts*
23 *made available under this heading may be used for nec-*
24 *essary supportive services notwithstanding subsection*
25 *(d)(1)(L) of such section 24: Provided further, That the use*

1690

1 *of amounts made available under this heading shall not be*
2 *deemed to be for public housing, notwithstanding section*
3 *3(b)(1) of such Act: Provided further, That grantees shall*
4 *commit to an additional period of affordability determined*
5 *by the Secretary of not fewer than 20 years: Provided fur-*
6 *ther, That grantees shall provide a match in State, local,*
7 *other Federal, or private funds: Provided further, That*
8 *grantees may include local governments, Tribal entities,*
9 *public housing agencies, and nonprofit organizations: Pro-*
10 *vided further, That for-profit developers may apply jointly*
11 *with a public entity: Provided further, That for purposes*
12 *of environmental review, a grantee shall be treated as a*
13 *public housing agency under section 26 of the United States*
14 *Housing Act of 1937 (42 U.S.C. 1437x), and grants made*
15 *with amounts available under this heading shall be subject*
16 *to the regulations issued by the Secretary to implement such*
17 *section: Provided further, That of the amounts made avail-*
18 *able under this heading, not less than \$175,000,000 shall*
19 *be awarded to public housing agencies: Provided further,*
20 *That such grantees shall create partnerships with other*
21 *local organizations, including assisted housing owners, serv-*
22 *ice agencies, and resident organizations: Provided further,*
23 *That the Secretary shall consult with the Secretaries of*
24 *Education, Labor, Transportation, Health and Human*
25 *Services, Agriculture, and Commerce, the Attorney General,*

1691

1 *and the Administrator of the Environmental Protection*
2 *Agency to coordinate and leverage other appropriate Fed-*
3 *eral resources: Provided further, That not more than*
4 *\$10,000,000 of the amounts made available under this head-*
5 *ing may be provided as grants to undertake comprehensive*
6 *local planning with input from residents and the commu-*
7 *nity: Provided further, That unobligated balances, includ-*
8 *ing recaptures, remaining from amounts made available*
9 *under the heading “Revitalization of Severely Distressed*
10 *Public Housing (HOPE VI)” in fiscal year 2011 and prior*
11 *fiscal years may be used for purposes under this heading,*
12 *notwithstanding the purposes for which such amounts were*
13 *appropriated: Provided further, That the Secretary shall*
14 *make grant awards not later than 1 year after the date*
15 *of enactment of this Act in such amounts that the Secretary*
16 *determines: Provided further, That notwithstanding section*
17 *24(o) of the United States Housing Act of 1937 (42 U.S.C.*
18 *1437v(o)), the Secretary may, until September 30, 2023,*
19 *obligate any available unobligated balances made available*
20 *under this heading in this or any prior Act.*

21 *SELF-SUFFICIENCY PROGRAMS*

22 *For activities and assistance related to Self-Sufficiency*
23 *Programs, to remain available until September 30, 2026,*
24 *\$175,000,000: Provided, That of the sums appropriated*
25 *under this heading—*

1692

1 (1) \$125,000,000 shall be available for the Fam-
2 ily Self-Sufficiency program to support family self-
3 sufficiency coordinators under section 23 of the
4 United States Housing Act of 1937 (42 U.S.C.
5 1437u), to promote the development of local strategies
6 to coordinate the use of assistance under sections 8
7 and 9 of such Act with public and private resources,
8 and enable eligible families to achieve economic inde-
9 pendence and self-sufficiency;

10 (2) \$35,000,000 shall be available for the Resi-
11 dent Opportunity and Self-Sufficiency program to
12 provide for supportive services, service coordinators,
13 and congregate services as authorized by section 34 of
14 the United States Housing Act of 1937 (42 U.S.C.
15 1437z–6) and the Native American Housing Assist-
16 ance and Self-Determination Act of 1996 (25 U.S.C.
17 4101 et seq.): Provided, That amounts made available
18 under this paragraph may be used to renew Resident
19 Opportunity and Self-Sufficiency program grants to
20 allow the public housing agency, or a new owner, to
21 continue to serve (or restart service to) residents of a
22 project with assistance converted from public housing
23 to project-based rental assistance under section 8 of
24 the United States Housing Act of 1937 (42 U.S.C.
25 1437f) or assistance under section 8(o)(13) of such

1693

1 *Act under the heading “Rental Assistance Demonstra-*
2 *tion” in the Department of Housing and Urban De-*
3 *velopment Appropriations Act, 2012 (Public Law*
4 *112–55), as amended (42 U.S.C. 1437f note); and*
5 *(3) \$15,000,000 shall be available for a Jobs-Plus*
6 *Initiative, modeled after the Jobs-Plus demonstration:*
7 *Provided, That funding provided under this para-*
8 *graph shall be available for competitive grants to*
9 *partnerships between public housing authorities, local*
10 *workforce investment boards established under section*
11 *107 of the Workforce Innovation and Opportunity Act*
12 *of 2014 (29 U.S.C. 3122), and other agencies and or-*
13 *ganizations that provide support to help public hous-*
14 *ing residents obtain employment and increase earn-*
15 *ings: Provided further, That applicants must dem-*
16 *onstrate the ability to provide services to residents,*
17 *partner with workforce investment boards, and lever-*
18 *age service dollars: Provided further, That the Sec-*
19 *retary may allow public housing agencies to request*
20 *exemptions from rent and income limitation require-*
21 *ments under sections 3 and 6 of the United States*
22 *Housing Act of 1937 (42 U.S.C. 1437a, 1437d), as*
23 *necessary to implement the Jobs-Plus program, on*
24 *such terms and conditions as the Secretary may ap-*
25 *prove upon a finding by the Secretary that any such*

1694

1 *waivers or alternative requirements are necessary for*
2 *the effective implementation of the Jobs-Plus Initia-*
3 *tive as a voluntary program for residents: Provided*
4 *further, That the Secretary shall publish by notice in*
5 *the Federal Register any waivers or alternative re-*
6 *quirements pursuant to the preceding proviso no later*
7 *than 10 days before the effective date of such notice.*

8 *NATIVE AMERICAN PROGRAMS*

9 *(INCLUDING RESCISSION)*

10 *For activities and assistance authorized under title I*
11 *of the Native American Housing Assistance and Self-Deter-*
12 *mination Act of 1996 (in this heading “NAHASDA”) (25*
13 *U.S.C. 4111 et seq.), title I of the Housing and Community*
14 *Development Act of 1974 (42 U.S.C. 5301 et seq.) with re-*
15 *spect to Indian tribes, and related training and technical*
16 *assistance, \$1,020,000,000, to remain available until Sep-*
17 *tember 30, 2027: Provided, That of the sums appropriated*
18 *under this heading—*

19 *(1) \$787,000,000 shall be available for the Native*
20 *American Housing Block Grants program, as author-*
21 *ized under title I of NAHASDA: Provided, That, not-*
22 *withstanding NAHASDA, to determine the amount of*
23 *the allocation under title I of such Act for each In-*
24 *dian tribe, the Secretary shall apply the formula*
25 *under section 302 of such Act with the need compo-*

1695

1 *ment based on single-race census data and with the*
2 *need component based on multi-race census data, and*
3 *the amount of the allocation for each Indian tribe*
4 *shall be the greater of the two resulting allocation*
5 *amounts: Provided further, That the Secretary shall*
6 *notify grantees of their formula allocation not later*
7 *than 60 days after the date of enactment of this Act;*
8 *(2) \$150,000,000 shall be available for competi-*
9 *tive grants under the Native American Housing Block*
10 *Grants program, as authorized under title I of*
11 *NAHASDA: Provided, That the Secretary shall obli-*
12 *gate such amount for competitive grants to eligible re-*
13 *cipients authorized under NAHASDA that apply for*
14 *funds: Provided further, That in awarding amounts*
15 *made available in this paragraph, the Secretary shall*
16 *consider need and administrative capacity, and shall*
17 *give priority to projects that will spur construction*
18 *and rehabilitation of housing: Provided further, That*
19 *a grant funded pursuant to this paragraph shall be*
20 *in an amount not greater than \$7,500,000: Provided*
21 *further, That any amounts transferred for the nec-*
22 *essary costs of administering and overseeing the obli-*
23 *gation and expenditure of such additional amounts in*
24 *prior Acts may also be used for the necessary costs of*

1696

1 *administering and overseeing such additional*
2 *amount;*

3 *(3) \$1,000,000 shall be available for the cost of*
4 *guaranteed notes and other obligations, as authorized*
5 *by title VI of NAHASDA: Provided, That such costs,*
6 *including the cost of modifying such notes and other*
7 *obligations, shall be as defined in section 502 of the*
8 *Congressional Budget Act of 1974 (2 U.S.C. 661a):*
9 *Provided further, That amounts made available in*
10 *this and prior Acts for the cost of such guaranteed*
11 *notes and other obligations that are unobligated, in-*
12 *cluding recaptures and carryover, shall be available to*
13 *subsidize the total principal amount of any notes and*
14 *other obligations, any part of which is to be guaran-*
15 *teed, not to exceed \$50,000,000, to remain available*
16 *until September 30, 2024: Provided further, That any*
17 *remaining loan guarantee limitation authorized for*
18 *this program in fiscal year 2020 or prior fiscal years*
19 *is hereby rescinded;*

20 *(4) \$75,000,000 shall be available for grants to*
21 *Indian tribes for carrying out the Indian Community*
22 *Development Block Grant program under title I of the*
23 *Housing and Community Development Act of 1974,*
24 *notwithstanding section 106(a)(1) of such Act, of*
25 *which, notwithstanding any other provision of law*

1697

1 *(including section 203 of this Act), not more than*
2 *\$5,000,000 may be used for emergencies that con-*
3 *stitute imminent threats to health and safety: Pro-*
4 *vided, That not to exceed 20 percent of any grant*
5 *made with amounts made available in this paragraph*
6 *shall be expended for planning and management de-*
7 *velopment and administration; and*

8 *(5) \$7,000,000, in addition to amounts otherwise*
9 *available for such purpose, shall be available for pro-*
10 *viding training and technical assistance to Indian*
11 *tribes, Indian housing authorities, and tribally des-*
12 *ignated housing entities, to support the inspection of*
13 *Indian housing units, for contract expertise, and for*
14 *training and technical assistance related to amounts*
15 *made available under this heading and other headings*
16 *in this Act for the needs of Native American families*
17 *and Indian country: Provided, That of the amounts*
18 *made available in this paragraph, not less than*
19 *\$2,000,000 shall be for a national organization as au-*
20 *thorized under section 703 of NAHASDA (25 U.S.C.*
21 *4212): Provided further, That amounts made avail-*
22 *able in this paragraph may be used, contracted, or*
23 *competed as determined by the Secretary: Provided*
24 *further, That notwithstanding chapter 63 of title 31,*
25 *United States Code (commonly known as the Federal*

1698

1 *Grant and Cooperative Agreements Act of 1977), the*
2 *amounts made available in this paragraph may be*
3 *used by the Secretary to enter into cooperative agree-*
4 *ments with public and private organizations, agen-*
5 *cies, institutions, and other technical assistance pro-*
6 *viders to support the administration of negotiated*
7 *rulemaking under section 106 of NAHASDA (25*
8 *U.S.C. 4116), the administration of the allocation for-*
9 *mula under section 302 of NAHASDA (25 U.S.C.*
10 *4152), and the administration of performance track-*
11 *ing and reporting under section 407 of NAHASDA*
12 *(25 U.S.C. 4167).*

13 *INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM*

14 *ACCOUNT*

15 *(INCLUDING RESCISSION)*

16 *For the cost of guaranteed loans, as authorized by sec-*
17 *tion 184 of the Housing and Community Development Act*
18 *of 1992 (12 U.S.C. 1715z–13a), \$5,521,000, to remain*
19 *available until expended: Provided, That such costs, includ-*
20 *ing the cost of modifying such loans, shall be as defined*
21 *in section 502 of the Congressional Budget Act of 1974 (2*
22 *U.S.C. 661a): Provided further, That amounts made avail-*
23 *able in this and prior Acts for the cost of guaranteed loans,*
24 *as authorized by section 184 of the Housing and Commu-*
25 *nity Development Act of 1992 (12 U.S.C. 1715z–13a), that*

1699

1 *are unobligated, including recaptures and carryover, shall*
2 *be available to subsidize total loan principal, any part of*
3 *which is to be guaranteed, not to exceed \$1,400,000,000, to*
4 *remain available until September 30, 2024: Provided fur-*
5 *ther, That any remaining loan guarantee limitation au-*
6 *thorized under this heading in fiscal year 2020 or prior*
7 *fiscal years is hereby rescinded: Provided further, That any*
8 *amounts determined by the Secretary to be unavailable are*
9 *hereby returned to the General Fund of the Treasury.*

10 *NATIVE HAWAIIAN HOUSING BLOCK GRANT*

11 *For the Native Hawaiian Housing Block Grant pro-*
12 *gram, as authorized under title VIII of the Native American*
13 *Housing Assistance and Self-Determination Act of 1996 (25*
14 *U.S.C. 4221 et seq.), \$22,300,000, to remain available until*
15 *September 30, 2027: Provided, That notwithstanding sec-*
16 *tion 812(b) of such Act, the Department of Hawaiian Home*
17 *Lands may not invest grant amounts made available under*
18 *this heading in investment securities and other obligations:*
19 *Provided further, That amounts made available under this*
20 *heading in this and prior fiscal years may be used to pro-*
21 *vide rental assistance to eligible Native Hawaiian families*
22 *both on and off the Hawaiian Home Lands, notwith-*
23 *standing any other provision of law: Provided further, That*
24 *up to \$1,000,000 of the amounts made available under this*
25 *heading shall be for training and technical assistance re-*

1700

1 *lated to amounts made available under this heading and*
2 *other headings in this Act for the needs of Native Hawai-*
3 *ians and the Department of Hawaiian Home Lands.*

4 *NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND*5 *PROGRAM ACCOUNT*

6 *New commitments to guarantee loans, as authorized*
7 *by section 184A of the Housing and Community Develop-*
8 *ment Act of 1992 (12 U.S.C. 1715z–13b), any part of which*
9 *is to be guaranteed, shall not exceed \$28,000,000 in total*
10 *loan principal, to remain available until September 30,*
11 *2024: Provided, That the Secretary may enter into commit-*
12 *ments to guarantee loans used for refinancing.*

13 *COMMUNITY PLANNING AND DEVELOPMENT*14 *HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS*

15 *For carrying out the Housing Opportunities for Per-*
16 *sons with AIDS program, as authorized by the AIDS Hous-*
17 *ing Opportunity Act (42 U.S.C. 12901 et seq.),*
18 *\$499,000,000, to remain available until September 30,*
19 *2024, except that amounts allocated pursuant to section*
20 *854(c)(5) of such Act shall remain available until Sep-*
21 *tember 30, 2025: Provided, That the Secretary shall renew*
22 *or replace all expiring contracts for permanent supportive*
23 *housing that initially were funded under section 854(c)(5)*
24 *of such Act from funds made available under this heading*
25 *in fiscal year 2010 and prior fiscal years that meet all pro-*

1701

1 *gram requirements before awarding funds for new contracts*
2 *under such section: Provided further, That the process for*
3 *submitting amendments and approving replacement con-*
4 *tracts shall be established by the Secretary in a notice: Pro-*
5 *vided further, That the Department shall notify grantees of*
6 *their formula allocation within 60 days of enactment of this*
7 *Act.*

8 *COMMUNITY DEVELOPMENT FUND*

9 *For assistance to States and units of general local gov-*
10 *ernment, and other entities, for economic and community*
11 *development activities, and other purposes, \$6,397,285,641,*
12 *to remain available until September 30, 2026: Provided,*
13 *That of the sums appropriated under this heading—*

14 *(1) \$3,300,000,000 shall be available for car-*
15 *rying out the community development block grant*
16 *program under title I of the Housing and Community*
17 *Development Act of 1974, as amended (42 U.S.C.*
18 *5301 et seq.) (in this heading “the Act”): Provided,*
19 *That not to exceed 20 percent of any grant made with*
20 *funds made available under this paragraph shall be*
21 *expended for planning and management development*
22 *and administration: Provided further, That a metro-*
23 *politan city, urban county, unit of general local gov-*
24 *ernment, or insular area that directly or indirectly*
25 *receives funds under this paragraph may not sell,*

1702

1 *trade, or otherwise transfer all or any portion of such*
2 *funds to another such entity in exchange for any*
3 *other funds, credits, or non-Federal considerations,*
4 *but shall use such funds for activities eligible under*
5 *title I of the Act: Provided further, That notwith-*
6 *standing section 105(e)(1) of the Act, no funds made*
7 *available under this paragraph may be provided to a*
8 *for-profit entity for an economic development project*
9 *under section 105(a)(17) unless such project has been*
10 *evaluated and selected in accordance with guidelines*
11 *required under subsection (e)(2) of section 105;*

12 (2) *\$85,000,000 shall be available for the Sec-*
13 *retary to award grants on a competitive basis to*
14 *State and local governments, metropolitan planning*
15 *organizations, and multijurisdictional entities for ad-*
16 *ditional activities under title I of the Act for the iden-*
17 *tification and removal of barriers to affordable hous-*
18 *ing production and preservation: Provided, That eli-*
19 *gible uses of such grants include activities to further*
20 *develop, evaluate, and implement housing policy*
21 *plans, improve housing strategies, and facilitate af-*
22 *fordable housing production and preservation: Pro-*
23 *vided further, That the Secretary shall prioritize ap-*
24 *plicants that are able to (A) demonstrate progress and*
25 *a commitment to overcoming local barriers to facili-*

1703

1 *tate the increase in affordable housing production and*
2 *preservation; and (B) demonstrate an acute demand*
3 *for housing affordable to households with incomes*
4 *below 100 percent of the area median income: Pro-*
5 *vided further, That funds allocated for such grants*
6 *shall not adversely affect the amount of any formula*
7 *assistance received by a jurisdiction under paragraph*
8 *(1) of this heading: Provided further, That in admin-*
9 *istering such amounts the Secretary may waive or*
10 *specify alternative requirements for any provision of*
11 *such title I except for requirements related to fair*
12 *housing, nondiscrimination, labor standards, the en-*
13 *vironment, and requirements that activities benefit*
14 *persons of low- and moderate-income, upon a finding*
15 *that any such waivers or alternative requirements are*
16 *necessary to expedite or facilitate the use of such*
17 *amounts;*

18 *(3) \$30,000,000 shall be available for activities*
19 *authorized under section 8071 of the SUPPORT for*
20 *Patients and Communities Act (Public Law 115–*
21 *271): Provided, That funds allocated pursuant to this*
22 *paragraph shall not adversely affect the amount of*
23 *any formula assistance received by a State under*
24 *paragraph (1) of this heading: Provided further, That*
25 *the Secretary shall allocate the funds for such activi-*

1704

1 *ties based on the notice establishing the funding for-*
2 *mula published in 84 FR 16027 (April 17, 2019) ex-*
3 *cept that the formula shall use age-adjusted rates of*
4 *drug overdose deaths for 2020 based on data from the*
5 *Centers for Disease Control and Prevention; and*

6 *(4) \$2,982,285,641 shall be available for grants*
7 *for the Economic Development Initiative (EDI) for*
8 *the purposes, and in amounts, specified for Commu-*
9 *nity Project Funding/Congressionally Directed*
10 *Spending in the table entitled “Community Project*
11 *Funding/Congressionally Directed Spending” in-*
12 *cluded in the explanatory statement described in sec-*
13 *tion 4 (in the matter preceding division A of this con-*
14 *solidated Act): Provided, That eligible expenses of*
15 *such grants may include administrative, planning,*
16 *operations and maintenance, and other costs: Pro-*
17 *vided further, That such grants for the EDI shall be*
18 *available for reimbursement of otherwise eligible ex-*
19 *penses incurred on or after the date of enactment of*
20 *this Act and prior to the date of grant execution: Pro-*
21 *vided further, That none of the amounts made avail-*
22 *able under this paragraph for grants for the EDI*
23 *shall be used for reimbursement of expenses incurred*
24 *prior to the date of enactment of this Act: Provided*
25 *further, That grants for the EDI authorized under*

1705

1 *this heading in the Department of Housing and*
2 *Urban Development Appropriations Act, 2022 (Public*
3 *Law 117–103) shall also be available for reimburse-*
4 *ment of otherwise eligible expenses (including those el-*
5 *igible expenses identified in the first proviso of this*
6 *paragraph) incurred on or after the date of enactment*
7 *of such Act and prior to the date of grant execution,*
8 *and shall not be subject to the second proviso under*
9 *such heading in such Act:*

10 *Provided further, That for amounts made available under*
11 *paragraphs (1) and (3), the Secretary shall notify grantees*
12 *of their formula allocation within 60 days of enactment of*
13 *this Act.*

14 *COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM*
15 *ACCOUNT*

16 *Subject to section 502 of the Congressional Budget Act*
17 *of 1974 (2 U.S.C. 661a), during fiscal year 2023, commit-*
18 *ments to guarantee loans under section 108 of the Housing*
19 *and Community Development Act of 1974 (42 U.S.C.*
20 *5308), any part of which is guaranteed, shall not exceed*
21 *a total principal amount of \$300,000,000, notwithstanding*
22 *any aggregate limitation on outstanding obligations guar-*
23 *anteed in subsection (k) of such section 108: Provided, That*
24 *the Secretary shall collect fees from borrowers, notwith-*
25 *standing subsection (m) of such section 108, to result in*

† **HR 2617 EAS2**

1706

1 *a credit subsidy cost of zero for guaranteeing such loans,*
2 *and any such fees shall be collected in accordance with sec-*
3 *tion 502(7) of the Congressional Budget Act of 1974: Pro-*
4 *vided further, That such commitment authority funded by*
5 *fees may be used to guarantee, or make commitments to*
6 *guarantee, notes or other obligations issued by any State*
7 *on behalf of non-entitlement communities in the State in*
8 *accordance with the requirements of such section 108: Pro-*
9 *vided further, That any State receiving such a guarantee*
10 *or commitment under the preceding proviso shall distribute*
11 *all funds subject to such guarantee to the units of general*
12 *local government in non-entitlement areas that received the*
13 *commitment.*

14 *HOME INVESTMENT PARTNERSHIPS PROGRAM*

15 *For the HOME Investment Partnerships program, as*
16 *authorized under title II of the Cranston-Gonzalez National*
17 *Affordable Housing Act, as amended (42 U.S.C. 12721 et*
18 *seq.), \$1,500,000,000, to remain available until September*
19 *30, 2026: Provided, That notwithstanding section 231(b) of*
20 *such Act (42 U.S.C. 12771(b)), all unobligated balances re-*
21 *maining from amounts recaptured pursuant to such section*
22 *that remain available until expended shall be combined*
23 *with amounts made available under this heading and allo-*
24 *cated in accordance with the formula under section*
25 *217(b)(1)(A) of such Act (42 U.S.C. 12747(b)(1)(A)): Pro-*

1707

1 *vided further, That the Department shall notify grantees of*
2 *their formula allocations within 60 days after enactment*
3 *of this Act: Provided further, That section 218(g) of such*
4 *Act (42 U.S.C. 12748(g)) shall not apply with respect to*
5 *the right of a jurisdiction to draw funds from its HOME*
6 *Investment Trust Fund that otherwise expired or would ex-*
7 *pire in any calendar year from 2016 through 2025 under*
8 *that section: Provided further, That section 231(b) of such*
9 *Act (42 U.S.C. 12771(b)) shall not apply to any uninvested*
10 *funds that otherwise were deducted or would be deducted*
11 *from the line of credit in the participating jurisdiction's*
12 *HOME Investment Trust Fund in any calendar year from*
13 *2018 through 2025 under that section.*

14 *PRESERVATION AND REINVESTMENT INITIATIVE FOR*
15 *COMMUNITY ENHANCEMENT*

16 *For competitive grants to preserve and revitalize man-*
17 *ufactured housing and eligible manufactured housing com-*
18 *munities (including pre-1976 mobile homes) under title I*
19 *of the Housing and Community Development Act of 1974,*
20 *as amended (42 U.S.C. 5301 et seq.), \$225,000,000, to re-*
21 *main available until September 30, 2027: Provided, That*
22 *recipients of grants provided with amounts made available*
23 *under this heading shall be States, units of general local*
24 *government, resident-owned manufactured housing commu-*
25 *nities, cooperatives, nonprofit entities including consortia*

1708

1 *of nonprofit entities, community development financial in-*
2 *stitutions, Indian Tribes (as such term is defined in section*
3 *4 of the Native American Housing Assistance and Self-De-*
4 *termination Act of 1996 (NAHASDA) (25 U.S.C. 4103)),*
5 *or other entities approved by the Secretary: Provided fur-*
6 *ther, That the Secretary may reserve an amount for Indian*
7 *Tribes within such competition: Provided further, That the*
8 *Secretary may approve entities for selection that partner*
9 *with one or several residents of such eligible communities*
10 *or that propose to implement a grant program that would*
11 *assist residents of such eligible communities: Provided fur-*
12 *ther, That eligible uses of such grants may include infra-*
13 *structure, planning, resident and community services (in-*
14 *cluding relocation assistance and eviction prevention), re-*
15 *siliency activities, and providing other assistance to resi-*
16 *dents or owners of manufactured homes, which may include*
17 *providing assistance for manufactured housing land and*
18 *site acquisition: Provided further, That, except as deter-*
19 *mined by the Secretary, participation in this program shall*
20 *not encumber the future transfer of title or use of property*
21 *by the residents, owners, or communities: Provided further,*
22 *That when selecting recipients, the Secretary shall*
23 *prioritize applications that primarily benefit low- or mod-*
24 *erately low-income residents and preserve long-term hous-*
25 *ing affordability for residents of manufactured housing or*

1709

1 *a manufactured housing community: Provided further,*
2 *That eligible manufactured housing communities may in-*
3 *clude those that are—*

4 *(1) owned by the residents of the manufactured*
5 *housing community through a resident-controlled en-*
6 *tity, as defined by the Secretary; or*

7 *(2) determined by the Secretary to be subject to*
8 *binding agreements that will preserve the community*
9 *and maintain affordability on a long-term basis:*

10 *Provided further, That, of the amounts made available*
11 *under this heading, \$25,000,000 shall be for a pilot pro-*
12 *gram for the Secretary to provide grants to assist in the*
13 *redevelopment of manufactured housing communities (in-*
14 *cluding pre-1976 mobile homes) as replacement housing*
15 *that is affordable, as defined by the Secretary: Provided fur-*
16 *ther, That each such redevelopment project shall provide,*
17 *for each unit of single-family manufactured housing (in-*
18 *cluding pre-1976 mobile homes) replaced under the project,*
19 *up to 4 dwelling units of such affordable housing: Provided*
20 *further, That the Secretary shall define eligible activities*
21 *for grant assistance under the pilot program, which may*
22 *include relocation assistance or buy-outs for residents of a*
23 *manufactured housing community or downpayment assist-*
24 *ance for such residents: Provided further, That the Sec-*
25 *retary shall require each grantee under the pilot program*

1710

1 *to supplement the amount of the grant with non-Federal*
2 *amounts exceeding 50 percent of the grant: Provided fur-*
3 *ther, That resiliency activities means the reconstruction, re-*
4 *pair, or replacement of manufactured housing and manu-*
5 *factured housing communities to protect the health and*
6 *safety of manufactured housing residents and to address*
7 *weatherization and energy efficiency needs, except that for*
8 *pre-1976 mobile homes, funds made available under this*
9 *heading may be used only for replacement: Provided fur-*
10 *ther, That the Secretary may waive or specify alternative*
11 *requirements for any provision of any statute or regulation*
12 *that the Secretary administers in connection with the use*
13 *of amounts made available under this heading (except for*
14 *requirements related to fair housing, nondiscrimination,*
15 *labor standards, and the environment), upon a finding that*
16 *such waiver or alternative requirement is necessary to fa-*
17 *cilitate the use of such amounts.*

18 *SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY*

19 *PROGRAM*

20 *For the Self-Help and Assisted Homeownership Op-*
21 *portunity Program, as authorized under section 11 of the*
22 *Housing Opportunity Program Extension Act of 1996 (42*
23 *U.S.C. 12805 note), and for related activities and assist-*
24 *ance, \$62,500,000, to remain available until September 30,*

1711

1 *2025: Provided, That of the sums appropriated under this*
2 *heading—*

3 (1) *\$13,500,000 shall be available for the Self-*
4 *Help Homeownership Opportunity Program as au-*
5 *thorized under such section 11;*

6 (2) *\$42,000,000 shall be available for the second,*
7 *third, and fourth capacity building entities specified*
8 *in section 4(a) of the HUD Demonstration Act of*
9 *1993 (42 U.S.C. 9816 note), of which not less than*
10 *\$5,000,000 shall be for rural capacity building activi-*
11 *ties: Provided, That for purposes of awarding grants*
12 *from amounts made available in this paragraph, the*
13 *Secretary may enter into multiyear agreements, as*
14 *appropriate, subject to the availability of annual ap-*
15 *propriations;*

16 (3) *\$6,000,000 shall be available for capacity*
17 *building by national rural housing organizations*
18 *having experience assessing national rural conditions*
19 *and providing financing, training, technical assist-*
20 *ance, information, and research to local nonprofit or-*
21 *ganizations, local governments, and Indian Tribes*
22 *serving high need rural communities; and*

23 (4) *\$1,000,000 shall be available for a program*
24 *to rehabilitate and modify the homes of disabled or*
25 *low-income veterans, as authorized under section 1079*

1712

1 *of the Carl Levin and Howard P. “Buck” McKeon*
2 *National Defense Authorization Act for Fiscal Year*
3 *2015 (38 U.S.C. 2101 note): Provided, That the*
4 *issuance of a Notice of Funding Opportunity for the*
5 *amounts made available in this paragraph shall be*
6 *completed not later than 120 days after enactment of*
7 *this Act and such amounts shall be awarded not later*
8 *than 180 days after such issuance.*

9 HOMELESS ASSISTANCE GRANTS

10 *For assistance under title IV of the McKinney-Vento*
11 *Homeless Assistance Act (42 U.S.C. 11360 et seq.), and for*
12 *related activities and assistance, \$3,633,000,000, to remain*
13 *available until September 30, 2025: Provided, That of the*
14 *sums appropriated under this heading—*

15 (1) *\$290,000,000 shall be available for the Emer-*
16 *gency Solutions Grants program authorized under*
17 *subtitle B of such title IV (42 U.S.C. 11371 et seq.):*
18 *Provided, That the Department shall notify grantees*
19 *of their formula allocation from amounts allocated*
20 *(which may represent initial or final amounts allo-*
21 *cated) for the Emergency Solutions Grant program*
22 *not later than 60 days after enactment of this Act;*

23 (2) *\$3,154,000,000 shall be available for the Con-*
24 *tinuum of Care program authorized under subtitle C*
25 *of such title IV (42 U.S.C. 11381 et seq.) and the*

1713

1 *Rural Housing Stability Assistance programs author-*
2 *ized under subtitle D of such title IV (42 U.S.C.*
3 *11408): Provided, That the Secretary shall prioritize*
4 *funding under the Continuum of Care program to*
5 *continuum of care that have demonstrated a capacity*
6 *to reallocate funding from lower performing projects*
7 *to higher performing projects: Provided further, That*
8 *the Secretary shall provide incentives to create*
9 *projects that coordinate with housing providers and*
10 *healthcare organizations to provide permanent sup-*
11 *portive housing and rapid re-housing services: Pro-*
12 *vided further, That the Secretary may establish by*
13 *notice an alternative maximum amount for adminis-*
14 *trative costs related to the requirements described in*
15 *sections 402(f)(1) and 402(f)(2) of subtitle A of such*
16 *title IV or no more than 5 percent or \$50,000, which-*
17 *ever is greater, notwithstanding the 3 percent limita-*
18 *tion in section 423(a)(10) of such subtitle C: Provided*
19 *further, That of the amounts made available for the*
20 *Continuum of Care program under this paragraph,*
21 *not less than \$52,000,000 shall be for grants for new*
22 *rapid re-housing projects and supportive service*
23 *projects providing coordinated entry, and for eligible*
24 *activities that the Secretary determines to be critical*
25 *in order to assist survivors of domestic violence, dat-*

1714

1 *ing violence, sexual assault, or stalking: Provided fur-*
2 *ther, That amounts made available for the Con-*
3 *tinuum of Care program under this paragraph and*
4 *any remaining unobligated balances under this head-*
5 *ing in prior Acts may be used to competitively or*
6 *non-competitively renew or replace grants for youth*
7 *homeless demonstration projects under the Continuum*
8 *of Care program, notwithstanding any conflict with*
9 *the requirements of the Continuum of Care program;*

10 (3) \$7,000,000 shall be available for the national
11 homeless data analysis project: Provided, That not-
12 withstanding the provisions of the Federal Grant and
13 Cooperative Agreements Act of 1977 (31 U.S.C. 6301–
14 6308), the amounts made available under this para-
15 graph and any remaining unobligated balances under
16 this heading for such purposes in prior Acts may be
17 used by the Secretary to enter into cooperative agree-
18 ments with such entities as may be determined by the
19 Secretary, including public and private organiza-
20 tions, agencies, and institutions;

21 (4) \$107,000,000 shall be available to implement
22 projects to demonstrate how a comprehensive ap-
23 proach to serving homeless youth, age 24 and under,
24 in up to 25 communities with a priority for commu-
25 nities with substantial rural populations in up to

1715

1 *eight locations, can dramatically reduce youth home-*
2 *lessness: Provided, That of the amount made available*
3 *under this paragraph, not less than \$25,000,000 shall*
4 *be for youth homelessness system improvement grants*
5 *to support communities, including but not limited to*
6 *the communities assisted under the matter preceding*
7 *this proviso, in establishing and implementing a re-*
8 *sponse system for youth homelessness, or for improv-*
9 *ing their existing system: Provided further, That of*
10 *the amount made available under this paragraph, up*
11 *to \$10,000,000 shall be to provide technical assistance*
12 *to communities, including but not limited to the com-*
13 *munities assisted in the preceding proviso and the*
14 *matter preceding such proviso, on improving system*
15 *responses to youth homelessness, and collection, anal-*
16 *ysis, use, and reporting of data and performance*
17 *measures under the comprehensive approaches to serve*
18 *homeless youth, in addition to and in coordination*
19 *with other technical assistance funds provided under*
20 *this title: Provided further, That the Secretary may*
21 *use up to 10 percent of the amount made available*
22 *under the preceding proviso to build the capacity of*
23 *current technical assistance providers or to train new*
24 *technical assistance providers with verifiable prior ex-*

1716

1 *perience with systems and programs for youth experi-*
2 *encing homelessness; and*

3 *(5) \$75,000,000 shall be available for one-time*
4 *awards under the Continuum of Care program for*
5 *new construction, acquisition, or rehabilitation of*
6 *new permanent supportive housing, of which not more*
7 *than 20 percent of such awards may be used for other*
8 *Continuum of Care eligible activities associated with*
9 *such projects and not more than 10 percent of such*
10 *awards may be used for project administration: Pro-*
11 *vided, That these amounts shall be awarded on a com-*
12 *petitive basis, based on need and other factors to be*
13 *determined by the Secretary, including incentives to*
14 *establish projects that coordinate with housing pro-*
15 *viders, healthcare organizations and social service*
16 *providers: Provided further, That not less than*
17 *\$30,000,000 shall be awarded to applicants for*
18 *projects within States with populations less than*
19 *2,500,000, except that if such amount is undersub-*
20 *scribed any remaining amounts may be awarded to*
21 *qualified applicants for projects in any State: Pro-*
22 *vided further, That the grants for ongoing costs asso-*
23 *ciated with such projects shall be eligible for renewal*
24 *under the Continuum of Care program subject to the*

1717

1 *same terms and conditions as other renewal appli-*
2 *cants:*
3 *Provided further, That youth aged 24 and under seeking*
4 *assistance under this heading shall not be required to pro-*
5 *vide third party documentation to establish their eligibility*
6 *under subsection (a) or (b) of section 103 of the McKinney-*
7 *Vento Homeless Assistance Act (42 U.S.C. 11302) to receive*
8 *services: Provided further, That unaccompanied youth aged*
9 *24 and under or families headed by youth aged 24 and*
10 *under who are living in unsafe situations may be served*
11 *by youth-serving providers funded under this heading: Pro-*
12 *vided further, That persons eligible under section 103(a)(5)*
13 *of the McKinney-Vento Homeless Assistance Act may be*
14 *served by any project funded under this heading to provide*
15 *both transitional housing and rapid re-housing: Provided*
16 *further, That for all matching funds requirements applica-*
17 *ble to funds made available under this heading for this fis-*
18 *cal year and prior fiscal years, a grantee may use (or could*
19 *have used) as a source of match funds other funds adminis-*
20 *tered by the Secretary and other Federal agencies unless*
21 *there is (or was) a specific statutory prohibition on any*
22 *such use of any such funds: Provided further, That none*
23 *of the funds made available under this heading shall be*
24 *available to provide funding for new projects, except for*
25 *projects created through reallocation, unless the Secretary*

1718

1 *determines that the continuum of care has demonstrated*
2 *that projects are evaluated and ranked based on the degree*
3 *to which they improve the continuum of care's system per-*
4 *formance: Provided further, That any unobligated amounts*
5 *remaining from funds made available under this heading*
6 *in fiscal year 2012 and prior years for project-based rental*
7 *assistance for rehabilitation projects with 10-year grant*
8 *terms may be used for purposes under this heading, not-*
9 *withstanding the purposes for which such funds were appro-*
10 *priated: Provided further, That unobligated balances, in-*
11 *cluding recaptures and carryover, remaining from funds*
12 *transferred to or appropriated under this heading in fiscal*
13 *year 2019 or prior years, except for rental assistance*
14 *amounts that were recaptured and made available until ex-*
15 *pended, shall be available for the current purposes author-*
16 *ized under this heading in addition to the purposes for*
17 *which such funds originally were appropriated.*

18 *HOUSING PROGRAMS*

19 *PROJECT-BASED RENTAL ASSISTANCE*

20 *For activities and assistance for the provision of*
21 *project-based subsidy contracts under the United States*
22 *Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"),*
23 *not otherwise provided for, \$13,537,580,000, to remain*
24 *available until expended, shall be available on October 1,*
25 *2022 (in addition to the \$400,000,000 previously appro-*

1719

1 priated under this heading that became available October
2 1, 2022), and \$400,000,000, to remain available until ex-
3 pended, shall be available on October 1, 2023: Provided,
4 That the amounts made available under this heading shall
5 be available for expiring or terminating section 8 project-
6 based subsidy contracts (including section 8 moderate reha-
7 bilitation contracts), for amendments to section 8 project-
8 based subsidy contracts (including section 8 moderate reha-
9 bilitation contracts), for contracts entered into pursuant to
10 section 441 of the McKinney-Vento Homeless Assistance Act
11 (42 U.S.C. 11401), for renewal of section 8 contracts for
12 units in projects that are subject to approved plans of action
13 under the Emergency Low Income Housing Preservation
14 Act of 1987 or the Low-Income Housing Preservation and
15 Resident Homeownership Act of 1990, and for administra-
16 tive and other expenses associated with project-based activi-
17 ties and assistance funded under this heading: Provided fur-
18 ther, That of the total amounts provided under this heading,
19 not to exceed \$343,000,000 shall be available for perform-
20 ance-based contract administrators for section 8 project-
21 based assistance, for carrying out 42 U.S.C. 1437(f): Pro-
22 vided further, That the Secretary may also use such
23 amounts in the preceding proviso for performance-based
24 contract administrators for the administration of: interest
25 reduction payments pursuant to section 236(a) of the Na-

1720

1 *tional Housing Act (12 U.S.C. 1715z–1(a)); rent supple-*
2 *ment payments pursuant to section 101 of the Housing and*
3 *Urban Development Act of 1965 (12 U.S.C. 1701s); section*
4 *236(f)(2) rental assistance payments (12 U.S.C. 1715z–*
5 *1(f)(2)); project rental assistance contracts for the elderly*
6 *under section 202(c)(2) of the Housing Act of 1959 (12*
7 *U.S.C. 1701q); project rental assistance contracts for sup-*
8 *portive housing for persons with disabilities under section*
9 *811(d)(2) of the Cranston-Gonzalez National Affordable*
10 *Housing Act (42 U.S.C. 8013(d)(2)); project assistance con-*
11 *tracts pursuant to section 202(h) of the Housing Act of 1959*
12 *(Public Law 86–372; 73 Stat. 667); and loans under section*
13 *202 of the Housing Act of 1959 (Public Law 86–372; 73*
14 *Stat. 667): Provided further, That amounts recaptured*
15 *under this heading, the heading “Annual Contributions for*
16 *Assisted Housing”, or the heading “Housing Certificate*
17 *Fund”, may be used for renewals of or amendments to sec-*
18 *tion 8 project-based contracts or for performance-based con-*
19 *tract administrators, notwithstanding the purposes for*
20 *which such amounts were appropriated: Provided further,*
21 *That, notwithstanding any other provision of law, upon the*
22 *request of the Secretary, project funds that are held in resid-*
23 *ual receipts accounts for any project subject to a section*
24 *8 project-based Housing Assistance Payments contract that*
25 *authorizes the Department or a housing finance agency to*

1721

1 *require that surplus project funds be deposited in an inter-*
2 *est-bearing residual receipts account and that are in excess*
3 *of an amount to be determined by the Secretary, shall be*
4 *remitted to the Department and deposited in this account,*
5 *to be available until expended: Provided further, That*
6 *amounts deposited pursuant to the preceding proviso shall*
7 *be available in addition to the amount otherwise provided*
8 *by this heading for uses authorized under this heading.*

9 *HOUSING FOR THE ELDERLY*

10 *For capital advances, including amendments to cap-*
11 *ital advance contracts, for housing for the elderly, as au-*
12 *thorized by section 202 of the Housing Act of 1959 (12*
13 *U.S.C. 1701q), for project rental assistance for the elderly*
14 *under section 202(c)(2) of such Act, including amendments*
15 *to contracts for such assistance and renewal of expiring con-*
16 *tracts for such assistance for up to a 5-year term, for senior*
17 *preservation rental assistance contracts, including renew-*
18 *als, as authorized by section 811(e) of the American Home-*
19 *ownership and Economic Opportunity Act of 2000 (12*
20 *U.S.C. 1701q note), and for supportive services associated*
21 *with the housing, \$1,075,000,000 to remain available until*
22 *September 30, 2026: Provided, That of the amount made*
23 *available under this heading, up to \$120,000,000 shall be*
24 *for service coordinators and the continuation of existing*
25 *congregate service grants for residents of assisted housing*

1722

1 *projects: Provided further, That any funding for existing*
2 *service coordinators under the preceding proviso shall be*
3 *provided within 120 days of enactment of this Act: Provided*
4 *further, That amounts made available under this heading*
5 *shall be available for Real Estate Assessment Center inspec-*
6 *tions and inspection-related activities associated with sec-*
7 *tion 202 projects: Provided further, That the Secretary may*
8 *waive the provisions of section 202 governing the terms and*
9 *conditions of project rental assistance, except that the ini-*
10 *tial contract term for such assistance shall not exceed 5*
11 *years in duration: Provided further, That upon request of*
12 *the Secretary, project funds that are held in residual re-*
13 *ceipts accounts for any project subject to a section 202*
14 *project rental assistance contract, and that upon termi-*
15 *nation of such contract are in excess of an amount to be*
16 *determined by the Secretary, shall be remitted to the De-*
17 *partment and deposited in this account, to remain available*
18 *until September 30, 2026: Provided further, That amounts*
19 *deposited in this account pursuant to the preceding proviso*
20 *shall be available, in addition to the amounts otherwise pro-*
21 *vided by this heading, for the purposes authorized under*
22 *this heading: Provided further, That unobligated balances,*
23 *including recaptures and carryover, remaining from funds*
24 *transferred to or appropriated under this heading shall be*
25 *available for the current purposes authorized under this*

1723

1 *heading in addition to the purposes for which such funds*
2 *originally were appropriated: Provided further, That of the*
3 *total amount made available under this heading, up to*
4 *\$25,000,000 shall be used to expand the supply of intergen-*
5 *erational dwelling units (as such term is defined in section*
6 *202 of the Legacy Act of 2003 (12 U.S.C. 1701q note)) for*
7 *elderly caregivers raising children: Provided further, That*
8 *for the purposes of the preceding proviso the Secretary may*
9 *waive, or specify alternative requirements for, any provi-*
10 *sion of section 202 of the Housing Act of 1959 (12 U.S.C.*
11 *1701q) in order to facilitate the development of such units,*
12 *except for requirements related to fair housing, non-*
13 *discrimination, labor standards, and the environment: Pro-*
14 *vided further, That of the total amount made available*
15 *under this heading, up to \$6,000,000 shall be used by the*
16 *Secretary to support preservation transactions of housing*
17 *for the elderly originally developed with a capital advance*
18 *and assisted by a project rental assistance contract under*
19 *the provisions of section 202(c) of the Housing Act of 1959.*

20 *HOUSING FOR PERSONS WITH DISABILITIES*

21 *For capital advances, including amendments to cap-*
22 *ital advance contracts, for supportive housing for persons*
23 *with disabilities, as authorized by section 811 of the Cran-*
24 *ston-Gonzalez National Affordable Housing Act (42 U.S.C.*
25 *8013), for project rental assistance for supportive housing*

1724

1 *for persons with disabilities under section 811(d)(2) of such*
2 *Act, for project assistance contracts pursuant to subsection*
3 *(h) of section 202 of the Housing Act of 1959, as added*
4 *by section 205(a) of the Housing and Community Develop-*
5 *ment Amendments of 1978 (Public Law 95–557: 92 Stat.*
6 *2090), including amendments to contracts for such assist-*
7 *ance and renewal of expiring contracts for such assistance*
8 *for up to a 5-year term, for project rental assistance to*
9 *State housing finance agencies and other appropriate enti-*
10 *ties as authorized under section 811(b)(3) of the Cranston-*
11 *Gonzalez National Affordable Housing Act, and for sup-*
12 *portive services associated with the housing for persons with*
13 *disabilities as authorized by section 811(b)(1) of such Act,*
14 *\$360,000,000, to remain available until September 30,*
15 *2026: Provided, That amounts made available under this*
16 *heading shall be available for Real Estate Assessment Cen-*
17 *ter inspections and inspection-related activities associated*
18 *with section 811 projects: Provided further, That, upon the*
19 *request of the Secretary, project funds that are held in resid-*
20 *ual receipts accounts for any project subject to a section*
21 *811 project rental assistance contract, and that upon termi-*
22 *nation of such contract are in excess of an amount to be*
23 *determined by the Secretary, shall be remitted to the De-*
24 *partment and deposited in this account, to remain available*
25 *until September 30, 2026: Provided further, That amounts*

1725

1 *deposited in this account pursuant to the preceding proviso*
2 *shall be available in addition to the amounts otherwise pro-*
3 *vided by this heading for the purposes authorized under this*
4 *heading: Provided further, That unobligated balances, in-*
5 *cluding recaptures and carryover, remaining from funds*
6 *transferred to or appropriated under this heading shall be*
7 *used for the current purposes authorized under this heading*
8 *in addition to the purposes for which such funds originally*
9 *were appropriated.*

10 *HOUSING COUNSELING ASSISTANCE*

11 *For contracts, grants, and other assistance excluding*
12 *loans, as authorized under section 106 of the Housing and*
13 *Urban Development Act of 1968, as amended, \$57,500,000,*
14 *to remain available until September 30, 2024, including*
15 *up to \$4,500,000 for administrative contract services: Pro-*
16 *vided, That funds shall be used for providing counseling*
17 *and advice to tenants and homeowners, both current and*
18 *prospective, with respect to property maintenance, finan-*
19 *cial management or literacy, and such other matters as*
20 *may be appropriate to assist them in improving their hous-*
21 *ing conditions, meeting their financial needs, and fulfilling*
22 *the responsibilities of tenancy or homeownership; for pro-*
23 *gram administration; and for housing counselor training:*
24 *Provided further, That for purposes of awarding grants*
25 *from amounts provided under this heading, the Secretary*

1726

1 *may enter into multiyear agreements, as appropriate, sub-*
2 *ject to the availability of annual appropriations.*

3 *PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND*

4 *For necessary expenses as authorized by the National*
5 *Manufactured Housing Construction and Safety Standards*
6 *Act of 1974 (42 U.S.C. 5401 et seq.), up to \$14,000,000,*
7 *to remain available until expended, of which \$14,000,000*
8 *shall be derived from the Manufactured Housing Fees Trust*
9 *Fund (established under section 620(e) of such Act (42*
10 *U.S.C. 5419(e)): Provided, That not to exceed the total*
11 *amount appropriated under this heading shall be available*
12 *from the general fund of the Treasury to the extent nec-*
13 *essary to incur obligations and make expenditures pending*
14 *the receipt of collections to the Fund pursuant to section*
15 *620 of such Act: Provided further, That the amount made*
16 *available under this heading from the general fund shall*
17 *be reduced as such collections are received during fiscal year*
18 *2023 so as to result in a final fiscal year 2023 appropria-*
19 *tion from the general fund estimated at zero, and fees pur-*
20 *suant to such section 620 shall be modified as necessary*
21 *to ensure such a final fiscal year 2023 appropriation: Pro-*
22 *vided further, That for the dispute resolution and installa-*
23 *tion programs, the Secretary may assess and collect fees*
24 *from any program participant: Provided further, That such*
25 *collections shall be deposited into the Trust Fund, and the*

1727

1 *Secretary, as provided herein, may use such collections, as*
2 *well as fees collected under section 620 of such Act, for nec-*
3 *essary expenses of such Act: Provided further, That, not-*
4 *withstanding the requirements of section 620 of such Act,*
5 *the Secretary may carry out responsibilities of the Sec-*
6 *retary under such Act through the use of approved service*
7 *providers that are paid directly by the recipients of their*
8 *services.*

9 *FEDERAL HOUSING ADMINISTRATION*

10 *MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*

11 *New commitments to guarantee single family loans in-*
12 *sured under the Mutual Mortgage Insurance Fund shall not*
13 *exceed \$400,000,000,000, to remain available until Sep-*
14 *tember 30, 2024: Provided, That during fiscal year 2023,*
15 *obligations to make direct loans to carry out the purposes*
16 *of section 204(g) of the National Housing Act, as amended,*
17 *shall not exceed \$1,000,000: Provided further, That the fore-*
18 *going amount in the preceding proviso shall be for loans*
19 *to nonprofit and governmental entities in connection with*
20 *sales of single family real properties owned by the Secretary*
21 *and formerly insured under the Mutual Mortgage Insurance*
22 *Fund: Provided further, That for administrative contract*
23 *expenses of the Federal Housing Administration,*
24 *\$150,000,000, to remain available until September 30,*
25 *2024: Provided further, That to the extent guaranteed loan*

1728

1 *commitments exceed \$200,000,000,000 on or before April 1,*
2 *2023, an additional \$1,400 for administrative contract ex-*
3 *penses shall be available for each \$1,000,000 in additional*
4 *guaranteed loan commitments (including a pro rata*
5 *amount for any amount below \$1,000,000), but in no case*
6 *shall funds made available by this proviso exceed*
7 *\$30,000,000: Provided further, That notwithstanding the*
8 *limitation in the first sentence of section 255(g) of the Na-*
9 *tional Housing Act (12 U.S.C. 1715z–20(g)), during fiscal*
10 *year 2023 the Secretary may insure and enter into new*
11 *commitments to insure mortgages under section 255 of the*
12 *National Housing Act only to the extent that the net credit*
13 *subsidy cost for such insurance does not exceed zero.*

14 *GENERAL AND SPECIAL RISK PROGRAM ACCOUNT*

15 *New commitments to guarantee loans insured under*
16 *the General and Special Risk Insurance Funds, as author-*
17 *ized by sections 238 and 519 of the National Housing Act*
18 *(12 U.S.C. 1715z–3 and 1735c), shall not exceed*
19 *\$35,000,000,000 in total loan principal, any part of which*
20 *is to be guaranteed, to remain available until September*
21 *30, 2024: Provided, That during fiscal year 2023, gross ob-*
22 *ligations for the principal amount of direct loans, as au-*
23 *thorized by sections 204(g), 207(l), 238, and 519(a) of the*
24 *National Housing Act, shall not exceed \$1,000,000, which*
25 *shall be for loans to nonprofit and governmental entities*

1729

1 *in connection with the sale of single family real properties*
2 *owned by the Secretary and formerly insured under such*
3 *Act.*

4 *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*
5 *GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN*
6 *GUARANTEE PROGRAM ACCOUNT*

7 *New commitments to issue guarantees to carry out the*
8 *purposes of section 306 of the National Housing Act, as*
9 *amended (12 U.S.C. 1721(g)), shall not exceed*
10 *\$900,000,000,000, to remain available until September 30,*
11 *2024: Provided, That \$40,400,000, to remain available*
12 *until September 30, 2024, shall be for necessary salaries*
13 *and expenses of the Government National Mortgage Associa-*
14 *tion: Provided further, That to the extent that guaranteed*
15 *loan commitments exceed \$155,000,000,000 on or before*
16 *April 1, 2023, an additional \$100 for necessary salaries*
17 *and expenses shall be available until expended for each*
18 *\$1,000,000 in additional guaranteed loan commitments*
19 *(including a pro rata amount for any amount below*
20 *\$1,000,000), but in no case shall funds made available by*
21 *this proviso exceed \$3,000,000: Provided further, That re-*
22 *ceipts from Commitment and Multiclass fees collected pur-*
23 *suant to title III of the National Housing Act (12 U.S.C.*
24 *1716 et seq.) shall be credited as offsetting collections to this*
25 *account.*

1730

1 *POLICY DEVELOPMENT AND RESEARCH*2 *RESEARCH AND TECHNOLOGY*

3 *For contracts, grants, and necessary expenses of pro-*
4 *grams of research and studies relating to housing and*
5 *urban problems, not otherwise provided for, as authorized*
6 *by title V of the Housing and Urban Development Act of*
7 *1970 (12 U.S.C. 1701z–1 et seq.), including carrying out*
8 *the functions of the Secretary of Housing and Urban Devel-*
9 *opment under section 1(a)(1)(i) of Reorganization Plan No.*
10 *2 of 1968, and for technical assistance, \$125,400,000, to re-*
11 *main available until September 30, 2024: Provided, That*
12 *with respect to amounts made available under this heading,*
13 *notwithstanding section 203 of this title, the Secretary may*
14 *enter into cooperative agreements with philanthropic enti-*
15 *ties, other Federal agencies, State or local governments and*
16 *their agencies, Indian Tribes, tribally designated housing*
17 *entities, or colleges or universities for research projects: Pro-*
18 *vided further, That with respect to the preceding proviso,*
19 *such partners to the cooperative agreements shall contribute*
20 *at least a 50 percent match toward the cost of the project:*
21 *Provided further, That for non-competitive agreements en-*
22 *tered into in accordance with the preceding two provisos,*
23 *the Secretary shall comply with section 2(b) of the Federal*
24 *Funding Accountability and Transparency Act of 2006*
25 *(Public Law 109–282, 31 U.S.C. note) in lieu of compliance*

1731

1 *with section 102(a)(4)(C) of the Department of Housing*
2 *and Urban Development Reform Act of 1989 (42 U.S.C.*
3 *3545(a)(4)(C)) with respect to documentation of award de-*
4 *cisions: Provided further, That prior to obligation of tech-*
5 *nical assistance funding, the Secretary shall submit a plan*
6 *to the House and Senate Committees on Appropriations on*
7 *how the Secretary will allocate funding for this activity at*
8 *least 30 days prior to obligation: Provided further, That*
9 *none of the funds provided under this heading may be avail-*
10 *able for the doctoral dissertation research grant program:*
11 *Provided further, That an additional \$20,000,000, to re-*
12 *main available until September 30, 2025, shall be for com-*
13 *petitive grants to nonprofit or governmental entities to pro-*
14 *vide legal assistance (including assistance related to pre-*
15 *trial activities, trial activities, post-trial activities and al-*
16 *ternative dispute resolution) at no cost to eligible low-in-*
17 *come tenants at risk of or subject to eviction: Provided fur-*
18 *ther, That in awarding grants under the preceding proviso,*
19 *the Secretary shall give preference to applicants that in-*
20 *clude a marketing strategy for residents of areas with high*
21 *rates of eviction, have experience providing no-cost legal as-*
22 *sistance to low-income individuals, including those with*
23 *limited English proficiency or disabilities, and have suffi-*
24 *cient capacity to administer such assistance: Provided fur-*
25 *ther, That the Secretary shall ensure, to the extent prac-*

1732

1 *ticable, that the proportion of eligible tenants living in*
2 *rural areas who will receive legal assistance with grant*
3 *funds made available under this heading is not less than*
4 *the overall proportion of eligible tenants who live in rural*
5 *areas.*

6 *FAIR HOUSING AND EQUAL OPPORTUNITY*

7 *FAIR HOUSING ACTIVITIES*

8 *For contracts, grants, and other assistance, not other-*
9 *wise provided for, as authorized by title VIII of the Civil*
10 *Rights Act of 1968 (42 U.S.C. 3601 et seq.), and section*
11 *561 of the Housing and Community Development Act of*
12 *1987 (42 U.S.C. 3616a), \$86,355,000, to remain available*
13 *until September 30, 2024: Provided, That notwithstanding*
14 *section 3302 of title 31, United States Code, the Secretary*
15 *may assess and collect fees to cover the costs of the Fair*
16 *Housing Training Academy, and may use such funds to*
17 *develop on-line courses and provide such training: Provided*
18 *further, That none of the funds made available under this*
19 *heading may be used to lobby the executive or legislative*
20 *branches of the Federal Government in connection with a*
21 *specific contract, grant, or loan: Provided further, That of*
22 *the funds made available under this heading, \$1,355,000*
23 *shall be available to the Secretary for the creation and pro-*
24 *motion of translated materials and other programs that*
25 *support the assistance of persons with limited English pro-*

1733

1 *iciency in utilizing the services provided by the Depart-*
2 *ment of Housing and Urban Development.*

3 *OFFICE OF LEAD HAZARD CONTROL AND HEALTHY*

4 *HOMES*

5 *LEAD HAZARD REDUCTION*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For the Lead Hazard Reduction Program, as author-*
8 *ized by section 1011 of the Residential Lead-Based Paint*
9 *Hazard Reduction Act of 1992 (42 U.S.C. 4852), the*
10 *Healthy Homes Initiative, pursuant to sections 501 and*
11 *502 of the Housing and Urban Development Act of 1970*
12 *(12 U.S.C. 1701z-1 and 1701z-2), and for related activities*
13 *and assistance, \$410,000,000, to remain available until*
14 *September 30, 2025: Provided, That the amounts made*
15 *available under this heading are provided as follows:*

16 *(1) \$290,000,000 shall be for the award of grants*
17 *pursuant to such section 1011, of which not less than*
18 *\$95,000,000 shall be provided to areas with the high-*
19 *est lead-based paint abatement needs;*

20 *(2) \$85,000,000 shall be for the Healthy Homes*
21 *Initiative, pursuant to sections 501 and 502 of the*
22 *Housing and Urban Development Act of 1970, which*
23 *shall include research, studies, testing, and dem-*
24 *onstration efforts, including education and outreach*
25 *concerning lead-based paint poisoning and other*

1734

1 *housing-related diseases and hazards, and mitigating*
2 *housing-related health and safety hazards in housing*
3 *of low-income families, of which—*

4 (A) \$5,000,000 shall be for the implementa-
5 tion of projects in up to five communities that
6 are served by both the Healthy Homes Initiative
7 and the Department of Energy weatherization
8 programs to demonstrate whether the coordina-
9 tion of Healthy Homes remediation activities
10 with weatherization activities achieves cost sav-
11 ings and better outcomes in improving the safety
12 and quality of homes; and

13 (B) \$30,000,000 shall be for grants to expe-
14 rienced non-profit organizations, States, local
15 governments, or public housing agencies for safe-
16 ty and functional home modification repairs and
17 renovations to meet the needs of low-income sen-
18 iors to enable them to remain in their primary
19 residence: *Provided, That of the total amount*
20 *made available under this subparagraph no less*
21 *than \$10,000,000 shall be available to meet such*
22 *needs in communities with substantial rural*
23 *populations;*

24 (3) \$5,000,000 shall be for the award of grants
25 and contracts for research pursuant to sections 1051

1735

1 *and 1052 of the Residential Lead-Based Paint Haz-*
2 *ard Reduction Act of 1992 (42 U.S.C. 4854, 4854a);*

3 *(4) Up to \$2,000,000 in total of the amounts*
4 *made available under paragraphs (2) and (3) may be*
5 *transferred to the heading “Research and Technology”*
6 *for the purposes of conducting research and studies*
7 *and for use in accordance with the provisos under*
8 *that heading for non-competitive agreements;*

9 *(5) \$25,000,000 shall be for a lead-risk assess-*
10 *ment demonstration for public housing agencies to*
11 *conduct lead hazard screenings or lead-risk assess-*
12 *ments during housing quality standards inspections*
13 *of units in which a family receiving assistance under*
14 *section 8(o) of the U.S. Housing Act of 1937 (42*
15 *U.S.C. 1437f(o)) resides or expects to reside, and has*
16 *or expects to have a child under age 6 residing in the*
17 *unit, while preserving rental housing availability and*
18 *affordability; and*

19 *(6) \$5,000,000 shall be for grants for a radon*
20 *testing and mitigation safety demonstration program*
21 *(the radon demonstration) in public housing: Pro-*
22 *vided, That the testing method, mitigation method, or*
23 *action level used under the radon demonstration shall*
24 *be as specified by applicable State or local law, if*
25 *such law is more protective of human health or the*

1736

1 *environment than the method or level specified by the*
2 *Secretary:*
3 *Provided further, That for purposes of environmental re-*
4 *view, pursuant to the National Environmental Policy Act*
5 *of 1969 (42 U.S.C. 4321 et seq.) and other provisions of*
6 *law that further the purposes of such Act, a grant under*
7 *the Healthy Homes Initiative, or the Lead Technical Stud-*
8 *ies program, or other demonstrations or programs under*
9 *this heading or under prior appropriations Acts for such*
10 *purposes under this heading, or under the heading “Hous-*
11 *ing for the Elderly” under prior Appropriations Acts, shall*
12 *be considered to be funds for a special project for purposes*
13 *of section 305(c) of the Multifamily Housing Property Dis-*
14 *position Reform Act of 1994: Provided further, That each*
15 *applicant for a grant or cooperative agreement under this*
16 *heading shall certify adequate capacity that is acceptable*
17 *to the Secretary to carry out the proposed use of funds pur-*
18 *suant to a notice of funding opportunity: Provided further,*
19 *That amounts made available under this heading, except*
20 *for amounts in paragraph (2)(B) for home modification re-*
21 *pairs and renovations, in this or prior appropriations Acts,*
22 *still remaining available, may be used for any purpose*
23 *under this heading notwithstanding the purpose for which*
24 *such amounts were appropriated if a program competition*

1737

1 *is undersubscribed and there are other program competi-*
2 *tions under this heading that are oversubscribed.*

3 *INFORMATION TECHNOLOGY FUND*

4 *For Department-wide and program-specific informa-*
5 *tion technology systems and infrastructure, \$374,750,000,*
6 *to remain available until September 30, 2025, of which up*
7 *to \$23,950,000 shall be for development, modernization, and*
8 *enhancement projects, including planning for such projects:*
9 *Provided, That not more than 10 percent of the funds made*
10 *available under this heading for development, moderniza-*
11 *tion, and enhancement may be obligated until the Secretary*
12 *submits and the House and Senate Committees on Appro-*
13 *priations approve a plan that—*

14 *(1) identifies for each development, moderniza-*
15 *tion, and enhancement project to be funded from*
16 *available balances, including carryover—*

17 *(A) plain language summaries of the project*
18 *scope;*

19 *(B) the estimated total project cost; and*

20 *(C) key milestones to be met; and*

21 *(2) identifies for each major modernization*
22 *project—*

23 *(A) the functional and performance capa-*
24 *bilities to be delivered and the mission benefits*
25 *to be realized;*

1738

1 (B) the estimated life-cycle cost;

2 (C) key milestones to be met through the
3 project end date, including any identified system
4 decommissioning;

5 (D) a description of the procurement strat-
6 egy and governance structure for the project and
7 the number of HUD staff and contractors sup-
8 porting the project; and

9 (E) certification from the Chief Information
10 Officer that each project is compliant with the
11 Department's enterprise architecture, life-cycle
12 management and capital planning and invest-
13 ment control requirements:

14 Provided further, That not later than 30 days after the end
15 of each quarter, the Secretary shall submit an updated re-
16 port to the Committees on Appropriations of the House of
17 Representatives and the Senate summarizing the status,
18 cost and plan for all modernization projects; and for each
19 major modernization project with an approved project plan,
20 identifying—

21 (1) results and actual expenditures of the prior
22 quarter;

23 (2) any variances in cost, schedule (including
24 procurement), or functionality from the previously

1739

1 *approved project plan, reasons for such variances and*
2 *estimated impact on total life-cycle costs; and*
3 *(3) risks and mitigation strategies associated*
4 *with ongoing work.*

5 *OFFICE OF INSPECTOR GENERAL*

6 *For necessary salaries and expenses of the Office of In-*
7 *spector General in carrying out the Inspector General Act*
8 *of 1978, as amended, \$146,000,000: Provided, That the In-*
9 *spector General shall have independent authority over all*
10 *personnel issues within this office.*

11 *GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND*

12 *URBAN DEVELOPMENT*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *(INCLUDING RESCISSION)*

15 *SEC. 201. Fifty percent of the amounts of budget au-*
16 *thority, or in lieu thereof 50 percent of the cash amounts*
17 *associated with such budget authority, that are recaptured*
18 *from projects described in section 1012(a) of the Stewart*
19 *B. McKinney Homeless Assistance Amendments Act of 1988*
20 *(42 U.S.C. 1437f note) shall be rescinded or in the case of*
21 *cash, shall be remitted to the Treasury, and such amounts*
22 *of budget authority or cash recaptured and not rescinded*
23 *or remitted to the Treasury shall be used by State housing*
24 *finance agencies or local governments or local housing agen-*
25 *cies with projects approved by the Secretary of Housing and*

1740

1 *Urban Development for which settlement occurred after*
2 *January 1, 1992, in accordance with such section. Notwith-*
3 *standing the previous sentence, the Secretary may award*
4 *up to 15 percent of the budget authority or cash recaptured*
5 *and not rescinded or remitted to the Treasury to provide*
6 *project owners with incentives to refinance their project at*
7 *a lower interest rate.*

8 *SEC. 202. None of the funds made available by this*
9 *Act may be used during fiscal year 2023 to investigate or*
10 *prosecute under the Fair Housing Act any otherwise lawful*
11 *activity engaged in by one or more persons, including the*
12 *filing or maintaining of a nonfrivolous legal action, that*
13 *is engaged in solely for the purpose of achieving or pre-*
14 *venting action by a Government official or entity, or a*
15 *court of competent jurisdiction.*

16 *SEC. 203. Except as explicitly provided in law, any*
17 *grant, cooperative agreement or other assistance made pur-*
18 *suant to title II of this Act shall be made on a competitive*
19 *basis and in accordance with section 102 of the Department*
20 *of Housing and Urban Development Reform Act of 1989*
21 *(42 U.S.C. 3545).*

22 *SEC. 204. Funds of the Department of Housing and*
23 *Urban Development subject to the Government Corporation*
24 *Control Act or section 402 of the Housing Act of 1950 shall*
25 *be available, without regard to the limitations on adminis-*

1741

1 *trative expenses, for legal services on a contract or fee basis,*
2 *and for utilizing and making payment for services and fa-*
3 *cilities of the Federal National Mortgage Association, Gov-*
4 *ernment National Mortgage Association, Federal Home*
5 *Loan Mortgage Corporation, Federal Financing Bank, Fed-*
6 *eral Reserve banks or any member thereof, Federal Home*
7 *Loan banks, and any insured bank within the meaning of*
8 *the Federal Deposit Insurance Corporation Act, as amended*
9 *(12 U.S.C. 1811–1).*

10 *SEC. 205. Unless otherwise provided for in this Act*
11 *or through a reprogramming of funds, no part of any ap-*
12 *propriation for the Department of Housing and Urban De-*
13 *velopment shall be available for any program, project or*
14 *activity in excess of amounts set forth in the budget esti-*
15 *mates submitted to Congress.*

16 *SEC. 206. Corporations and agencies of the Depart-*
17 *ment of Housing and Urban Development which are subject*
18 *to the Government Corporation Control Act are hereby au-*
19 *thorized to make such expenditures, within the limits of*
20 *funds and borrowing authority available to each such cor-*
21 *poration or agency and in accordance with law, and to*
22 *make such contracts and commitments without regard to*
23 *fiscal year limitations as provided by section 104 of such*
24 *Act as may be necessary in carrying out the programs set*
25 *forth in the budget for 2023 for such corporation or agency*

1742

1 *except as hereinafter provided: Provided, That collections*
2 *of these corporations and agencies may be used for new loan*
3 *or mortgage purchase commitments only to the extent ex-*
4 *pressly provided for in this Act (unless such loans are in*
5 *support of other forms of assistance provided for in this or*
6 *prior appropriations Acts), except that this proviso shall*
7 *not apply to the mortgage insurance or guaranty operations*
8 *of these corporations, or where loans or mortgage purchases*
9 *are necessary to protect the financial interest of the United*
10 *States Government.*

11 *SEC. 207. The Secretary shall provide quarterly re-*
12 *ports to the House and Senate Committees on Appropria-*
13 *tions regarding all uncommitted, unobligated, recaptured*
14 *and excess funds in each program and activity within the*
15 *jurisdiction of the Department and shall submit additional,*
16 *updated budget information to these Committees upon re-*
17 *quest.*

18 *SEC. 208. None of the funds made available by this*
19 *title may be used for an audit of the Government National*
20 *Mortgage Association that makes applicable requirements*
21 *under the Federal Credit Reform Act of 1990 (2 U.S.C. 661*
22 *et seq.).*

23 *SEC. 209. (a) Notwithstanding any other provision of*
24 *law, subject to the conditions listed under this section, for*
25 *fiscal years 2023 and 2024, the Secretary of Housing and*

1743

1 *Urban Development may authorize the transfer of some or*
2 *all project-based assistance, debt held or insured by the Sec-*
3 *retary and statutorily required low-income and very low-*
4 *income use restrictions if any, associated with one or more*
5 *multifamily housing project or projects to another multi-*
6 *family housing project or projects.*

7 (b) *PHASED TRANSFERS.—Transfers of project-based*
8 *assistance under this section may be done in phases to ac-*
9 *commodate the financing and other requirements related to*
10 *rehabilitating or constructing the project or projects to*
11 *which the assistance is transferred, to ensure that such*
12 *project or projects meet the standards under subsection (c).*

13 (c) *The transfer authorized in subsection (a) is subject*
14 *to the following conditions:*

15 (1) *NUMBER AND BEDROOM SIZE OF UNITS.—*

16 (A) *For occupied units in the transferring*
17 *project: The number of low-income and very low-*
18 *income units and the configuration (i.e., bed-*
19 *room size) provided by the transferring project*
20 *shall be no less than when transferred to the re-*
21 *ceiving project or projects and the net dollar*
22 *amount of Federal assistance provided to the*
23 *transferring project shall remain the same in the*
24 *receiving project or projects.*

1744

1 (B) For unoccupied units in the transfer-
2 ring project: The Secretary may authorize a re-
3 duction in the number of dwelling units in the
4 receiving project or projects to allow for a recon-
5 figuration of bedroom sizes to meet current mar-
6 ket demands, as determined by the Secretary and
7 provided there is no increase in the project-based
8 assistance budget authority.

9 (2) The transferring project shall, as determined
10 by the Secretary, be either physically obsolete or eco-
11 nomically nonviable, or be reasonably expected to be-
12 come economically nonviable when complying with
13 State or Federal requirements for community integra-
14 tion and reduced concentration of individuals with
15 disabilities.

16 (3) The receiving project or projects shall meet or
17 exceed applicable physical standards established by
18 the Secretary.

19 (4) The owner or mortgagor of the transferring
20 project shall notify and consult with the tenants re-
21 siding in the transferring project and provide a cer-
22 tification of approval by all appropriate local govern-
23 mental officials.

24 (5) The tenants of the transferring project who
25 remain eligible for assistance to be provided by the re-

1745

1 *ceiving project or projects shall not be required to va-*
2 *cate their units in the transferring project or projects*
3 *until new units in the receiving project are available*
4 *for occupancy.*

5 *(6) The Secretary determines that this transfer is*
6 *in the best interest of the tenants.*

7 *(7) If either the transferring project or the re-*
8 *ceiving project or projects meets the condition speci-*
9 *fied in subsection (d)(2)(A), any lien on the receiving*
10 *project resulting from additional financing obtained*
11 *by the owner shall be subordinate to any FHA-in-*
12 *sured mortgage lien transferred to, or placed on, such*
13 *project by the Secretary, except that the Secretary*
14 *may waive this requirement upon determination that*
15 *such a waiver is necessary to facilitate the financing*
16 *of acquisition, construction, and/or rehabilitation of*
17 *the receiving project or projects.*

18 *(8) If the transferring project meets the require-*
19 *ments of subsection (d)(2), the owner or mortgagor of*
20 *the receiving project or projects shall execute and*
21 *record either a continuation of the existing use agree-*
22 *ment or a new use agreement for the project where,*
23 *in either case, any use restrictions in such agreement*
24 *are of no lesser duration than the existing use restric-*
25 *tions.*

1746

1 (9) *The transfer does not increase the cost (as de-*
2 *finied in section 502 of the Congressional Budget Act*
3 *of 1974 (2 U.S.C. 661a)) of any FHA-insured mort-*
4 *gage, except to the extent that appropriations are pro-*
5 *vided in advance for the amount of any such in-*
6 *creased cost.*

7 (d) *For purposes of this section—*

8 (1) *the terms “low-income” and “very low-in-*
9 *come” shall have the meanings provided by the statute*
10 *and/or regulations governing the program under*
11 *which the project is insured or assisted;*

12 (2) *the term “multifamily housing project”*
13 *means housing that meets one of the following condi-*
14 *tions—*

15 (A) *housing that is subject to a mortgage*
16 *insured under the National Housing Act;*

17 (B) *housing that has project-based assist-*
18 *ance attached to the structure including projects*
19 *undergoing mark to market debt restructuring*
20 *under the Multifamily Assisted Housing Reform*
21 *and Affordability Housing Act;*

22 (C) *housing that is assisted under section*
23 *202 of the Housing Act of 1959 (12 U.S.C.*
24 *1701q);*

1747

1 (D) housing that is assisted under section
2 202 of the Housing Act of 1959 (12 U.S.C.
3 1701q), as such section existed before the enact-
4 ment of the Cranston-Gonzales National Afford-
5 able Housing Act;

6 (E) housing that is assisted under section
7 811 of the Cranston-Gonzales National Afford-
8 able Housing Act (42 U.S.C. 8013); or

9 (F) housing or vacant land that is subject
10 to a use agreement;

11 (3) the term “project-based assistance” means—

12 (A) assistance provided under section 8(b)
13 of the United States Housing Act of 1937 (42
14 U.S.C. 1437f(b));

15 (B) assistance for housing constructed or
16 substantially rehabilitated pursuant to assistance
17 provided under section 8(b)(2) of such Act (as
18 such section existed immediately before October
19 1, 1983);

20 (C) rent supplement payments under sec-
21 tion 101 of the Housing and Urban Development
22 Act of 1965 (12 U.S.C. 1701s);

23 (D) interest reduction payments under sec-
24 tion 236 and/or additional assistance payments

1748

1 *under section 236(f)(2) of the National Housing*
2 *Act (12 U.S.C. 1715z-1);*

3 *(E) assistance payments made under sec-*
4 *tion 202(c)(2) of the Housing Act of 1959 (12*
5 *U.S.C. 1701q(c)(2)); and*

6 *(F) assistance payments made under section*
7 *811(d)(2) of the Cranston-Gonzalez National Af-*
8 *fordable Housing Act (42 U.S.C. 8013(d)(2));*

9 *(4) the term “receiving project or projects”*
10 *means the multifamily housing project or projects to*
11 *which some or all of the project-based assistance, debt,*
12 *and statutorily required low-income and very low-in-*
13 *come use restrictions are to be transferred;*

14 *(5) the term “transferring project” means the*
15 *multifamily housing project which is transferring*
16 *some or all of the project-based assistance, debt, and*
17 *the statutorily required low-income and very low-in-*
18 *come use restrictions to the receiving project or*
19 *projects; and*

20 *(6) the term “Secretary” means the Secretary of*
21 *Housing and Urban Development.*

22 *(e) RESEARCH REPORT.—The Secretary shall conduct*
23 *an evaluation of the transfer authority under this section,*
24 *including the effect of such transfers on the operational effi-*

1749

1 *ciency, contract rents, physical and financial conditions,*
2 *and long-term preservation of the affected properties.*

3 *SEC. 210. (a) No assistance shall be provided under*
4 *section 8 of the United States Housing Act of 1937 (42*
5 *U.S.C. 1437f) to any individual who—*

6 *(1) is enrolled as a student at an institution of*
7 *higher education (as defined under section 102 of the*
8 *Higher Education Act of 1965 (20 U.S.C. 1002));*

9 *(2) is under 24 years of age;*

10 *(3) is not a veteran;*

11 *(4) is unmarried;*

12 *(5) does not have a dependent child;*

13 *(6) is not a person with disabilities, as such*
14 *term is defined in section 3(b)(3)(E) of the United*
15 *States Housing Act of 1937 (42 U.S.C.*
16 *1437a(b)(3)(E)) and was not receiving assistance*
17 *under such section 8 as of November 30, 2005;*

18 *(7) is not a youth who left foster care at age 14*
19 *or older and is at risk of becoming homeless; and*

20 *(8) is not otherwise individually eligible, or has*
21 *parents who, individually or jointly, are not eligible,*
22 *to receive assistance under section 8 of the United*
23 *States Housing Act of 1937 (42 U.S.C. 1437f).*

24 *(b) For purposes of determining the eligibility of a per-*
25 *son to receive assistance under section 8 of the United States*

1750

1 *Housing Act of 1937 (42 U.S.C. 1437f), any financial as-*
2 *sistance (in excess of amounts received for tuition and any*
3 *other required fees and charges) that an individual receives*
4 *under the Higher Education Act of 1965 (20 U.S.C. 1001*
5 *et seq.), from private sources, or from an institution of high-*
6 *er education (as defined under section 102 of the Higher*
7 *Education Act of 1965 (20 U.S.C. 1002)), shall be consid-*
8 *ered income to that individual, except for a person over the*
9 *age of 23 with dependent children.*

10 *SEC. 211. The funds made available for Native Alas-*
11 *kans under paragraph (1) under the heading “Native Amer-*
12 *ican Programs” in title II of this Act shall be allocated to*
13 *the same Native Alaskan housing block grant recipients that*
14 *received funds in fiscal year 2005, and only such recipients*
15 *shall be eligible to apply for funds made available under*
16 *paragraph (2) of such heading.*

17 *SEC. 212. Notwithstanding any other provision of law,*
18 *in fiscal year 2023, in managing and disposing of any mul-*
19 *tifamily property that is owned or has a mortgage held by*
20 *the Secretary of Housing and Urban Development, and dur-*
21 *ing the process of foreclosure on any property with a con-*
22 *tract for rental assistance payments under section 8 of the*
23 *United States Housing Act of 1937 (42 U.S.C. 1437f) or*
24 *any other Federal programs, the Secretary shall maintain*
25 *any rental assistance payments under section 8 of the*

1751

1 *United States Housing Act of 1937 and other programs that*
2 *are attached to any dwelling units in the property. To the*
3 *extent the Secretary determines, in consultation with the*
4 *tenants and the local government that such a multifamily*
5 *property owned or having a mortgage held by the Secretary*
6 *is not feasible for continued rental assistance payments*
7 *under such section 8 or other programs, based on consider-*
8 *ation of (1) the costs of rehabilitating and operating the*
9 *property and all available Federal, State, and local re-*
10 *sources, including rent adjustments under section 524 of the*
11 *Multifamily Assisted Housing Reform and Affordability*
12 *Act of 1997 (in this section “MAHRAA”) (42 U.S.C. 1437f*
13 *note), and (2) environmental conditions that cannot be rem-*
14 *edied in a cost-effective fashion, the Secretary may, in con-*
15 *sultation with the tenants of that property, contract for*
16 *project-based rental assistance payments with an owner or*
17 *owners of other existing housing properties, or provide other*
18 *rental assistance. The Secretary shall also take appropriate*
19 *steps to ensure that project-based contracts remain in effect*
20 *prior to foreclosure, subject to the exercise of contractual*
21 *abatement remedies to assist relocation of tenants for immi-*
22 *nent major threats to health and safety after written notice*
23 *to and informed consent of the affected tenants and use of*
24 *other available remedies, such as partial abatements or re-*
25 *ceivership. After disposition of any multifamily property*

1752

1 *described in this section, the contract and allowable rent*
2 *levels on such properties shall be subject to the requirements*
3 *under section 524 of MAHRAA.*

4 *SEC. 213. Public housing agencies that own and oper-*
5 *ate 400 or fewer public housing units may elect to be exempt*
6 *from any asset management requirement imposed by the*
7 *Secretary in connection with the operating fund rule: Pro-*
8 *vided, That an agency seeking a discontinuance of a reduc-*
9 *tion of subsidy under the operating fund formula shall not*
10 *be exempt from asset management requirements.*

11 *SEC. 214. With respect to the use of amounts provided*
12 *in this Act and in future Acts for the operation, capital*
13 *improvement, and management of public housing as au-*
14 *thorized by sections 9(d) and 9(e) of the United States*
15 *Housing Act of 1937 (42 U.S.C. 1437g(d),(e)), the Secretary*
16 *shall not impose any requirement or guideline relating to*
17 *asset management that restricts or limits in any way the*
18 *use of capital funds for central office costs pursuant to*
19 *paragraph (1) or (2) of section 9(g) of the United States*
20 *Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided,*
21 *That a public housing agency may not use capital funds*
22 *authorized under section 9(d) for activities that are eligible*
23 *under section 9(e) for assistance with amounts from the op-*
24 *erating fund in excess of the amounts permitted under*
25 *paragraph (1) or (2) of section 9(g).*

1753

1 *SEC. 215. No official or employee of the Department*
2 *of Housing and Urban Development shall be designated as*
3 *an allotment holder unless the Office of the Chief Financial*
4 *Officer has determined that such allotment holder has im-*
5 *plemented an adequate system of funds control and has re-*
6 *ceived training in funds control procedures and directives.*
7 *The Chief Financial Officer shall ensure that there is a*
8 *trained allotment holder for each HUD appropriation*
9 *under the accounts “Executive Offices”, “Administrative*
10 *Support Offices”, “Program Offices”, “Government Na-*
11 *tional Mortgage Association—Guarantees of Mortgage-*
12 *Backed Securities Loan Guarantee Program Account”, and*
13 *“Office of Inspector General” within the Department of*
14 *Housing and Urban Development.*

15 *SEC. 216. The Secretary shall, for fiscal year 2023,*
16 *notify the public through the Federal Register and other*
17 *means, as determined appropriate, of the issuance of a no-*
18 *tice of the availability of assistance or notice of funding*
19 *opportunity (NOFO) for any program or discretionary*
20 *fund administered by the Secretary that is to be competi-*
21 *tively awarded. Notwithstanding any other provision of*
22 *law, for fiscal year 2023, the Secretary may make the*
23 *NOFO available only on the Internet at the appropriate*
24 *Government website or through other electronic media, as*
25 *determined by the Secretary.*

1754

1 *SEC. 217. Payment of attorney fees in program-related*
2 *litigation shall be paid from the individual program office*
3 *and Office of General Counsel salaries and expenses appro-*
4 *priations.*

5 *SEC. 218. The Secretary is authorized to transfer up*
6 *to 10 percent or \$5,000,000, whichever is less, of funds ap-*
7 *propriated for any office under the headings “Administra-*
8 *tive Support Offices” or “Program Offices” to any other*
9 *such office under such headings: Provided, That no appro-*
10 *priation for any such office under such headings shall be*
11 *increased or decreased by more than 10 percent or*
12 *\$5,000,000, whichever is less, without prior written ap-*
13 *proval of the House and Senate Committees on Appropria-*
14 *tions: Provided further, That the Secretary shall provide no-*
15 *tification to such Committees 3 business days in advance*
16 *of any such transfers under this section up to 10 percent*
17 *or \$5,000,000, whichever is less.*

18 *SEC. 219. (a) Any entity receiving housing assistance*
19 *payments shall maintain decent, safe, and sanitary condi-*
20 *tions, as determined by the Secretary, and comply with any*
21 *standards under applicable State or local laws, rules, ordi-*
22 *nances, or regulations relating to the physical condition of*
23 *any property covered under a housing assistance payment*
24 *contract.*

1755

1 (b) *The Secretary shall take action under subsection*
2 *(c) when a multifamily housing project with a contract*
3 *under section 8 of the United States Housing Act of 1937*
4 *(42 U.S.C. 1437f) or a contract for similar project-based*
5 *assistance—*

6 (1) *receives a Uniform Physical Condition*
7 *Standards (UPCS) score of 59 or less; or*

8 (2) *fails to certify in writing to the Secretary*
9 *within 3 days that all Exigent Health and Safety de-*
10 *ficiencies identified by the inspector at the project*
11 *have been corrected.*

12 *Such requirements shall apply to insured and non-*
13 *insured projects with assistance attached to the units under*
14 *section 8 of the United States Housing Act of 1937 (42*
15 *U.S.C. 1437f), but shall not apply to such units assisted*
16 *under section 8(o)(13) of such Act (42 U.S.C. 1437f(o)(13))*
17 *or to public housing units assisted with capital or operating*
18 *funds under section 9 of the United States Housing Act of*
19 *1937 (42 U.S.C. 1437g).*

20 (c)(1) *Within 15 days of the issuance of the Real Es-*
21 *tate Assessment Center (“REAC”) inspection, the Secretary*
22 *shall provide the owner with a Notice of Default with a*
23 *specified timetable, determined by the Secretary, for cor-*
24 *recting all deficiencies. The Secretary shall provide a copy*
25 *of the Notice of Default to the tenants, the local government,*

1756

1 *any mortgagees, and any contract administrator. If the*
2 *owner's appeal results in a UPCS score of 60 or above, the*
3 *Secretary may withdraw the Notice of Default.*

4 *(2) At the end of the time period for correcting all defi-*
5 *ciencies specified in the Notice of Default, if the owner fails*
6 *to fully correct such deficiencies, the Secretary may—*

7 *(A) require immediate replacement of project*
8 *management with a management agent approved by*
9 *the Secretary;*

10 *(B) impose civil money penalties, which shall be*
11 *used solely for the purpose of supporting safe and*
12 *sanitary conditions at applicable properties, as des-*
13 *ignated by the Secretary, with priority given to the*
14 *tenants of the property affected by the penalty;*

15 *(C) abate the section 8 contract, including par-*
16 *tial abatement, as determined by the Secretary, until*
17 *all deficiencies have been corrected;*

18 *(D) pursue transfer of the project to an owner,*
19 *approved by the Secretary under established proce-*
20 *dures, who will be obligated to promptly make all re-*
21 *quired repairs and to accept renewal of the assistance*
22 *contract if such renewal is offered;*

23 *(E) transfer the existing section 8 contract to an-*
24 *other project or projects and owner or owners;*

1757

1 (F) pursue exclusionary sanctions, including
2 suspensions or debarments from Federal programs;

3 (G) seek judicial appointment of a receiver to
4 manage the property and cure all project deficiencies
5 or seek a judicial order of specific performance requir-
6 ing the owner to cure all project deficiencies;

7 (H) work with the owner, lender, or other related
8 party to stabilize the property in an attempt to pre-
9 serve the property through compliance, transfer of
10 ownership, or an infusion of capital provided by a
11 third-party that requires time to effectuate; or

12 (I) take any other regulatory or contractual rem-
13 edies available as deemed necessary and appropriate
14 by the Secretary.

15 (d) The Secretary shall take appropriate steps to en-
16 sure that project-based contracts remain in effect, subject
17 to the exercise of contractual abatement remedies to assist
18 relocation of tenants for major threats to health and safety
19 after written notice to the affected tenants. To the extent
20 the Secretary determines, in consultation with the tenants
21 and the local government, that the property is not feasible
22 for continued rental assistance payments under such section
23 8 or other programs, based on consideration of—

24 (1) the costs of rehabilitating and operating the
25 property and all available Federal, State, and local

1758

1 resources, including rent adjustments under section
2 524 of the Multifamily Assisted Housing Reform and
3 Affordability Act of 1997 (“MAHRAA”); and

4 (2) environmental conditions that cannot be
5 remedied in a cost-effective fashion, the Secretary
6 may contract for project-based rental assistance pay-
7 ments with an owner or owners of other existing hous-
8 ing properties, or provide other rental assistance.

9 (e) The Secretary shall report semi-annually on all
10 properties covered by this section that are assessed through
11 the Real Estate Assessment Center and have UPCS physical
12 inspection scores of less than 60 or have received an unsatis-
13 factory management and occupancy review within the past
14 36 months. The report shall include—

15 (1) identification of the enforcement actions
16 being taken to address such conditions, including im-
17 position of civil money penalties and termination of
18 subsidies, and identification of properties that have
19 such conditions multiple times;

20 (2) identification of actions that the Department
21 of Housing and Urban Development is taking to pro-
22 tect tenants of such identified properties; and

23 (3) any administrative or legislative rec-
24 ommendations to further improve the living condi-

1759

1 *tions at properties covered under a housing assistance*
2 *payment contract.*

3 *The first report shall be submitted to the Senate and*
4 *House Committees on Appropriations not later than 30*
5 *days after the enactment of this Act, and the second report*
6 *shall be submitted within 180 days of the transmittal of*
7 *the first report.*

8 *SEC. 220. None of the funds made available by this*
9 *Act, or any other Act, for purposes authorized under section*
10 *8 (only with respect to the tenant-based rental assistance*
11 *program) and section 9 of the United States Housing Act*
12 *of 1937 (42 U.S.C. 1437 et seq.), may be used by any public*
13 *housing agency for any amount of salary, including bo-*
14 *nuses, for the chief executive officer of which, or any other*
15 *official or employee of which, that exceeds the annual rate*
16 *of basic pay payable for a position at level IV of the Execu-*
17 *tive Schedule at any time during any public housing agen-*
18 *cy fiscal year 2023.*

19 *SEC. 221. None of the funds made available by this*
20 *Act and provided to the Department of Housing and Urban*
21 *Development may be used to make a grant award unless*
22 *the Secretary notifies the House and Senate Committees on*
23 *Appropriations not less than 3 full business days before any*
24 *project, State, locality, housing authority, Tribe, nonprofit*
25 *organization, or other entity selected to receive a grant*

1760

1 *award is announced by the Department or its offices: Pro-*
2 *vided, That such notification shall list each grant award*
3 *by State and congressional district.*

4 *SEC. 222. None of the funds made available in this*
5 *Act shall be used by the Federal Housing Administration,*
6 *the Government National Mortgage Association, or the De-*
7 *partment of Housing and Urban Development to insure,*
8 *securitize, or establish a Federal guarantee of any mortgage*
9 *or mortgage backed security that refinances or otherwise re-*
10 *places a mortgage that has been subject to eminent domain*
11 *condemnation or seizure, by a State, municipality, or any*
12 *other political subdivision of a State.*

13 *SEC. 223. None of the funds made available by this*
14 *Act may be used to terminate the status of a unit of general*
15 *local government as a metropolitan city (as defined in sec-*
16 *tion 102 of the Housing and Community Development Act*
17 *of 1974 (42 U.S.C. 5302)) with respect to grants under sec-*
18 *tion 106 of such Act (42 U.S.C. 5306).*

19 *SEC. 224. Amounts made available by this Act that*
20 *are appropriated, allocated, advanced on a reimbursable*
21 *basis, or transferred to the Office of Policy Development and*
22 *Research of the Department of Housing and Urban Devel-*
23 *opment and functions thereof, for research, evaluation, or*
24 *statistical purposes, and that are unexpended at the time*
25 *of completion of a contract, grant, or cooperative agreement,*

1761

1 *may be deobligated and shall immediately become available*
2 *and may be reobligated in that fiscal year or the subsequent*
3 *fiscal year for the research, evaluation, or statistical pur-*
4 *poses for which the amounts are made available to that Of-*
5 *fice subject to reprogramming requirements in section 405*
6 *of this Act.*

7 *SEC. 225. None of the funds provided in this Act or*
8 *any other Act may be used for awards, including perform-*
9 *ance, special act, or spot, for any employee of the Depart-*
10 *ment of Housing and Urban Development subject to admin-*
11 *istrative discipline (including suspension from work), in*
12 *this fiscal year, but this prohibition shall not be effective*
13 *prior to the effective date of any such administrative dis-*
14 *cipline or after any final decision over-turning such dis-*
15 *cipline.*

16 *SEC. 226. With respect to grant amounts awarded*
17 *under the heading “Homeless Assistance Grants” for fiscal*
18 *years 2015 through 2023 for the Continuum of Care (CoC)*
19 *program as authorized under subtitle C of title IV of the*
20 *McKinney-Vento Homeless Assistance Act, costs paid by*
21 *program income of grant recipients may count toward*
22 *meeting the recipient’s matching requirements, provided the*
23 *costs are eligible CoC costs that supplement the recipient’s*
24 *CoC program.*

1762

1 *SEC. 227. (a) From amounts made available under*
2 *this title under the heading “Homeless Assistance Grants”,*
3 *the Secretary may award 1-year transition grants to recipi-*
4 *ents of funds for activities under subtitle C of the McKin-*
5 *ney-Vento Homeless Assistance Act (42 U.S.C. 11381 et*
6 *seq.) to transition from one Continuum of Care program*
7 *component to another.*

8 *(b) In order to be eligible to receive a transition grant,*
9 *the funding recipient must have the consent of the con-*
10 *tinuum of care and meet standards determined by the Sec-*
11 *retary.*

12 *SEC. 228. The Promise Zone designations and Promise*
13 *Zone Designation Agreements entered into pursuant to such*
14 *designations, made by the Secretary in prior fiscal years,*
15 *shall remain in effect in accordance with the terms and con-*
16 *ditions of such agreements.*

17 *SEC. 229. None of the amounts made available in this*
18 *Act may be used to consider Family Self-Sufficiency per-*
19 *formance measures or performance scores in determining*
20 *funding awards for programs receiving Family Self-Suffi-*
21 *ciency program coordinator funding provided in this Act.*

22 *SEC. 230. Any public housing agency designated as a*
23 *Moving to Work agency pursuant to section 239 of division*
24 *L of Public Law 114–113 (42 U.S.C. 1437f note; 129 Stat.*
25 *2897) may, upon such designation, use funds (except for*

1763

1 *special purpose funding, including special purpose vouch-*
2 *ers) previously allocated to any such public housing agency*
3 *under section 8 or 9 of the United States Housing Act of*
4 *1937, including any reserve funds held by the public hous-*
5 *ing agency or funds held by the Department of Housing*
6 *and Urban Development, pursuant to the authority for use*
7 *of section 8 or 9 funding provided under such section and*
8 *section 204 of title II of the Departments of Veterans Affairs*
9 *and Housing and Urban Development and Independent*
10 *Agencies Appropriations Act, 1996 (Public Law 104–134;*
11 *110 Stat. 1321–28), notwithstanding the purposes for which*
12 *such funds were appropriated.*

13 *SEC. 231. None of the amounts made available by this*
14 *Act may be used to prohibit any public housing agency*
15 *under receivership or the direction of a Federal monitor*
16 *from applying for, receiving, or using funds made available*
17 *under the heading “Public Housing Fund” for competitive*
18 *grants to evaluate and reduce lead-based paint hazards in*
19 *this Act or that remain available and not awarded from*
20 *prior Acts, or be used to prohibit a public housing agency*
21 *from using such funds to carry out any required work pur-*
22 *suant to a settlement agreement, consent decree, voluntary*
23 *agreement, or similar document for a violation of the Lead*
24 *Safe Housing or Lead Disclosure Rules.*

1764

1 *SEC. 232. None of the funds made available by this*
2 *title may be used to issue rules or guidance in contravention*
3 *of section 1210 of Public Law 115–254 (132 Stat. 3442)*
4 *or section 312 of the Robert T. Stafford Disaster Relief and*
5 *Emergency Assistance Act (42 U.S.C. 5155).*

6 *SEC. 233. Funds previously made available in the*
7 *Consolidated Appropriations Act, 2016 (Public Law 114–*
8 *113) for the “Choice Neighborhoods Initiative” that were*
9 *available for obligation through fiscal year 2018 are to re-*
10 *main available through fiscal year 2024 for the liquidation*
11 *of valid obligations incurred in fiscal years 2016 through*
12 *2018.*

13 *SEC. 234. None of the funds made available by this*
14 *Act may be used by the Department of Housing and Urban*
15 *Development to direct a grantee to undertake specific*
16 *changes to existing zoning laws as part of carrying out the*
17 *final rule entitled “Affirmatively Furthering Fair Hous-*
18 *ing” (80 Fed. Reg. 42272 (July 16, 2015)) or the notice*
19 *entitled “Affirmatively Furthering Fair Housing Assess-*
20 *ment Tool” (79 Fed. Reg. 57949 (September 26, 2014)).*

21 *SEC. 235. For fiscal year 2023, if the Secretary deter-*
22 *mines or has determined, for any prior formula grant allo-*
23 *cation administered by the Secretary through the Offices of*
24 *Public and Indian Housing, Community Planning and De-*
25 *velopment, or Housing, that a recipient received an alloca-*

1765

tion greater than the amount such recipient should have received for a formula allocation cycle pursuant to applicable statutes and regulations, the Secretary may adjust for any such funding error in the next applicable formula allocation cycle by (a) offsetting each such recipient's formula allocation (if eligible for a formula allocation in the next applicable formula allocation cycle) by the amount of any such funding error, and (b) reallocating any available balances that are attributable to the offset to the recipient or recipients that would have been allocated additional funds in the formula allocation cycle in which any such error occurred (if such recipient or recipients are eligible for a formula allocation in the next applicable formula allocation cycle) in an amount proportionate to such recipient's eligibility under the next applicable formula allocation cycle: Provided, That all offsets and reallocations from such available balances shall be recorded against funds available for the next applicable formula allocation cycle: Provided further, That the term "next applicable formula allocation cycle" means the first formula allocation cycle for a program that is reasonably available for correction following such a Secretarial determination: Provided further, That if, upon request by a recipient and giving consideration to all Federal resources available to the recipient for the same grant purposes, the Secretary determines that the offset in

1766

1 *the next applicable formula allocation cycle would critically*
2 *impair the recipient's ability to accomplish the purpose of*
3 *the formula grant, the Secretary may adjust for the funding*
4 *error across two or more formula allocation cycles.*

5 *SEC. 236. The Multifamily Assisted Housing Reform*
6 *and Affordability Act of 1997 (42 U.S.C. 1437f note) is*
7 *amended—*

8 *(a) in section 515, by adding at the end the following*
9 *new subsection:*

10 *“(d) RENT ADJUSTMENTS AND SUBSEQUENT RENEW-*
11 *ALS.—After the initial renewal of a section 8 contract pur-*
12 *suant to this section and notwithstanding any other provi-*
13 *sion of law or contract regarding the adjustment of rents*
14 *or subsequent renewal of such contract for a project, includ-*
15 *ing such a provision in section 514 or this section, in the*
16 *case of a project subject to any restrictions imposed pursu-*
17 *ant to sections 514 or this section, the Secretary may, not*
18 *more often than once every 10 years, adjust such rents or*
19 *renew such contracts at rent levels that are equal to the*
20 *lesser of budget-based rents or comparable market rents for*
21 *the market area upon the request of an owner or purchaser*
22 *who—*

23 *“(1) demonstrates that—*

24 *“(A) project income is insufficient to oper-*
25 *ate and maintain the project, and no rehabilita-*

1767

1 *tion is currently needed, as determined by the*
2 *Secretary; or*

3 *“(B) the rent adjustment or renewal con-*
4 *tract is necessary to support commercially rea-*
5 *sonable financing (including any required debt*
6 *service coverage and replacement reserve) for re-*
7 *habilitation necessary to ensure the long-term*
8 *sustainability of the project, as determined by*
9 *the Secretary, and in the event the owner or pur-*
10 *chaser fails to implement the rehabilitation as*
11 *required by the Secretary, the Secretary may*
12 *take such action against the owner or purchaser*
13 *as allowed by law; and*

14 *“(2) agrees to—*

15 *“(A) extend the affordability and use re-*
16 *strictions required under 514(e)(6) for an addi-*
17 *tional twenty years; and*

18 *“(B) enter into a binding commitment to*
19 *continue to renew such contract for and during*
20 *such extended term, provided that after the af-*
21 *fordability and use restrictions required under*
22 *514(e)(6) have been maintained for a term of 30*
23 *years:*

24 *“(i) an owner with a contract for*
25 *which rent levels were set at the time of its*

1768

1 *initial renewal under section 514(g)(2) shall*
2 *request that the Secretary renew such con-*
3 *tract under section 524 for and during such*
4 *extended term; and*

5 *“(ii) an owner with a contract for*
6 *which rent levels were set at the time of its*
7 *initial renewal under section 514(g)(1) may*
8 *request that the Secretary renew such con-*
9 *tract under section 524 for and during such*
10 *extended term.”; and*

11 *(b) in section 579, by striking “October 1, 2022” each*
12 *place it appears and inserting in lieu thereof “October 1,*
13 *2027”.*

14 *SEC. 237. The Secretary may transfer from amounts*
15 *made available for salaries and expenses under this title*
16 *(excluding amounts made available under the heading “Of-*
17 *fice of Inspector General”) up to \$500,000 from each office*
18 *to the heading “Information Technology Fund” for infor-*
19 *mation technology needs, including for additional develop-*
20 *ment, modernization, and enhancement, to remain avail-*
21 *able until September 30, 2025: Provided, That the total*
22 *amount of such transfers shall not exceed \$5,000,000: Pro-*
23 *vided further, That this transfer authority shall not be used*
24 *to fund information technology projects or activities that*
25 *have known out-year development, modernization, or en-*

1769

1 *hancement costs in excess of \$500,000: Provided further,*
2 *That the Secretary shall provide notification to the House*
3 *and Senate Committees on Appropriations no less than*
4 *three business days in advance of any such transfer.*

5 *SEC. 238. Funds previously made available in the*
6 *Consolidated Appropriations Act, 2019 (Public Law 116–*
7 *6) for “Lead Hazard Reduction” that were available for*
8 *obligation through fiscal year 2020 are to remain available*
9 *through fiscal year 2027 for the liquidation of valid obliga-*
10 *tions incurred in fiscal years 2019 through 2020.*

11 *SEC. 239. The Secretary shall comply with all process*
12 *requirements, including public notice and comment, when*
13 *seeking to revise any annual contributions contract.*

14 *SEC. 240. None of the funds appropriated or otherwise*
15 *made available in this or prior Acts may be used by the*
16 *Department to carry out customer experience activities*
17 *within the Office of the Assistant Chief Financial Officer*
18 *for Budget.*

19 *This title may be cited as the “Department of Housing*
20 *and Urban Development Appropriations Act, 2023”.*

1770

1 *TITLE III*2 *RELATED AGENCIES*3 *ACCESS BOARD*4 *SALARIES AND EXPENSES*

5 *For expenses necessary for the Access Board, as author-*
6 *ized by section 502 of the Rehabilitation Act of 1973 (29*
7 *U.S.C. 792), \$9,850,000: Provided, That, notwithstanding*
8 *any other provision of law, there may be credited to this*
9 *appropriation funds received for publications and training*
10 *expenses.*

11 *FEDERAL MARITIME COMMISSION*12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Federal Maritime Com-*
14 *mission as authorized by section 201(d) of the Merchant*
15 *Marine Act, 1936, as amended (46 U.S.C. 46107), including*
16 *services as authorized by section 3109 of title 5, United*
17 *States Code; hire of passenger motor vehicles as authorized*
18 *by section 1343(b) of title 31, United States Code; and uni-*
19 *forms or allowances therefore, as authorized by sections*
20 *5901 and 5902 of title 5, United States Code, \$38,260,000,*
21 *of which \$2,000,000 shall remain available until September*
22 *30, 2024: Provided, That not to exceed \$3,500 shall be for*
23 *official reception and representation expenses.*

1771

1 *NATIONAL RAILROAD PASSENGER CORPORATION*2 *OFFICE OF INSPECTOR GENERAL*3 *SALARIES AND EXPENSES*

4 *For necessary expenses of the Office of Inspector Gen-*
5 *eral for the National Railroad Passenger Corporation to*
6 *carry out the provisions of the Inspector General Act of*
7 *1978 (5 U.S.C. App. 3), \$27,935,000: Provided, That the*
8 *Inspector General shall have all necessary authority, in car-*
9 *rying out the duties specified in such Act, to investigate*
10 *allegations of fraud, including false statements to the Gov-*
11 *ernment under section 1001 of title 18, United States Code,*
12 *by any person or entity that is subject to regulation by the*
13 *National Railroad Passenger Corporation: Provided fur-*
14 *ther, That the Inspector General may enter into contracts*
15 *and other arrangements for audits, studies, analyses, and*
16 *other services with public agencies and with private per-*
17 *sons, subject to the applicable laws and regulations that*
18 *govern the obtaining of such services within the National*
19 *Railroad Passenger Corporation: Provided further, That the*
20 *Inspector General may select, appoint, and employ such of-*
21 *ficers and employees as may be necessary for carrying out*
22 *the functions, powers, and duties of the Office of Inspector*
23 *General, subject to the applicable laws and regulations that*
24 *govern such selections, appointments, and employment*
25 *within the National Railroad Passenger Corporation: Pro-*

1772

1 *vided further, That concurrent with the President's budget*
2 *request for fiscal year 2024, the Inspector General shall sub-*
3 *mit to the House and Senate Committees on Appropriations*
4 *a budget request for fiscal year 2024 in similar format and*
5 *substance to budget requests submitted by executive agencies*
6 *of the Federal Government.*

7 *NATIONAL TRANSPORTATION SAFETY BOARD*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the National Transportation*
10 *Safety Board, including hire of passenger motor vehicles*
11 *and aircraft; services as authorized by section 3109 of title*
12 *5, United States Code, but at rates for individuals not to*
13 *exceed the per diem rate equivalent to the rate for a GS-*
14 *15; uniforms, or allowances therefor, as authorized by sec-*
15 *tions 5901 and 5902 of title 5, United States Code,*
16 *\$129,300,000, of which not to exceed \$2,000 may be used*
17 *for official reception and representation expenses: Provided,*
18 *That the amounts made available to the National Transpor-*
19 *tation Safety Board in this Act include amounts necessary*
20 *to make lease payments on an obligation incurred in fiscal*
21 *year 2001 for a capital lease.*

1773

1 *NEIGHBORHOOD REINVESTMENT CORPORATION*

2 *PAYMENT TO THE NEIGHBORHOOD REINVESTMENT*

3 *CORPORATION*

4 *For payment to the Neighborhood Reinvestment Cor-*
5 *poration for use in neighborhood reinvestment activities, as*
6 *authorized by the Neighborhood Reinvestment Corporation*
7 *Act (42 U.S.C. 8101–8107), \$166,000,000: Provided, That*
8 *an additional \$4,000,000, to remain available until Sep-*
9 *tember 30, 2026, shall be for the promotion and development*
10 *of shared equity housing models.*

11 *SURFACE TRANSPORTATION BOARD*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Surface Transportation*
14 *Board, including services authorized by section 3109 of title*
15 *5, United States Code, \$41,429,000: Provided, That, not-*
16 *withstanding any other provision of law, not to exceed*
17 *\$1,250,000 from fees established by the Surface Transpor-*
18 *tation Board shall be credited to this appropriation as off-*
19 *setting collections and used for necessary and authorized*
20 *expenses under this heading: Provided further, That the*
21 *amounts made available under this heading from the gen-*
22 *eral fund shall be reduced on a dollar-for-dollar basis as*
23 *such offsetting collections are received during fiscal year*
24 *2023, to result in a final appropriation from the general*
25 *fund estimated at not more than \$40,179,000.*

1774

1 *UNITED STATES INTERAGENCY COUNCIL ON*2 *HOMELESSNESS*3 *OPERATING EXPENSES*

4 *For necessary expenses, including payment of salaries,*
5 *authorized travel, hire of passenger motor vehicles, the rent-*
6 *al of conference rooms, and the employment of experts and*
7 *consultants under section 3109 of title 5, United States*
8 *Code, of the United States Interagency Council on Home-*
9 *lessness in carrying out the functions pursuant to title II*
10 *of the McKinney-Vento Homeless Assistance Act, as amend-*
11 *ed, \$4,000,000.*

1775

1 *TITLE IV*2 *GENERAL PROVISIONS—THIS ACT*

3 *SEC. 401. None of the funds in this Act shall be used*
4 *for the planning or execution of any program to pay the*
5 *expenses of, or otherwise compensate, non-Federal parties*
6 *intervening in regulatory or adjudicatory proceedings fund-*
7 *ed in this Act.*

8 *SEC. 402. None of the funds appropriated in this Act*
9 *shall remain available for obligation beyond the current fis-*
10 *cal year, nor may any be transferred to other appropria-*
11 *tions, unless expressly so provided herein.*

12 *SEC. 403. The expenditure of any appropriation under*
13 *this Act for any consulting service through a procurement*
14 *contract pursuant to section 3109 of title 5, United States*
15 *Code, shall be limited to those contracts where such expendi-*
16 *tures are a matter of public record and available for public*
17 *inspection, except where otherwise provided under existing*
18 *law, or under existing Executive order issued pursuant to*
19 *existing law.*

20 *SEC. 404. (a) None of the funds made available in this*
21 *Act may be obligated or expended for any employee training*
22 *that—*

23 *(1) does not meet identified needs for knowledge,*
24 *skills, and abilities bearing directly upon the perform-*
25 *ance of official duties;*

1776

1 (2) contains elements likely to induce high levels
2 of emotional response or psychological stress in some
3 participants;

4 (3) does not require prior employee notification
5 of the content and methods to be used in the training
6 and written end of course evaluation;

7 (4) contains any methods or content associated
8 with religious or quasi-religious belief systems or
9 “new age” belief systems as defined in Equal Employ-
10 ment Opportunity Commission Notice N-915.022,
11 dated September 2, 1988; or

12 (5) is offensive to, or designed to change, partici-
13 pants’ personal values or lifestyle outside the work-
14 place.

15 (b) Nothing in this section shall prohibit, restrict, or
16 otherwise preclude an agency from conducting training
17 bearing directly upon the performance of official duties.

18 SEC. 405. Except as otherwise provided in this Act,
19 none of the funds provided in this Act, provided by previous
20 appropriations Acts to the agencies or entities funded in
21 this Act that remain available for obligation or expenditure
22 in fiscal year 2023, or provided from any accounts in the
23 Treasury derived by the collection of fees and available to
24 the agencies funded by this Act, shall be available for obliga-

1777

1 *tion or expenditure through a reprogramming of funds*
2 *that—*

3 *(1) creates a new program;*

4 *(2) eliminates a program, project, or activity;*

5 *(3) increases funds or personnel for any pro-*
6 *gram, project, or activity for which funds have been*
7 *denied or restricted by the Congress;*

8 *(4) proposes to use funds directed for a specific*
9 *activity by either the House or Senate Committees on*
10 *Appropriations for a different purpose;*

11 *(5) augments existing programs, projects, or ac-*
12 *tivities in excess of \$5,000,000 or 10 percent, which-*
13 *ever is less;*

14 *(6) reduces existing programs, projects, or activi-*
15 *ties by \$5,000,000 or 10 percent, whichever is less; or*

16 *(7) creates, reorganizes, or restructures a branch,*
17 *division, office, bureau, board, commission, agency,*
18 *administration, or department different from the*
19 *budget justifications submitted to the Committees on*
20 *Appropriations or the table accompanying the explan-*
21 *atory statement described in section 4 (in the matter*
22 *preceding division A of this consolidated Act), which-*
23 *ever is more detailed, unless prior approval is re-*
24 *ceived from the House and Senate Committees on Ap-*
25 *propriations:*

1778

1 *Provided, That not later than 60 days after the date of en-*
2 *actment of this Act, each agency funded by this Act shall*
3 *submit a report to the Committees on Appropriations of the*
4 *Senate and of the House of Representatives to establish the*
5 *baseline for application of reprogramming and transfer au-*
6 *thorities for the current fiscal year: Provided further, That*
7 *the report shall include—*

8 (A) *a table for each appropriation with a*
9 *separate column to display the prior year en-*
10 *acted level, the President’s budget request, adjust-*
11 *ments made by Congress, adjustments due to en-*
12 *acted rescissions, if appropriate, and the fiscal*
13 *year enacted level;*

14 (B) *a delineation in the table for each ap-*
15 *propriation and its respective prior year enacted*
16 *level by object class and program, project, and*
17 *activity as detailed in this Act, the table accom-*
18 *panying the explanatory statement described in*
19 *section 4 (in the matter preceding division A of*
20 *this consolidated Act), accompanying reports of*
21 *the House and Senate Committee on Appropria-*
22 *tions, or in the budget appendix for the respec-*
23 *tive appropriations, whichever is more detailed,*
24 *and shall apply to all items for which a dollar*
25 *amount is specified and to all programs for*

1779

1 *which new budget (obligational) authority is*
2 *provided, as well as to discretionary grants and*
3 *discretionary grant allocations; and*

4 *(C) an identification of items of special con-*
5 *gressional interest.*

6 *SEC. 406. Except as otherwise specifically provided by*
7 *law, not to exceed 50 percent of unobligated balances re-*
8 *maining available at the end of fiscal year 2023 from ap-*
9 *propriations made available for salaries and expenses for*
10 *fiscal year 2023 in this Act, shall remain available through*
11 *September 30, 2024, for each such account for the purposes*
12 *authorized: Provided, That a request shall be submitted to*
13 *the House and Senate Committees on Appropriations for*
14 *approval prior to the expenditure of such funds: Provided*
15 *further, That these requests shall be made in compliance*
16 *with reprogramming guidelines under section 405 of this*
17 *Act.*

18 *SEC. 407. No funds in this Act may be used to support*
19 *any Federal, State, or local projects that seek to use the*
20 *power of eminent domain, unless eminent domain is em-*
21 *ployed only for a public use: Provided, That for purposes*
22 *of this section, public use shall not be construed to include*
23 *economic development that primarily benefits private enti-*
24 *ties: Provided further, That any use of funds for mass tran-*
25 *sit, railroad, airport, seaport or highway projects, as well*

1780

1 *as utility projects which benefit or serve the general public*
2 *(including energy-related, communication-related, water-re-*
3 *lated and wastewater-related infrastructure), other struc-*
4 *tures designated for use by the general public or which have*
5 *other common-carrier or public-utility functions that serve*
6 *the general public and are subject to regulation and over-*
7 *sight by the government, and projects for the removal of an*
8 *immediate threat to public health and safety or brownfields*
9 *as defined in the Small Business Liability Relief and*
10 *Brownfields Revitalization Act (Public Law 107–118) shall*
11 *be considered a public use for purposes of eminent domain.*

12 *SEC. 408. None of the funds made available in this*
13 *Act may be transferred to any department, agency, or in-*
14 *strumentality of the United States Government, except pur-*
15 *suant to a transfer made by, or transfer authority provided*
16 *in, this Act or any other appropriations Act.*

17 *SEC. 409. No funds appropriated pursuant to this Act*
18 *may be expended by an entity unless the entity agrees that*
19 *in expending the assistance the entity will comply with sec-*
20 *tions 2 through 4 of the Act of March 3, 1933 (41 U.S.C.*
21 *8301–8305, popularly known as the “Buy American Act”).*

22 *SEC. 410. No funds appropriated or otherwise made*
23 *available under this Act shall be made available to any per-*
24 *son or entity that has been convicted of violating the Buy*
25 *American Act (41 U.S.C. 8301–8305).*

1781

1 *SEC. 411. None of the funds made available in this*
2 *Act may be used for first-class airline accommodations in*
3 *contravention of sections 301–10.122 and 301–10.123 of*
4 *title 41, Code of Federal Regulations.*

5 *SEC. 412. None of the funds made available in this*
6 *Act may be used to send or otherwise pay for the attendance*
7 *of more than 50 employees of a single agency or department*
8 *of the United States Government, who are stationed in the*
9 *United States, at any single international conference unless*
10 *the relevant Secretary reports to the House and Senate*
11 *Committees on Appropriations at least 5 days in advance*
12 *that such attendance is important to the national interest:*
13 *Provided, That for purposes of this section the term “inter-*
14 *national conference” shall mean a conference occurring out-*
15 *side of the United States attended by representatives of the*
16 *United States Government and of foreign governments,*
17 *international organizations, or nongovernmental organiza-*
18 *tions.*

19 *SEC. 413. None of the funds appropriated or otherwise*
20 *made available under this Act may be used by the Surface*
21 *Transportation Board to charge or collect any filing fee for*
22 *rate or practice complaints filed with the Board in an*
23 *amount in excess of the amount authorized for district court*
24 *civil suit filing fees under section 1914 of title 28, United*
25 *States Code.*

1782

1 *SEC. 414. (a) None of the funds made available in this*
2 *Act may be used to maintain or establish a computer net-*
3 *work unless such network blocks the viewing, downloading,*
4 *and exchanging of pornography.*

5 *(b) Nothing in subsection (a) shall limit the use of*
6 *funds necessary for any Federal, State, tribal, or local law*
7 *enforcement agency or any other entity carrying out crimi-*
8 *nal investigations, prosecution, or adjudication activities.*

9 *SEC. 415. (a) None of the funds made available in this*
10 *Act may be used to deny an Inspector General funded under*
11 *this Act timely access to any records, documents, or other*
12 *materials available to the department or agency over which*
13 *that Inspector General has responsibilities under the In-*
14 *spector General Act of 1978 (5 U.S.C. App.), or to prevent*
15 *or impede that Inspector General's access to such records,*
16 *documents, or other materials, under any provision of law,*
17 *except a provision of law that expressly refers to the Inspec-*
18 *tor General and expressly limits the Inspector General's*
19 *right of access.*

20 *(b) A department or agency covered by this section*
21 *shall provide its Inspector General with access to all such*
22 *records, documents, and other materials in a timely man-*
23 *ner.*

24 *(c) Each Inspector General shall ensure compliance*
25 *with statutory limitations on disclosure relevant to the in-*

1783

1 *formation provided by the establishment over which that In-*
2 *spector General has responsibilities under the Inspector*
3 *General Act of 1978 (5 U.S.C. App.).*

4 *(d) Each Inspector General covered by this section*
5 *shall report to the Committees on Appropriations of the*
6 *House of Representatives and the Senate within 5 calendar*
7 *days any failures to comply with this requirement.*

8 *SEC. 416. None of the funds appropriated or otherwise*
9 *made available by this Act may be used to pay award or*
10 *incentive fees for contractors whose performance has been*
11 *judged to be below satisfactory, behind schedule, over budget,*
12 *or has failed to meet the basic requirements of a contract,*
13 *unless the Agency determines that any such deviations are*
14 *due to unforeseeable events, government-driven scope*
15 *changes, or are not significant within the overall scope of*
16 *the project and/or program unless such awards or incentive*
17 *fees are consistent with 16.401(e)(2) of the Federal Acquisi-*
18 *tion Regulations.*

19 *SEC. 417. No part of any appropriation contained in*
20 *this Act shall be available to pay the salary for any person*
21 *filling a position, other than a temporary position, formerly*
22 *held by an employee who has left to enter the Armed Forces*
23 *of the United States and has satisfactorily completed his*
24 *or her period of active military or naval service, and has*
25 *within 90 days after his or her release from such service*

1784

1 *or from hospitalization continuing after discharge for a pe-*
2 *riod of not more than 1 year, made application for restora-*
3 *tion to his or her former position and has been certified*
4 *by the Office of Personnel Management as still qualified to*
5 *perform the duties of his or her former position and has*
6 *not been restored thereto.*

7 *SEC. 418. (a) None of the funds made available by this*
8 *Act may be used to approve a new foreign air carrier per-*
9 *mit under sections 41301 through 41305 of title 49, United*
10 *States Code, or exemption application under section 40109*
11 *of that title of an air carrier already holding an air opera-*
12 *tors certificate issued by a country that is party to the U.S.-*
13 *E.U.-Iceland-Norway Air Transport Agreement where such*
14 *approval would contravene United States law or Article 17*
15 *bis of the U.S.-E.U.-Iceland-Norway Air Transport Agree-*
16 *ment.*

17 *(b) Nothing in this section shall prohibit, restrict or*
18 *otherwise preclude the Secretary of Transportation from*
19 *granting a foreign air carrier permit or an exemption to*
20 *such an air carrier where such authorization is consistent*
21 *with the U.S.-E.U.-Iceland-Norway Air Transport Agree-*
22 *ment and United States law.*

23 *SEC. 419. None of the funds made available by this*
24 *Act to the Department of Transportation may be used in*

1785

1 *contravention of section 306108 of title 54, United States*
2 *Code.*

3 *SEC. 420. (a) Funds previously made available in*
4 *chapter 9 of title X of the Disaster Relief Appropriations*
5 *Act, 2013 (Public Law 113–2, division A; 127 Stat. 36)*
6 *under the heading “Department of Housing and Urban De-*
7 *velopment—Community Planning and Development—*
8 *Community Development Fund” that were available for ob-*
9 *ligation through fiscal year 2017 are to remain available*
10 *until expended for the liquidation of valid obligations in-*
11 *curred in fiscal years 2013 through 2017.*

12 *(b) Amounts repurposed pursuant to this section that*
13 *were previously designated by the Congress as an emergency*
14 *requirement pursuant to the Balanced Budget and Emer-*
15 *gency Deficit Control Act of 1985 or a concurrent resolution*
16 *on the budget are designated as an emergency requirement*
17 *pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th*
18 *Congress), the concurrent resolution on the budget for fiscal*
19 *year 2022, and section 1(e) of H. Res. 1151 (117th Con-*
20 *gress) as engrossed in the House of Representatives on June*
21 *8, 2022.*

22 *SEC. 421. In the table of projects in the explanatory*
23 *statement referenced in section 417 of the Transportation,*
24 *Housing and Urban Development, and Related Agencies*

1786

1 *Appropriations Act, 2022 (division L of Public Law 117–*
2 *103)—*

3 *(1) the item relating to “Greensboro Judy Center*
4 *Early Learning Hub Facility” is deemed to be*
5 *amended by striking “Greensboro Judy Center Early*
6 *Learning Hub Facility” and inserting “Building*
7 *maintenance for Greensboro Judy Center Early*
8 *Learning Hub Facility”;*

9 *(2) the item relating to “Constructing commer-*
10 *cial kitchen to increase access to healthy food” is*
11 *deemed to be amended by striking recipient “Cross*
12 *Street Partners” and inserting “The Good Stuff”;*

13 *(3) the item relating to “Covenant House PA*
14 *Transition Housing” is deemed to be amended by*
15 *striking recipient “Covenant House Pennsylvania”*
16 *and inserting “Covenant House Pennsylvania Under*
17 *21”;*

18 *(4) the item relating to “Long Island Greenway”*
19 *is deemed to be amended by striking “Long Island*
20 *Greenway” and inserting “For the planning and de-*
21 *sign of the Long Island Greenway”;*

22 *(5) the item relating to “Acquisition of property*
23 *for permanent Veterans’ homeless shelter” is deemed*
24 *to be amended by striking “Acquisition of property*
25 *for permanent Veterans’ homeless shelter” and insert-*

1787

1 *ing “Acquisition or rehabilitation of property for per-*
2 *manent veterans’ homeless shelter”;*

3 *(6) the item relating to “Gourdy Ampitheater*
4 *Project” is deemed to be amended by striking*
5 *“Gourdy Ampitheater Project” and inserting “Goudy*
6 *Park”;*

7 *(7) the item relating to “Community Bike*
8 *Works: Easton” is deemed to be amended by striking*
9 *“Easton” and inserting “Easton and Allentown”;*

10 *(8) the item relating to “Barrington Town Of-*
11 *fices and Emergency Operations Center Construction”*
12 *is deemed to be amended by striking “Barrington*
13 *Town Offices and Emergency Operations Center Con-*
14 *struction” and inserting “For activities of the Town*
15 *of Barrington”;*

16 *(9) the item relating to “Holladay Community*
17 *Center Public Facility” is deemed to be amended by*
18 *striking recipient “Housing Authority of Salt Lake*
19 *City (HASLC)” and inserting “Salt Lake County”;*

20 *(10) the item relating to “Somersworth Fire*
21 *Training Tower” is deemed to be amended by striking*
22 *“Tower” and inserting “and Equipment”;*

23 *(11) the item relating to “Generator and struc-*
24 *ture to house generator for Guma Esperansa” is*
25 *deemed to be amended by striking “Generator and*

1788

1 *structure to house generator for Guma Esperansa”*
2 *and inserting “For the installation and ongoing*
3 *maintenance of the generator and its structure at*
4 *Guma Esperansa”;*

5 *(12) the item relating to “Facility Improve-*
6 *ments” is deemed to be amended by striking recipient*
7 *“Sterling House Community Center Inc.” and insert-*
8 *ing “Town of Stratford”;*

9 *(13) the item relating to “Stateline Boys & Girls*
10 *Club—Beloit, WI Facility Construction” is deemed to*
11 *be amended by striking “Facility Construction”;*

12 *(14) the item relating to “The MEWS at Spencer*
13 *Road, Affordable Housing and Mixed Use Develop-*
14 *ment” is deemed to be amended by striking recipient*
15 *“Will County Development Corporation” and insert-*
16 *ing “Will County Housing Development Corpora-*
17 *tion”;*

18 *(15) the item relating to “Bluefield Historic Dis-*
19 *trict Restoration” is deemed to be amended by strik-*
20 *ing “Historic District”; and*

21 *(16) the item relating to “Port of West Virginia*
22 *Railroad Bridge Improvements” is deemed to be*
23 *amended by striking “Bridge”.*

24 *SEC. 422. None of the funds made available to the De-*
25 *partment of Housing and Urban Development in this or*

1789

1 *prior Acts may be used to issue a solicitation or accept bids*
2 *on any solicitation that is substantially equivalent to the*
3 *draft solicitation entitled “Housing Assistance Payments*
4 *(HAP) Contract Support Services (HAPSS)” posted to*
5 *www.Sam.gov on July 27, 2022.*

6 *SEC. 423. Section 1105(e)(5)(C)(i) of the Intermodal*
7 *Surface Transportation Efficiency Act of 1991 (Public Law*
8 *102–240; 109 Stat. 598; 133 Stat. 3018) is amended by*
9 *striking the seventh, eighth, and ninth sentences.*

10 *This division may be cited as the “Transportation,*
11 *Housing and Urban Development, and Related Agencies*
12 *Appropriations Act, 2023”.*

1790

1 ***DIVISION M—ADDITIONAL UKRAINE SUP-***
2 ***PLEMENTAL APPROPRIATIONS ACT,***
3 ***2023***

4 ***TITLE I***

5 ***DEPARTMENT OF AGRICULTURE***

6 ***FOREIGN ASSISTANCE AND RELATED PROGRAMS***

7 ***FOREIGN AGRICULTURAL SERVICE***

8 ***FOOD FOR PEACE TITLE II GRANTS***

9 *For an additional amount for “Food for Peace Title*
10 *II Grants”, \$50,000,000, to remain available until ex-*
11 *pendent.*

12 ***MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION***

13 ***AND CHILD NUTRITION PROGRAM GRANTS***

14 *For an additional amount for “McGovern-Dole Food*
15 *for Education and Child Nutrition Program Grants”,*
16 *\$5,000,000, to remain available until expended.*

17 ***TITLE II***

18 ***DEPARTMENT OF DEFENSE***

19 ***MILITARY PERSONNEL***

20 ***MILITARY PERSONNEL, ARMY***

21 *For an additional amount for “Military Personnel,*
22 *Army”, \$54,252,000, to remain available until September*
23 *30, 2023, to respond to the situation in Ukraine and for*
24 *related expenses, including for hardship duty pay.*

1791

1 *MILITARY PERSONNEL, NAVY*

2 *For an additional amount for “Military Personnel,*
3 *Navy”, \$1,386,000, to remain available until September 30,*
4 *2023, to respond to the situation in Ukraine and for related*
5 *expenses, including for hardship duty pay.*

6 *MILITARY PERSONNEL, MARINE CORPS*

7 *For an additional amount for “Military Personnel,*
8 *Marine Corps”, to remain available until September 30,*
9 *2023, \$1,400,000, to respond to the situation in Ukraine*
10 *and for related expenses, including for hardship duty pay.*

11 *MILITARY PERSONNEL, AIR FORCE*

12 *For an additional amount for “Military Personnel,*
13 *Air Force”, \$31,028,000, to remain available until Sep-*
14 *tember 30, 2023, to respond to the situation in Ukraine and*
15 *for related expenses, including for hardship duty pay.*

16 *MILITARY PERSONNEL, SPACE FORCE*

17 *For an additional amount for “Military Personnel,*
18 *Space Force”, \$3,663,000, to remain available until Sep-*
19 *tember 30, 2023, to respond to the situation in Ukraine and*
20 *for related expenses, including for hardship duty pay.*

21 *OPERATION AND MAINTENANCE*22 *OPERATION AND MAINTENANCE, ARMY*

23 *For an additional amount for “Operation and Mainte-*
24 *nance, Army”, \$3,020,741,000, to remain available until*

1792

1 *September 30, 2023, to respond to the situation in Ukraine*
2 *and for related expenses.*

3 *OPERATION AND MAINTENANCE, NAVY*

4 *For an additional amount for “Operation and Mainte-*
5 *nance, Navy”, \$871,410,000, to remain available until Sep-*
6 *tember 30, 2023, to respond to the situation in Ukraine and*
7 *for related expenses.*

8 *OPERATION AND MAINTENANCE, MARINE CORPS*

9 *For an additional amount for “Operation and Mainte-*
10 *nance, Marine Corps”, \$14,620,000, to remain available*
11 *until September 30, 2023, to respond to the situation in*
12 *Ukraine and for related expenses.*

13 *OPERATION AND MAINTENANCE, AIR FORCE*

14 *For an additional amount for “Operation and Mainte-*
15 *nance, Air Force”, \$580,266,000, to remain available until*
16 *September 30, 2023, to respond to the situation in Ukraine*
17 *and for related expenses.*

18 *OPERATION AND MAINTENANCE, SPACE FORCE*

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Space Force”, \$8,742,000, to remain available until*
21 *September 30, 2023, to respond to the situation in Ukraine*
22 *and for related expenses.*

1793

1 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For an additional amount for “Operation and Mainte-*
4 *nance, Defense-Wide”, \$21,160,737,000, to remain available*
5 *until September 30, 2023, to respond to the situation in*
6 *Ukraine and for related expenses: Provided, That of the*
7 *total amount provided under this heading in this Act,*
8 *\$9,000,000,000, to remain available until September 30,*
9 *2024, shall be for the Ukraine Security Assistance Initia-*
10 *tive: Provided further, That such funds for the Ukraine Se-*
11 *curity Assistance Initiative shall be available to the Sec-*
12 *retary of Defense under the same terms and conditions as*
13 *are provided for in section 8110 of the Department of De-*
14 *fense Appropriations Act, 2023: Provided further, That the*
15 *Secretary of Defense may accept and retain contributions,*
16 *including money, personal property, and services, from for-*
17 *ign governments and other entities, to carry out assistance*
18 *authorized for the Ukraine Security Assistance Initiative*
19 *under this heading in this Act: Provided further, That the*
20 *Secretary of Defense shall notify the congressional defense*
21 *committees in writing upon the receipt and upon the obliga-*
22 *tion of any contribution, delineating the sources and*
23 *amounts of the funds received and the specific use of such*
24 *contributions: Provided further, That contributions of*
25 *money for the purposes provided herein from any foreign*

1794

1 *government or other entity may be credited to this account,*
2 *to remain available until September 30, 2024, and used for*
3 *such purposes: Provided further, That of the total amount*
4 *provided under this heading in this Act, up to*
5 *\$11,880,000,000, to remain available until September 30,*
6 *2024, may be transferred to accounts under the headings*
7 *“Operation and Maintenance” and “Procurement” for re-*
8 *placement of defense articles from the stocks of the Depart-*
9 *ment of Defense, and for reimbursement for defense services*
10 *of the Department of Defense and military education and*
11 *training, provided to the Government of Ukraine or to for-*
12 *eign countries that have provided support to Ukraine at*
13 *the request of the United States: Provided further, That*
14 *funds transferred pursuant to the preceding proviso shall*
15 *be merged with and available for the same purposes and*
16 *for the same time period as the appropriations to which*
17 *the funds are transferred: Provided further, That the Sec-*
18 *retary of Defense shall notify the congressional defense com-*
19 *mittees of the details of such transfers not less than 15 days*
20 *before any such transfer: Provided further, That upon a de-*
21 *termination that all or part of the funds transferred from*
22 *this appropriation are not necessary for the purposes pro-*
23 *vided herein, such amounts may be transferred back and*
24 *merged with this appropriation: Provided further, That the*

1795

1 *transfer authority provided herein is in addition to any*
2 *other transfer authority provided by law.*

3 *PROCUREMENT*

4 *MISSILE PROCUREMENT, ARMY*

5 *For an additional amount for “Missile Procurement,*
6 *Army”, \$354,000,000, to remain available until September*
7 *30, 2025, to respond to the situation in Ukraine and for*
8 *related expenses.*

9 *PROCUREMENT OF AMMUNITION, ARMY*

10 *For an additional amount for “Procurement of Am-*
11 *munition, Army”, \$687,000,000, to remain available until*
12 *September 30, 2025, for expansion of public and private*
13 *plants, including the land necessary therefor, and procure-*
14 *ment and installation of equipment appliances, and ma-*
15 *chine tools in such plants, for the purpose of increasing pro-*
16 *duction of critical munitions to replace defense articles pro-*
17 *vided to the Government of Ukraine or foreign countries*
18 *that have provided support to Ukraine at the request of the*
19 *United States.*

20 *OTHER PROCUREMENT, ARMY*

21 *For an additional amount for “Other Procurement,*
22 *Army”, \$6,000,000, to remain available until September*
23 *30, 2025, to respond to the situation in Ukraine and for*
24 *related expenses.*

1796

1 *OTHER PROCUREMENT, AIR FORCE*

2 *For an additional amount for “Other Procurement,*
3 *Air Force”, \$730,045,000, to remain available until Sep-*
4 *tember 30, 2025, to respond to the situation in Ukraine and*
5 *for related expenses.*

6 *PROCUREMENT, DEFENSE-WIDE*

7 *For an additional amount for “Procurement, Defense-*
8 *Wide”, \$3,326,000, to remain available until September 30,*
9 *2025, to respond to the situation in Ukraine and for related*
10 *expenses.*

11 *RESEARCH, DEVELOPMENT, TEST AND*12 *EVALUATION*13 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

14 *For an additional amount for “Research, Develop-*
15 *ment, Test and Evaluation, Army”, \$5,800,000, to remain*
16 *available until September 30, 2024, to respond to the situa-*
17 *tion in Ukraine and for related expenses.*

18 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

19 *For an additional amount for “Research, Develop-*
20 *ment, Test and Evaluation, Navy”, \$38,500,000, to remain*
21 *available until September 30, 2024, to respond to the situa-*
22 *tion in Ukraine and for related expenses.*

1797

1 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
2 *FORCE*

3 *For an additional amount for “Research, Develop-*
4 *ment, Test and Evaluation, Air Force”, \$185,142,000, to*
5 *remain available until September 30, 2024, to respond to*
6 *the situation in Ukraine and for related expenses.*

7 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
8 *DEFENSE-WIDE*

9 *For an additional amount for “Research, Develop-*
10 *ment, Test and Evaluation, Defense-Wide”, \$89,515,000, to*
11 *remain available until September 30, 2024, to respond to*
12 *the situation in Ukraine and for related expenses.*

13 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*
14 *DEFENSE HEALTH PROGRAM*

15 *For an additional amount for “Defense Health Pro-*
16 *gram”, \$14,100,000, to remain available until September*
17 *30, 2023, which shall be for operation and maintenance,*
18 *to respond to the situation in Ukraine and for related ex-*
19 *penses.*

20 *OFFICE OF THE INSPECTOR GENERAL*

21 *For an additional amount for “Office of the Inspector*
22 *General”, \$6,000,000, to remain available until September*
23 *30, 2023, which shall be for operation and maintenance,*
24 *to carry out reviews of the activities of the Department of*
25 *Defense to execute funds appropriated in this title, includ-*

1798

1 *ing assistance provided to Ukraine: Provided, That the In-*
2 *spector General of the Department of Defense shall provide*
3 *to the congressional defense committees a briefing not later*
4 *than 90 days after the date of enactment of this Act.*

5 *RELATED AGENCIES*

6 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

7 *For an additional amount for “Intelligence Commu-*
8 *nity Management Account”, \$75,000, to remain available*
9 *until September 30, 2023, to respond to the situation in*
10 *Ukraine and for related expenses.*

11 *GENERAL PROVISIONS—THIS TITLE*

12 *SEC. 1201. Not later than 45 days after the date of*
13 *enactment of this Act, the Secretary of Defense, in coordina-*
14 *tion with the Secretary of State, shall submit a report to*
15 *the Committees on Appropriations, Armed Services, and*
16 *Foreign Affairs of the House of Representatives and the*
17 *Committees on Appropriations, Armed Services, and For-*
18 *eign Relations of the Senate on measures being taken to*
19 *account for United States defense articles designated for*
20 *Ukraine since the February 24, 2022, Russian invasion of*
21 *Ukraine, particularly measures with regard to such articles*
22 *that require enhanced end-use monitoring; measures to en-*
23 *sure that such articles reach their intended recipients and*
24 *are used for their intended purposes; and any other meas-*
25 *ures to promote accountability for the use of such articles:*

1799

1 *Provided, That such report shall include a description of*
2 *any occurrences of articles not reaching their intended re-*
3 *cipients or used for their intended purposes and a descrip-*
4 *tion of any remedies taken: Provided further, That such re-*
5 *port shall be submitted in unclassified form, but may be*
6 *accompanied by a classified annex.*

7 *SEC. 1202. Not later than 30 days after the date of*
8 *enactment of this Act, and every 30 days thereafter through*
9 *fiscal year 2024, the Secretary of Defense, in coordination*
10 *with the Secretary of State, shall provide a written report*
11 *to the Committees on Appropriations, Armed Services, and*
12 *Foreign Affairs of the House of Representatives and the*
13 *Committees on Appropriations, Armed Services, and For-*
14 *eign Relations of the Senate describing United States secu-*
15 *rity assistance provided to Ukraine since the February 24,*
16 *2022, Russian invasion of Ukraine, including a comprehen-*
17 *sive list of the defense articles and services provided to*
18 *Ukraine and the associated authority and funding used to*
19 *provide such articles and services: Provided, That such re-*
20 *port shall be submitted in unclassified form, but may be*
21 *accompanied by a classified annex.*

1800

1 *TITLE III*2 *DEPARTMENT OF ENERGY*3 *ENERGY PROGRAMS*4 *NUCLEAR ENERGY*

5 *For an additional amount for “Nuclear Energy”,*
6 *\$300,000,000, to remain available until expended: Pro-*
7 *vided, That of the amount provided under this heading in*
8 *this Act, \$100,000,000 shall be for Advanced Nuclear Fuel*
9 *Availability: Provided further, That of the amount provided*
10 *under this heading in this Act, \$60,000,000 shall be to carry*
11 *out the demonstrations of the Advanced Reactor Demonstra-*
12 *tion Program: Provided further, That of the amount pro-*
13 *vided under this heading in this Act, \$20,000,000 shall be*
14 *to carry about activities for the National Reactor Innova-*
15 *tion Center: Provided further, That of the amount provided*
16 *under this heading in this Act, \$120,000,000 shall be to*
17 *carry about activities for the Risk Reduction for Future*
18 *Demonstrations.*

19 *ATOMIC ENERGY DEFENSE ACTIVITIES*20 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*21 *DEFENSE NUCLEAR NONPROLIFERATION*

22 *For an additional amount for “Defense Nuclear Non-*
23 *proliferation”, \$126,300,000, to remain available until ex-*
24 *pended, to respond to the situation in Ukraine and for re-*
25 *lated expenses.*

1801

1 *GENERAL PROVISION—THIS TITLE*

2 *SEC. 1301. (a) Of the unobligated balances from*
3 *amounts deposited in the SPR Petroleum Account pursuant*
4 *to section 167(b)(3) of the Energy Policy and Conservation*
5 *Act (42 U.S.C. 6247(b)(3)), \$10,395,000,000 is hereby per-*
6 *manently rescinded not later than September 30, 2023.*

7 *(b) Section 403(a) of the Bipartisan Budget Act of*
8 *2015 (Public Law 114–74) is amended by adding “and”*
9 *after the semicolon in paragraph (5), striking the semicolon*
10 *in paragraph (6) and inserting a period, and striking*
11 *paragraphs (7) and (8).*

12 *(c) Section 32204(a)(1) of the FAST Act (Public Law*
13 *114–94) is amended by adding “and” after the semicolon*
14 *in subparagraph (A), striking the semicolon in subpara-*
15 *graph (B) and inserting a period, and striking subpara-*
16 *graphs (C) and (D).*

17 *(d) Section 30204(a)(1) of the Bipartisan Budget Act*
18 *of 2018 (Public Law 115–123) is amended by striking the*
19 *word “Reserve” and everything that follows and adding the*
20 *following: “Reserve 30,000,000 barrels of crude oil during*
21 *the period of fiscal years 2022 through 2027.”.*

1802

1 *TITLE IV*2 *EXECUTIVE OFFICE OF THE PRESIDENT AND*3 *FUNDS APPROPRIATED TO THE PRESIDENT*4 *NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY*5 *COUNCIL*6 *SALARIES AND EXPENSES*

7 *For an additional amount for “Salaries and Ex-*
8 *penses”, \$1,000,000, to remain available until expended, for*
9 *necessary expenses of the National Security Council.*

10 *TITLE V*11 *DEPARTMENT OF HEALTH AND HUMAN*12 *SERVICES*13 *ADMINISTRATION FOR CHILDREN AND FAMILIES*14 *REFUGEE AND ENTRANT ASSISTANCE*

15 *For an additional amount for “Refugee and Entrant*
16 *Assistance”, \$2,400,000,000, to remain available until Sep-*
17 *tember 30, 2024: Provided, That amounts made available*
18 *under this heading in this Act may be used for grants or*
19 *contracts with qualified organizations, including nonprofit*
20 *entities, to provide culturally and linguistically appro-*
21 *priate services, including wraparound services, housing as-*
22 *sistance, medical assistance, legal assistance, and case man-*
23 *agement assistance: Provided further, That amounts made*
24 *available under this heading in this Act may be used by*
25 *the Director of the Office of Refugee Resettlement (Director)*

1803

1 *to issue awards or supplement awards previously made by*
2 *the Director: Provided further, That the Director, in car-*
3 *rying out section 412(c)(1)(A) of the Immigration and Na-*
4 *tionality Act (8 U.S.C. 1522(c)(1)(A)) with amounts made*
5 *available under this heading in this Act, may allocate such*
6 *amounts among the States in a manner that accounts for*
7 *the most current data available.*

8 *GENERAL PROVISION—THIS TITLE*

9 *SEC. 1501. Subsection (a)(1)(A) of section 2502 of the*
10 *Afghanistan Supplemental Appropriations Act, 2022 (divi-*
11 *sion C of Public Law 117–43) is amended by striking “Sep-*
12 *tember 30, 2022” and inserting “September 30, 2023”.*

13 *TITLE VI*14 *LEGISLATIVE BRANCH*15 *GOVERNMENT ACCOUNTABILITY OFFICE*16 *SALARIES AND EXPENSES*

17 *For an additional amount for “Salaries and Ex-*
18 *penses”, \$7,500,000, to remain available until expended, for*
19 *oversight of the amounts provided in division N of Public*
20 *Law 117–103, Public Law 117–128, division B of Public*
21 *Law 117–180, and this Act.*

1804

1 *TITLE VII*2 *DEPARTMENT OF STATE AND RELATED AGENCY*3 *DEPARTMENT OF STATE*4 *ADMINISTRATION OF FOREIGN AFFAIRS*5 *DIPLOMATIC PROGRAMS*

6 *For an additional amount for “Diplomatic Pro-*
7 *grams”, \$147,054,000, to remain available until September*
8 *30, 2024, of which not less than \$60,000,000 shall be made*
9 *available to respond to the situation in Ukraine and in*
10 *countries impacted by the situation in Ukraine.*

11 *OFFICE OF INSPECTOR GENERAL*

12 *For an additional amount for “Office of Inspector*
13 *General”, \$5,500,000, to remain available until September*
14 *30, 2024.*

15 *UNITED STATES AGENCY FOR INTERNATIONAL*16 *DEVELOPMENT*17 *FUNDS APPROPRIATED TO THE PRESIDENT*18 *OPERATING EXPENSES*

19 *For an additional amount for “Operating Expenses”,*
20 *\$5,000,000, to remain available until September 30, 2024,*
21 *to respond to the situation in Ukraine and in countries im-*
22 *acted by the situation in Ukraine.*

1805

1 *OFFICE OF INSPECTOR GENERAL*

2 *For an additional amount for “Office of Inspector*
3 *General”, \$8,000,000, to remain available until September*
4 *30, 2024.*

5 *BILATERAL ECONOMIC ASSISTANCE*6 *FUNDS APPROPRIATED TO THE PRESIDENT*7 *INTERNATIONAL DISASTER ASSISTANCE*

8 *For an additional amount for “International Disaster*
9 *Assistance”, \$937,902,000, to remain available until ex-*
10 *pended, of which not less than \$300,000,000 shall be made*
11 *available to respond to humanitarian needs in Ukraine and*
12 *in countries impacted by the situation in Ukraine, includ-*
13 *ing the provision of emergency food and shelter, and for*
14 *assistance for other vulnerable populations and commu-*
15 *nities, including through local and international non-*
16 *governmental organizations.*

17 *TRANSITION INITIATIVES*

18 *For an additional amount for “Transition Initia-*
19 *tives”, \$50,000,000, to remain available until expended, for*
20 *assistance for Ukraine and countries impacted by the situa-*
21 *tion in Ukraine.*

22 *ECONOMIC SUPPORT FUND*

23 *For an additional amount for “Economic Support*
24 *Fund”, \$12,966,500,000 to remain available until Sep-*
25 *tember 30, 2024, for assistance for Ukraine and countries*

1806

1 *impacted by the situation in Ukraine, which may include*
2 *budget support: Provided, That funds appropriated under*
3 *this heading in this Act may be made available notwith-*
4 *standing any other provision of law that restricts assistance*
5 *to foreign countries and may be made available as contribu-*
6 *tions.*

7 *ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA*

8 *For an additional amount for “Assistance for Europe,*
9 *Eurasia and Central Asia”, \$350,000,000, to remain avail-*
10 *able until September 30, 2024, for assistance and related*
11 *programs for Ukraine and other countries identified in sec-*
12 *tion 3 of the FREEDOM Support Act (22 U.S.C. 5801)*
13 *and section 3(c) of the Support for East European Democ-*
14 *racy (SEED) Act of 1989 (22 U.S.C. 5402(c)).*

15 *DEPARTMENT OF STATE*16 *MIGRATION AND REFUGEE ASSISTANCE*

17 *For an additional amount for “Migration and Refugee*
18 *Assistance”, \$1,535,048,000, to remain available until ex-*
19 *pendent, of which not less than \$620,000,000 shall be made*
20 *available to address humanitarian needs in, and to assist*
21 *refugees from, Ukraine, and for additional support for other*
22 *vulnerable populations and communities.*

1807

1 *INTERNATIONAL SECURITY ASSISTANCE*2 *DEPARTMENT OF STATE*3 *INTERNATIONAL NARCOTICS CONTROL AND LAW*4 *ENFORCEMENT*

5 *For an additional amount for “International Nar-*
6 *cotics Control and Law Enforcement”, \$374,996,000, to re-*
7 *main available until September 30, 2024, of which not less*
8 *than \$300,000,000 shall be for assistance for Ukraine and*
9 *countries impacted by the situation in Ukraine.*

10 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*11 *RELATED PROGRAMS*

12 *For an additional amount for “Nonproliferation,*
13 *Anti-terrorism, Demining and Related Programs”,*
14 *\$105,000,000, to remain available until September 30,*
15 *2024, for assistance for Ukraine and countries impacted by*
16 *the situation in Ukraine.*

17 *FUNDS APPROPRIATED TO THE PRESIDENT*18 *FOREIGN MILITARY FINANCING PROGRAM*

19 *For an additional amount for “Foreign Military Fi-*
20 *nancing Program”, \$80,000,000, to remain available until*
21 *September 30, 2024: Provided, That such funds may be*
22 *made available for the costs, as defined in section 502 of*
23 *the Congressional Budget Act of 1974, of direct loans and*
24 *loan guarantees, if otherwise authorized by any provision*
25 *of law: Provided further, That such costs may include the*

1808

1 *costs of selling, reducing, or cancelling any amounts owed*
2 *to the United States or any agency of the United States:*
3 *Provided further, That the gross principal balance of such*
4 *direct loans shall not exceed \$2,000,000,000, and the gross*
5 *principal balance of guaranteed loans shall not exceed*
6 *\$2,000,000,000: Provided further, That the Secretary of*
7 *State may use amounts charged to the borrower as origina-*
8 *tion fees to pay for the cost of such loans.*

9 **GENERAL PROVISIONS—THIS TITLE**

10 *(INCLUDING TRANSFERS OF FUNDS)*

11 *SEC. 1701. During fiscal year 2023, section 506(a)(1)*
12 *of the Foreign Assistance Act of 1961 (22 U.S.C.*
13 *2318(a)(1)) shall be applied by substituting*
14 *“\$14,500,000,000” for “\$100,000,000”.*

15 *SEC. 1702. During fiscal year 2023, section*
16 *506(a)(2)(B) of the Foreign Assistance Act of 1961 (22*
17 *U.S.C. 2318(a)(2)(B)) shall be applied by substituting*
18 *“\$400,000,000” for “\$200,000,000” and by substituting*
19 *“\$150,000,000” for “\$75,000,000” in clause (i).*

20 *SEC. 1703. During fiscal year 2023, section 552(c)(2)*
21 *of the Foreign Assistance Act of 1961 (22 U.S.C.*
22 *2348a(c)(2)) shall be applied by substituting “\$50,000,000”*
23 *for “\$25,000,000”.*

24 *SEC. 1704. (a) Funds appropriated by this title under*
25 *the heading “Diplomatic Programs” may be transferred to,*

1809

1 *and merged with, funds available under the heading “Cap-*
2 *ital Investment Fund” to respond to the situation in*
3 *Ukraine and in countries impacted by the situation in*
4 *Ukraine.*

5 *(b) Funds appropriated by this title under the head-*
6 *ings “International Disaster Assistance” and “Migration*
7 *and Refugee Assistance” may be transferred to, and merged*
8 *with, funds appropriated by this title under such headings*
9 *to respond to humanitarian needs in Ukraine and in coun-*
10 *tries impacted by the situation in Ukraine and for assist-*
11 *ance for other vulnerable populations and communities.*

12 *(c) Funds appropriated by this title under the heading*
13 *“Economic Support Fund” may be transferred to, and*
14 *merged with, funds available under the headings “United*
15 *States International Development Finance Corporation—*
16 *Corporate Capital Account”, “United States International*
17 *Development Finance Corporation—Program Account”,*
18 *“Export-Import Bank of the United States—Program Ac-*
19 *count”, and “Trade and Development Agency” to respond*
20 *to the situation in Ukraine and in countries impacted by*
21 *the situation in Ukraine.*

22 *(d) Funds appropriated by this title under the head-*
23 *ings “International Narcotics Control and Law Enforce-*
24 *ment”, “Nonproliferation, Anti-terrorism, Demining and*
25 *Related Programs”, and “Foreign Military Financing Pro-*

1810

1 *gram” may be transferred to, and merged with, funds ap-*
2 *propriated by this title under such headings to respond to*
3 *the situation in Ukraine and in countries impacted by the*
4 *situation in Ukraine.*

5 *(e) The transfer authorities provided by this section*
6 *are in addition to any other transfer authority provided*
7 *by law.*

8 *(f) The exercise of the transfer authorities provided by*
9 *this section shall be subject to prior consultation with, and*
10 *the regular notification procedures of, the Committees on*
11 *Appropriations.*

12 *(g) Upon a determination that all or part of the funds*
13 *transferred pursuant to the authorities provided by this sec-*
14 *tion are not necessary for such purposes, such amounts may*
15 *be transferred back to such appropriations.*

16 *SEC. 1705. (a) Funds appropriated by this title may*
17 *be made available for direct financial support for the Gov-*
18 *ernment of Ukraine, including for Ukrainian first respond-*
19 *ers, and may be made available as a cash transfer subject*
20 *to the requirements of subsection (b): Provided, That such*
21 *funds shall be provided on a reimbursable basis and*
22 *matched by sources other than the United States Govern-*
23 *ment, to the maximum extent practicable: Provided further,*
24 *That the Secretary of State or the Administrator of the*
25 *United States Agency for International Development, as*

1811

1 *appropriate, shall ensure third-party monitoring of such*
2 *funds: Provided further, That at least 15 days prior to the*
3 *initial obligation of such funds, the Secretary of State, fol-*
4 *lowing consultation with the Administrator of the United*
5 *States Agency for International Development, shall certify*
6 *and report to the appropriate congressional committees that*
7 *mechanisms for monitoring and oversight of such funds are*
8 *in place and functioning and that the Government of*
9 *Ukraine has in place substantial safeguards to prevent cor-*
10 *ruption and ensure accountability of such funds: Provided*
11 *further, That not less than 45 days after the initial obliga-*
12 *tion of such funds, the Inspectors General of the Department*
13 *of State and the United States Agency for International*
14 *Development shall submit a report to the appropriate con-*
15 *gressional committees detailing and assessing the mecha-*
16 *nisms for monitoring and safeguards described in the pre-*
17 *vious proviso.*

18 *(b) Funds made available to the Government of*
19 *Ukraine as a cash transfer under subsection (a) shall be*
20 *subject to a memorandum of understanding between the gov-*
21 *ernments of the United States and Ukraine that describes*
22 *how the funds proposed to be made available will be used*
23 *and the appropriate safeguards to ensure transparency and*
24 *accountability: Provided, That such assistance shall be*

1812

1 *maintained in a separate, auditable account and may not*
2 *be commingled with any other funds.*

3 (c) *The Secretary of State or the Administrator of the*
4 *United States Agency for International Development, as*
5 *appropriate, shall report to the appropriate congressional*
6 *committees on the uses of funds provided for direct financial*
7 *support to the Government of Ukraine pursuant to sub-*
8 *section (a) not later than 45 days after the date of enact-*
9 *ment of this Act and every 45 days thereafter until all such*
10 *funds have been expended: Provided, That such reports shall*
11 *include a detailed description of the use of such funds, in-*
12 *cluding categories and amounts, the intended results and*
13 *the results achieved, a summary of other donor contribu-*
14 *tions, and a description of the efforts undertaken by the Sec-*
15 *retary and Administrator to increase other donor contribu-*
16 *tions for direct financial support: Provided further, That*
17 *such reports shall also include the metrics established to*
18 *measure such results.*

19 SEC. 1706. *Funds appropriated by this title under the*
20 *headings “Diplomatic Programs”, “Operating Expenses”,*
21 *“Economic Support Fund”, “International Narcotics Con-*
22 *trol and Law Enforcement”, “Nonproliferation, Anti-Ter-*
23 *rorism, Demining and Related Programs”, and “Foreign*
24 *Military Financing Program” shall be subject to the regular*
25 *notification procedures of the Committees on Appropria-*

1813

1 tions: *Provided, That notifications submitted pursuant to*
2 *this section shall include for each program notified—(1)*
3 *total funding made available for such program, by account*
4 *and fiscal year; (2) funding that remains unobligated for*
5 *such program; (3) funding that is obligated but unexpended*
6 *for such program; and (4) funding committed, but not yet*
7 *notified for such program.*

8 *SEC. 1707. Funds appropriated by this title for the*
9 *Inspectors General of the Department of State and United*
10 *States Agency for International Development are in addi-*
11 *tion to funds otherwise provided for such Inspectors General*
12 *for fiscal year 2023 and are made available to provide over-*
13 *sight of funds appropriated by this title and funds appro-*
14 *priated in title VI of division N of Public Law 117–103,*
15 *title V of Public Law 117–128, and title III of division*
16 *B of Public Law 117–180: Provided, That the Inspectors*
17 *General shall coordinate with the Inspectors General of the*
18 *Department of Defense and Inspectors General of other rel-*
19 *evant Federal agencies in conducting such oversight: Pro-*
20 *vided further, That not later than 90 days after the date*
21 *of enactment of this Act, the Inspectors General shall pro-*
22 *vide a report on oversight plans and initial findings to the*
23 *appropriate congressional committees.*

24 *SEC. 1708. (a) The Attorney General may transfer to*
25 *the Secretary of State the proceeds of any covered forfeited*

1814

1 *property for use by the Secretary of State to provide assist-*
2 *ance to Ukraine to remediate the harms of Russian aggres-*
3 *sion towards Ukraine. Any such transfer shall be considered*
4 *foreign assistance under the Foreign Assistance Act of 1961*
5 *(22 U.S.C. 2151 et seq.), including for purposes of making*
6 *available the administrative authorities and implementing*
7 *the reporting requirements contained in that Act.*

8 **(b)** *Not later than 15 days after any transfers made*
9 *pursuant to subsection (a), the Attorney General, in con-*
10 *sultation with the Secretary of the Treasury and the Sec-*
11 *retary of State, shall submit a report describing such trans-*
12 *fers to the appropriate congressional committees.*

13 **(c)** *In this section:*

14 **(1)** *The term “appropriate congressional com-*
15 *mittees” means—*

16 **(A)** *the Committee on the Judiciary of the*
17 *Senate;*

18 **(B)** *the Committee on Foreign Relations of*
19 *the Senate;*

20 **(C)** *the Committee on Banking, Housing,*
21 *and Urban Affairs of the Senate;*

22 **(D)** *the Committee on Appropriations of the*
23 *Senate;*

24 **(E)** *the Committee on the Judiciary of the*
25 *House of Representatives;*

1815

1 (F) the Committee on Foreign Affairs of the
2 House of Representatives;

3 (G) the Committee on Financial Services of
4 the House of Representatives; and

5 (H) the Committee on Appropriations of the
6 House of Representatives.

7 (2) The term “covered forfeited property” means
8 property forfeited under chapter 46 or section 1963 of
9 title 18, United States Code, which property belonged
10 to, was possessed by, or was controlled by a person
11 subject to sanctions and designated by the Secretary
12 of the Treasury or the Secretary of State, or which
13 property was involved in an act in violation of sanc-
14 tions enacted pursuant to Executive Order 14024,
15 and as expanded by Executive Order 14066 of March
16 8, 2022, and relied on for additional steps taken in
17 Executive Order 14039 of August 20, 2021, and Exec-
18 utive Order 14068 of March 11, 2022.

19 (d) The authority under this section shall apply to any
20 covered forfeited property forfeited on or before May 1,
21 2025.

22 **TITLE VIII**

23 **GENERAL PROVISIONS—THIS ACT**

24 SEC. 1801. Funds appropriated by this Act for intel-
25 ligence or intelligence related activities are deemed to be

1816

1 *specifically authorized by the Congress for purposes of sec-*
2 *tion 504(a)(1) of the National Security Act of 1947 (50*
3 *U.S.C. 3094(a)(1)).*

4 *SEC. 1802. Each amount appropriated or made avail-*
5 *able by this Act is in addition to amounts otherwise appro-*
6 *priated for the fiscal year involved.*

7 *SEC. 1803. No part of any appropriation contained*
8 *in this Act shall remain available for obligation beyond the*
9 *current fiscal year unless expressly so provided herein.*

10 *SEC. 1804. Unless otherwise provided for by this Act,*
11 *the additional amounts appropriated by this Act to appro-*
12 *priations accounts shall be available under the authorities*
13 *and conditions applicable to such appropriations accounts*
14 *for fiscal year 2023.*

15 *SEC. 1805. Each amount provided by this division is*
16 *designated by the Congress as being for an emergency re-*
17 *quirement pursuant to section 4001(a)(1) of S. Con. Res.*
18 *14 (117th Congress), the concurrent resolution on the budget*
19 *for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th*
20 *Congress), as engrossed in the House of Representatives on*
21 *June 8, 2022.*

22 *This division may be cited as the “Additional Ukraine*
23 *Supplemental Appropriations Act, 2023”.*

1817

1 ***DIVISION N—DISASTER RELIEF SUPPLE-***
2 ***MENTAL APPROPRIATIONS ACT, 2023***

3 ***TITLE I***

4 ***DEPARTMENT OF AGRICULTURE***

5 ***AGRICULTURAL PROGRAMS***

6 ***PROCESSING, RESEARCH AND MARKETING***

7 ***OFFICE OF THE SECRETARY***

8 *For an additional amount for “Office of the Sec-*
9 *retary”, \$3,741,715,000, to remain available until ex-*
10 *pended, for necessary expenses related to losses of revenue,*
11 *quality or production losses of crops (including milk, on-*
12 *farm stored commodities, crops prevented from planting in*
13 *2022, and harvested adulterated wine grapes), trees, bushes,*
14 *and vines, as a consequence of droughts, wildfires, hurri-*
15 *canes, floods, derechos, excessive heat, tornadoes, winter*
16 *storms, freeze, including a polar vortex, smoke exposure,*
17 *and excessive moisture occurring in calendar year 2022*
18 *under such terms and conditions as determined by the Sec-*
19 *retary: Provided, That of the amounts provided under this*
20 *heading in this Act, the Secretary shall use up to*
21 *\$494,500,000 to provide assistance to producers of livestock,*
22 *as determined by the Secretary of Agriculture, for losses in-*
23 *curred during calendar year 2022 due to drought or*
24 *wildfires: Provided further, That the amount provided*
25 *under this heading in this Act shall be subject to the terms*

1818

1 *and conditions set forth in the first, second, and fourth*
2 *through twelfth provisos under this heading in title I of the*
3 *Disaster Relief Supplemental Appropriations Act, 2022 (di-*
4 *vision B of Public Law 117–43), except that each reference*
5 *to 2020 or 2021 in such provisos in such Act shall be deemed*
6 *to be a reference instead to 2022.*

7 *AGRICULTURAL RESEARCH SERVICE*

8 *BUILDINGS AND FACILITIES*

9 *For an additional amount for “Buildings and Facili-*
10 *ties”, \$58,000,000, to remain available until expended.*

11 *FOOD SAFETY AND INSPECTION SERVICE*

12 *For an additional amount for “Food Safety and In-*
13 *spection Service”, \$29,700,000, to remain available until*
14 *expended.*

15 *FARM PRODUCTION AND CONSERVATION*

16 *PROGRAMS*

17 *FARM SERVICE AGENCY*

18 *EMERGENCY FOREST RESTORATION PROGRAM*

19 *For an additional amount for “Emergency Forest Res-*
20 *toration Program”, \$27,000,000, to remain available until*
21 *expended.*

22 *NATURAL RESOURCES CONSERVATION SERVICE*

23 *WATERSHED AND FLOOD PREVENTION OPERATIONS*

24 *For an additional amount for “Watershed and Flood*
25 *Prevention Operations” for necessary expenses for the*

1819

1 *Emergency Watershed Protection Program, \$925,000,000,*
2 *to remain available until expended.*

3 *RURAL DEVELOPMENT PROGRAMS*

4 *RURAL HOUSING SERVICE*

5 *RURAL HOUSING ASSISTANCE GRANTS*

6 *For an additional amount for “Rural Housing Assist-*
7 *ance Grants”, \$60,000,000, to remain available until ex-*
8 *pendent, for necessary expenses related to homes damaged*
9 *by Presidentially declared disasters in calendar year 2022:*
10 *Provided, That 42 U.S.C. 1471(b)(3) shall not apply: Pro-*
11 *vided further, That the income limit shall be capped at 80*
12 *percent of the area median income: Provided further, That,*
13 *notwithstanding section 1490m(c)(2) of such title, a grant*
14 *made under 42 U.S.C. 1490m of such title using funds*
15 *made available under this heading in this Act, may not*
16 *exceed \$50,000.*

17 *RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT*

18 *For an additional amount for “Rural Community Fa-*
19 *cilities Program Account”, \$75,300,000, to remain avail-*
20 *able until expended: Provided, That of the amounts pro-*
21 *vided under this heading in this Act, \$50,000,000 shall be*
22 *for necessary expenses for grants to repair essential commu-*
23 *nity facilities damaged by Presidentially declared disasters*
24 *in calendar year 2022: Provided further, That the percent-*

1820

1 *age of the cost of the facility that may be covered by a grant*
2 *pursuant to the preceding proviso shall be 75 percent.*

3 *RURAL UTILITIES SERVICE*

4 *RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT*

5 *For an additional amount for “Rural Water and*
6 *Waste Disposal Program Account”, \$325,000,000, to re-*
7 *main available until expended: Provided, That of the*
8 *amounts provided under this heading in this Act,*
9 *\$265,000,000 shall be for necessary expenses related to*
10 *water systems damaged by Presidentially declared disasters*
11 *in calendar year 2022: Provided further, That, notwith-*
12 *standing section 343(a)(13)(B) of the Consolidated Farm*
13 *and Rural Development Act, a grant using funds made*
14 *available pursuant to the preceding proviso may not be*
15 *awarded to a community with a population of more than*
16 *35,000 people: Provided further, That not to exceed*
17 *\$8,000,000 of the amount made available pursuant to the*
18 *first proviso shall be for technical assistance grants for*
19 *rural water and waste systems pursuant to section*
20 *306(a)(22) of the Consolidated Farm and Rural Develop-*
21 *ment Act.*

22 *GENERAL PROVISIONS—THIS TITLE*

23 *SEC. 2101. In addition to other funds available for*
24 *such purposes, not more than three percent of the amounts*
25 *provided in each account under the “Rural Development*

1821

1 *Programs” heading in this title shall be paid to the appro-*
2 *priation for “Rural Development, Salaries and Expenses”*
3 *for administrative costs to carry out the emergency rural*
4 *development programs in this title.*

5 *SEC. 2102. For necessary expenses for salary and re-*
6 *lated costs associated with Agriculture Quarantine and In-*
7 *spection Services activities pursuant to 21 U.S.C. 136a(6),*
8 *and in addition to any other funds made available for this*
9 *purpose, there is appropriated, out of any money in the*
10 *Treasury not otherwise appropriated, \$125,000,000, to re-*
11 *main available until September 30, 2024, to offset the loss*
12 *of quarantine and inspection fees collected pursuant to sec-*
13 *tions 2508 and 2509 of the Food, Agriculture, Conservation,*
14 *and Trade Act of 1990 (21 U.S.C. 136, 136a): Provided,*
15 *That amounts made available in this section shall be treated*
16 *as funds collected by fees authorized under sections 2508*
17 *and 2509 of the Food, Agriculture, Conservation, and Trade*
18 *Act of 1990 (21 U.S.C. 136, 136a) for purposes of section*
19 *421(f) of the Homeland Security Act of 2002 (6 U.S.C.*
20 *231(f)).*

1822

1 *TITLE II*2 *DEPARTMENT OF COMMERCE*3 *ECONOMIC DEVELOPMENT ADMINISTRATION*4 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *Pursuant to section 703 of the Public Works and Eco-*
7 *nomic Development Act (42 U.S.C. 3233), for an additional*
8 *amount for “Economic Development Assistance Programs”*
9 *for necessary expenses related to flood mitigation, disaster*
10 *relief, long-term recovery, and restoration of infrastructure*
11 *in areas that received a major disaster designation as a*
12 *result of Hurricanes Ian and Fiona, and of wildfires, flood-*
13 *ing, and other natural disasters occurring in calendar years*
14 *2021 and 2022 under the Robert T. Stafford Disaster Relief*
15 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.),*
16 *\$500,000,000, to remain available until expended: Pro-*
17 *vided, That within the amount appropriated under this*
18 *heading in this Act, up to 3 percent of funds may be trans-*
19 *ferred to the “Salaries and Expenses” account for adminis-*
20 *tration and oversight activities: Provided further, That the*
21 *Secretary of Commerce is authorized to appoint and fix the*
22 *compensation of such temporary personnel as may be nec-*
23 *essary to implement the requirements under this heading*
24 *in this Act, without regard to the provisions of title 5,*
25 *United States Code, governing appointments in competitive*

1823

1 *service: Provided further, That within the amount appro-*
2 *priated under this heading in this Act, \$2,000,000 shall be*
3 *transferred to the “Office of Inspector General” account for*
4 *carrying out investigations and audits related to the fund-*
5 *ing provided under this heading in this Act.*

6 *For an additional amount for “Economic Development*
7 *Assistance Programs” for grants authorized by sections 28*
8 *and 29 of the Stevenson-Wydler Technology Innovation Act*
9 *of 1980 (15 U.S.C. 3722a and 3722b), \$618,000,000, to re-*
10 *main available until expended, of which \$459,000,000 shall*
11 *be for grants under section 28 and \$159,000,000 shall be*
12 *for grants under section 29 in amounts determined by the*
13 *Secretary.*

14 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*
15 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

16 *For an additional amount for “Scientific and Tech-*
17 *nical Research and Services” to investigate the impacts of*
18 *hurricanes, typhoons, and wildfires in calendar year 2022*
19 *to support the development of resilience standards with re-*
20 *gard to weather and climate disasters, in addition to the*
21 *underlying research to support those standards, and for nec-*
22 *essary expenses to carry out investigations of building fail-*
23 *ures pursuant to the National Construction Safety Team*
24 *Act of 2002 (15 U.S.C. 7301), \$40,000,000, to remain avail-*
25 *able until expended.*

1824

1 *INDUSTRIAL TECHNOLOGY SERVICES*

2 *For an additional amount for “Industrial Technology*
3 *Services”, \$27,000,000, to remain available until expended,*
4 *to implement the Research and Development, Competition,*
5 *and Innovation Act (division B of Public Law 117–167),*
6 *of which \$13,000,000 shall be for the Hollings Manufac-*
7 *turing Extension Partnership, and of which \$14,000,000*
8 *shall be for the Manufacturing USA Program.*

9 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
10 *OPERATIONS, RESEARCH, AND FACILITIES*

11 *For an additional amount for “Operations, Research,*
12 *and Facilities” for necessary expenses related to the con-*
13 *sequences of hurricanes, typhoons, flooding, and wildfires*
14 *in calendar year 2022, \$29,000,000, to remain available*
15 *until September 30, 2024, for repair and replacement of*
16 *observing assets, real property, and equipment; for marine*
17 *debris assessment and removal; and for mapping, charting,*
18 *and geodesy services.*

19 *For an additional amount for “Operations, Research,*
20 *and Facilities”, \$62,000,000, to remain available until Sep-*
21 *tember 30, 2024, of which \$20,000,000, to remain available*
22 *until expended, shall be to carry out activities described in*
23 *title II of division JJ of the Consolidated Appropriations*
24 *Act, 2023 to support the adoption of innovative fishing gear*
25 *deployment and fishing techniques to reduce entanglement*

1825

1 *risk to North Atlantic right whales, including through coop-*
2 *erative agreements pursuant to the National Fish and Wild-*
3 *life Foundation Establishment Act (16 U.S.C. 3701).*

4 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

5 *For an additional amount for “Procurement, Acquisi-*
6 *tion and Construction” for the acquisition of hurricane*
7 *hunter aircraft and related expenses as authorized under*
8 *section 413(a) of the Weather Research and Forecasting In-*
9 *novation Act of 2017 (Public Law 115–25), \$327,701,000,*
10 *to remain available until expended.*

11 *For an additional amount for “Procurement, Acquisi-*
12 *tion and Construction”, \$108,838,000, to remain available*
13 *until September 30, 2025.*

14 *FISHERIES DISASTER ASSISTANCE*

15 *For an additional amount for “Fisheries Disaster As-*
16 *sistance” for necessary expenses associated with the mitiga-*
17 *tion of fishery disasters, \$300,000,000, to remain available*
18 *until expended: Provided, That such funds shall be used for*
19 *mitigating the effects of commercial fishery failures and*
20 *fishery resource disasters declared by the Secretary of Com-*
21 *merce.*

1826

1 *DEPARTMENT OF JUSTICE*2 *FEDERAL PRISON SYSTEM*3 *BUILDINGS AND FACILITIES*

4 *For an additional amount for “Buildings and Facili-*
5 *ties”, \$182,000,000, to remain available until expended.*

6 *SCIENCE*7 *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*8 *CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND*9 *RESTORATION*

10 *For an additional amount for “Construction and En-*
11 *vironmental Compliance and Restoration” for repair and*
12 *replacement of National Aeronautics and Space Adminis-*
13 *tration facilities damaged by Hurricanes Ian and Nicole*
14 *or scheduled for derating due to deterioration,*
15 *\$189,400,000, to remain available until expended.*

16 *For an additional amount for “Construction and En-*
17 *vironmental Compliance and Restoration”, \$367,000,000,*
18 *to remain available until September 30, 2028.*

19 *NATIONAL SCIENCE FOUNDATION*20 *RESEARCH AND RELATED ACTIVITIES*

21 *For an additional amount for “Research and Related*
22 *Activities” for necessary expenses related to damage to re-*
23 *search facilities and scientific equipment in calendar year*
24 *2022, including related to the consequences of wildfires,*
25 *\$2,500,000, to remain available until September 30, 2024.*

1827

1 *For an additional amount for “Research and Related*
2 *Activities”, \$818,162,000, to remain available until Sep-*
3 *tember 30, 2024, of which \$210,000,000 shall be to imple-*
4 *ment the Research and Development, Competition, and In-*
5 *novation Act (division B of Public Law 117–167).*

6 *STEM EDUCATION*

7 *For an additional amount for “STEM Education”,*
8 *\$217,000,000, to remain available until September 30,*
9 *2024, of which \$125,000,000 shall be to implement the Re-*
10 *search and Development, Competition, and Innovation Act*
11 *(division B of Public Law 117–167).*

12 *RELATED AGENCIES*

13 *LEGAL SERVICES CORPORATION*

14 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

15 *For an additional amount for “Payment to the Legal*
16 *Services Corporation” to carry out the purposes of the Legal*
17 *Services Corporation Act by providing for necessary ex-*
18 *penses related to the consequences of hurricanes, flooding,*
19 *wildfires, and other extreme weather that occurred during*
20 *calendar year 2022, \$20,000,000, to remain available until*
21 *September 30, 2023: Provided, That none of the funds ap-*
22 *propriated in this Act to the Legal Services Corporation*
23 *shall be expended for any purpose prohibited or limited by,*
24 *or contrary to any of the provisions of, sections 501, 502,*
25 *503, 504, 505, and 506 of Public Law 105–119, and all*

1828

1 *funds appropriated in this Act to the Legal Services Cor-*
2 *poration shall be subject to the same terms and conditions*
3 *set forth in such sections, except that all references in sec-*
4 *tions 502 and 503 to 1997 and 1998 shall be deemed to*
5 *refer instead to 2022 and 2023, respectively, and except that*
6 *sections 501 and 503 of Public Law 104–134 (referenced*
7 *by Public Law 105–119) shall not apply to the amount*
8 *made available under this heading in this Act: Provided*
9 *further, That, for the purposes of this Act, the Legal Services*
10 *Corporation shall be considered an agency of the United*
11 *States.*

12 **GENERAL PROVISION—THIS TITLE**

13 *SEC. 2201. Unobligated balances from amounts made*
14 *available in paragraph (1) under the heading “Procure-*
15 *ment, Acquisition and Construction” in the Disaster Relief*
16 *Supplemental Appropriations Act, 2022 (division B of*
17 *Public Law 117–43) may be used for necessary expenses*
18 *related to the consequences of hurricanes and of wildfires*
19 *in calendar year 2022: Provided, That amounts repurposed*
20 *pursuant to this section that were previously designated by*
21 *the Congress as an emergency requirement pursuant to sec-*
22 *tion 4001(a)(1) and section 4001(b) of S. Con. Res. 14*
23 *(117th Congress), the concurrent resolution on the budget*
24 *for fiscal year 2022, are designated by the Congress as an*
25 *emergency requirement pursuant to section 4001(a)(1) of*

1829

1 *such concurrent resolution and section 1(e) of H. Res. 1151*
2 *(117th Congress), as engrossed in the House of Representa-*
3 *tives on June 8, 2022.*

4 *TITLE III*

5 *DEPARTMENT OF DEFENSE*

6 *DEPARTMENT OF DEFENSE—MILITARY*

7 *OPERATION AND MAINTENANCE*

8 *OPERATION AND MAINTENANCE, NAVY*

9 *For an additional amount for “Operation and Mainte-*
10 *nance, Navy”, \$82,875,000, to remain available until Sep-*
11 *tember 30, 2023, for necessary expenses related to the con-*
12 *sequences of Hurricanes Ian and Fiona.*

13 *OPERATION AND MAINTENANCE, ARMY RESERVE*

14 *For an additional amount for “Operation and Mainte-*
15 *nance, Army Reserve”, \$6,786,000, to remain available*
16 *until September 30, 2023, for necessary expenses related to*
17 *the consequences of Hurricanes Ian and Fiona.*

18 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

19 *For an additional amount for “Operation and Mainte-*
20 *nance, Army National Guard”, \$16,572,000, to remain*
21 *available until September 30, 2023, for necessary expenses*
22 *related to the consequences of Hurricanes Ian and Fiona.*

1830

1 *TITLE IV*
2 *CORPS OF ENGINEERS—CIVIL*
3 *DEPARTMENT OF THE ARMY*
4 *INVESTIGATIONS*

5 *For an additional amount for “Investigations” for*
6 *necessary expenses related to the completion, or initiation*
7 *and completion, of flood and storm damage reduction, in-*
8 *cluding shore protection, studies that are currently author-*
9 *ized or that are authorized after the date of enactment of*
10 *this Act, to reduce risks from future floods and hurricanes,*
11 *at full Federal expense, \$5,000,000, to remain available*
12 *until expended: Provided, That funds made available under*
13 *this heading in this Act shall be for high-priority studies*
14 *of projects in States and insular areas that were impacted*
15 *by Hurricanes Ian, Fiona, and Nicole: Provided further,*
16 *That within 60 days of enactment of this Act, the Chief*
17 *of Engineers shall submit directly to the House and Senate*
18 *Committees on Appropriations a detailed work plan for the*
19 *funds provided under this heading in this Act, including*
20 *a list of study locations, new studies selected to be initiated,*
21 *the total cost for all studies, the remaining cost for all ongo-*
22 *ing studies, and a schedule by fiscal year of proposed use*
23 *of such funds: Provided further, That the Secretary shall*
24 *not deviate from the work plan, once the plan has been sub-*
25 *mitted to the Committees on Appropriations of both Houses*

1831

1 *of Congress: Provided further, That beginning not later*
2 *than 60 days after the enactment of this Act, the Assistant*
3 *Secretary of the Army for Civil Works shall provide a quar-*
4 *terly report directly to the Committees on Appropriations*
5 *of the House of Representatives and the Senate detailing*
6 *the allocation and obligation of the funds provided under*
7 *this heading in this Act.*

8 CONSTRUCTION

9 *For an additional amount for “Construction” for nec-*
10 *essary expenses to address emergency situations at Corps*
11 *of Engineers projects, construct Corps of Engineers projects,*
12 *and rehabilitate and repair damages caused by natural dis-*
13 *asters to Corps of Engineers projects, \$261,300,000, to re-*
14 *main available until expended: Provided, That funds made*
15 *available in this paragraph in this Act are available to con-*
16 *struct flood and storm damage reduction, including shore*
17 *protection, projects which are currently authorized or which*
18 *are authorized after the date of enactment of this Act, and*
19 *flood and storm damage reduction, including shore protec-*
20 *tion, projects which have signed Chief’s Reports as of the*
21 *date of enactment of this Act or which are studied using*
22 *funds provided under the heading “Investigations” of this*
23 *Act if the Secretary determines such projects to be tech-*
24 *nically feasible, economically justified, and environmentally*
25 *acceptable, in States and insular areas that were impacted*

1832

1 *by Hurricanes Ian, Fiona, and Nicole: Provided further,*
2 *That to the extent that ongoing construction projects are*
3 *constructed using funding pursuant to the first proviso in*
4 *this paragraph in this Act, such construction shall be at*
5 *full Federal expense: Provided further, That the Secretary*
6 *may initiate additional new construction starts with funds*
7 *provided pursuant to the first proviso in this paragraph*
8 *in this Act: Provided further, That using funds provided*
9 *in this paragraph in this Act, the non-Federal cash con-*
10 *tribution for projects eligible for funding pursuant to the*
11 *first proviso in this paragraph in this Act shall be financed*
12 *in accordance with the provisions of section 103(k) of Public*
13 *Law 99–662 over a period of 30 years from the date of com-*
14 *pletion of the project or separable element: Provided further,*
15 *That funds made available in this paragraph in this Act*
16 *may be for ongoing projects that have previously received*
17 *funds under this heading in the Disaster Relief Appropria-*
18 *tions Act of 2013 (Public Law 113–2) and for which non-*
19 *Federal interests have entered into binding agreements with*
20 *the Secretary at the time of enactment of this Act: Provided*
21 *further, That projects receiving funds pursuant to the pre-*
22 *ceding proviso, shall be subject to the terms and conditions*
23 *of Disaster Relief Appropriations Act of 2013 (Public Law*
24 *113–2): Provided further, That funds made available in this*
25 *paragraph in this Act may be for projects that have pre-*

1833

1 *viously received funds under this heading in the Bipartisan*
2 *Budget Act of 2018 (Public Law 115–123) and for which*
3 *non-Federal interests have entered into binding agreements*
4 *with the Secretary at the time of enactment of this Act:*
5 *Provided further, That projects receiving funds pursuant to*
6 *the preceding proviso, shall be subject to the terms and con-*
7 *ditions of Bipartisan Budget Act of 2018 (Public Law 115–*
8 *123): Provided further, That funds made available in this*
9 *paragraph in this Act may be used for projects that have*
10 *previously received funds under this heading in the Disaster*
11 *Relief Supplemental Appropriations Act of 2022 (Public*
12 *Law 117–43) and for which non-Federal interests have en-*
13 *tered into binding agreements with the Secretary at the*
14 *time of enactment of this Act: Provided further, That*
15 *projects receiving funds pursuant to the preceding proviso,*
16 *shall be subject to the terms and conditions of Disaster Re-*
17 *lief Supplemental Appropriations Act of 2022 (Public Law*
18 *117–43): Provided further, That construction of ongoing*
19 *projects that have previously received funds under this*
20 *heading from the Disaster Relief Supplemental Appropria-*
21 *tions Act of 2022 (Public Law 117–43) to complete certain*
22 *features, useful increments of work, or components of the*
23 *project shall be at full Federal expense with respect to funds*
24 *provided to the project under this heading in such Act or*
25 *in this paragraph in this Act: Provided further, That of*

1834

1 *the sums appropriated in this paragraph in this Act, any*
2 *sums as are necessary to cover the Federal share of eligible*
3 *construction costs for coastal harbors and channels, and for*
4 *inland harbors eligible to be derived from the Harbor Main-*
5 *tenance Trust Fund under section 101 or section 104 of the*
6 *Water Resources and Development Act of 2020 shall be de-*
7 *rived from the general fund of the Treasury: Provided fur-*
8 *ther, That for projects receiving funding in this paragraph*
9 *in this Act, the limitation concerning total project costs in*
10 *section 902 of the Water Resources Development Act of 1986*
11 *(Public Law 99–662), as amended, shall not apply to funds*
12 *provided in this paragraph in this Act: Provided further,*
13 *That any projects using funds appropriated in this para-*
14 *graph in this Act shall be initiated only after non-Federal*
15 *interests have entered into binding agreements with the Sec-*
16 *retary requiring, where applicable, the non-Federal inter-*
17 *ests to pay 100 percent of the operation, maintenance, re-*
18 *pair, replacement, and rehabilitation costs of the project*
19 *and to hold and save the United States free from damages*
20 *due to the construction or operation and maintenance of*
21 *the project, except for damages due to the fault or negligence*
22 *of the United States or its contractors: Provided further,*
23 *That within 60 days of enactment of this Act, the Chief*
24 *of Engineers shall submit directly to the House and Senate*
25 *Committees on Appropriations a detailed work plan for the*

1835

1 *funds provided in this paragraph in this Act, including a*
2 *list of project locations, new construction projects selected*
3 *to be initiated, the total cost for all projects, and a schedule*
4 *by fiscal year of proposed use of such funds: Provided fur-*
5 *ther, That the Secretary shall not deviate from the work*
6 *plan, once the plan has been submitted to the Committees*
7 *on Appropriations of both Houses of Congress: Provided*
8 *further, That beginning not later than 60 days after the*
9 *enactment of this Act, the Assistant Secretary of the Army*
10 *for Civil Works shall provide a quarterly report directly*
11 *to the Committees on Appropriations of the House of Rep-*
12 *resentatives and the Senate detailing the allocation and ob-*
13 *ligation of the funds provided in this paragraph in this*
14 *Act: Provided further, That amounts repurposed pursuant*
15 *to this paragraph that were previously designated by the*
16 *Congress as an emergency requirement pursuant to section*
17 *4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th*
18 *Congress), the concurrent resolution on the budget for fiscal*
19 *year 2022, are designated by the Congress as an emergency*
20 *requirement pursuant to section 4001(a)(1) of such concur-*
21 *rent resolution and section 1(e) of H. Res. 1151 (117th Con-*
22 *gress), as engrossed in the House of Representatives on June*
23 *8, 2022.*

24 *For an additional amount for “Construction”,*
25 *\$297,200,000, to remain available until expended: Pro-*

1836

1 *vided, That of the funds made available in this paragraph*
2 *in this Act, \$45,000,000 shall be for flood and storm damage*
3 *reduction: Provided further, That of the funds made avail-*
4 *able in this paragraph in this Act, \$36,575,000 shall be for*
5 *flood control: Provided further, That of the funds made*
6 *available in this paragraph in this Act, for flood and storm*
7 *damage reduction and flood control, \$43,650,000 shall be*
8 *to continue construction of projects that principally address*
9 *drainage in urban areas: Provided further, That of the*
10 *funds made available in this paragraph in this Act,*
11 *\$36,575,000 shall be for shore protection: Provided further,*
12 *That of the funds made available in this paragraph in this*
13 *Act, \$113,550,000 shall be for major rehabilitation, con-*
14 *struction, and related activities for rivers and harbors navi-*
15 *gation projects, of which \$10,000,000 shall be for authorized*
16 *reimbursements: Provided further, That of the sums appro-*
17 *priated in this paragraph in this Act, any sums as are nec-*
18 *essary to cover the Federal share of eligible construction*
19 *costs for coastal harbors and channels, and for inland har-*
20 *bors eligible to be derived from the Harbor Maintenance*
21 *Trust Fund under section 101 or section 104 of the Water*
22 *Resources and Development Act of 2020 shall be derived*
23 *from the general fund of the Treasury: Provided further,*
24 *That of the funds made available in this paragraph in this*
25 *Act, \$19,000,000 shall be for other authorized project pur-*

1837

1 poses, of which up to \$11,900,000 shall be for the execution
2 of comprehensive restoration plans developed by the Corps
3 for major bodies of water: Provided further, That of the
4 funds made available in this paragraph in this Act,
5 \$28,500,000 shall be for environmental restoration or com-
6 pliance: Provided further, That of the funds made available
7 in this paragraph in this Act, \$18,000,000 shall be for
8 water-related environmental infrastructure assistance to
9 make environmentally sound repairs and upgrades to water
10 infrastructure: Provided further, That within 60 days of en-
11 actment of this Act, the Chief of Engineers shall submit di-
12 rectly to the House and Senate Committees on Appropria-
13 tions a detailed work plan for the funds provided in this
14 paragraph in this Act, including a list of project locations,
15 the total cost for all projects, and a schedule by fiscal year
16 of proposed use of such funds: Provided further, That the
17 Secretary shall not deviate from the work plan, once the
18 plan has been submitted to the Committees on Appropria-
19 tions of both Houses of Congress.

20 MISSISSIPPI RIVER AND TRIBUTARIES

21 For an additional amount for “Mississippi River and
22 Tributaries” for necessary expenses to address emergency
23 situations at Corps of Engineers projects in response to, and
24 rehabilitate and repair damages caused by natural disas-
25 ters to Corps of Engineers projects, \$15,500,000, to remain

1838

1 *available until expended: Provided, That of the amount pro-*
2 *vided under this heading in this Act, such sums as are nec-*
3 *essary to cover the Federal share of eligible operation and*
4 *maintenance costs for coastal harbors and channels, and for*
5 *inland harbors shall be derived from the general fund of*
6 *the Treasury: Provided further, That within 60 days of en-*
7 *actment of this Act, the Chief of Engineers shall submit di-*
8 *rectly to the House and Senate Committees on Appropria-*
9 *tions a detailed work plan for the funds provided under*
10 *this heading in this Act: Provided further, That beginning*
11 *not later than 60 days after the enactment of this Act, the*
12 *Assistant Secretary of the Army for Civil Works shall pro-*
13 *vide a quarterly report directly to the Committees on Ap-*
14 *propriations of the House of Representatives and the Senate*
15 *detailing the allocation and obligation of the funds provided*
16 *under this heading in this Act.*

17 *OPERATION AND MAINTENANCE*

18 *For an additional amount for “Operation and Mainte-*
19 *nance” for necessary expenses to dredge Federal navigation*
20 *projects in response to, and repair damages to Corps of En-*
21 *gineers Federal projects caused by natural disasters,*
22 *\$324,000,000, to remain available until expended: Pro-*
23 *vided, That of the amount provided in this paragraph in*
24 *this Act, such sums as are necessary to cover the Federal*
25 *share of eligible operation and maintenance costs for coastal*

1839

1 *harbors and channels, and for inland harbors shall be de-*
2 *rived from the general fund of the Treasury: Provided fur-*
3 *ther, That within 60 days of enactment of this Act, the Chief*
4 *of Engineers shall submit directly to the House and Senate*
5 *Committees on Appropriations a detailed work plan for the*
6 *funds provided in this paragraph in this Act: Provided fur-*
7 *ther, That beginning not later than 60 days after the enact-*
8 *ment of this Act, the Assistant Secretary of the Army for*
9 *Civil Works shall provide a quarterly report directly to the*
10 *Committees on Appropriations of the House of Representa-*
11 *tives and the Senate detailing the allocation and obligation*
12 *of the funds provided in this paragraph in this Act.*

13 *For an additional amount for “Operation and Mainte-*
14 *nance”, \$52,800,000, to remain available until expended:*
15 *Provided, That of the amount provided in this paragraph*
16 *in this Act, \$36,000,000 shall be for necessary expenses at*
17 *inland waterways projects: Provided further, That of the*
18 *amount provided in this paragraph in this Act,*
19 *\$16,800,000 shall be for other authorized project purposes:*
20 *Provided further, That within 60 days of enactment of this*
21 *Act, the Chief of Engineers shall submit directly to the*
22 *House and Senate Committees on Appropriations a detailed*
23 *work plan for the funds provided in this paragraph in this*
24 *Act, including a list of project locations, the total cost for*
25 *all projects, and a schedule by fiscal year of proposed use*

1840

1 *of such funds: Provided further, That the Secretary shall*
2 *not deviate from the work plan, once the plan has been sub-*
3 *mitted to the Committees on Appropriations of both Houses*
4 *of Congress.*

5 *FLOOD CONTROL AND COASTAL EMERGENCIES*

6 *For an additional amount for “Flood Control and*
7 *Coastal Emergencies”, as authorized by section 5 of the Act*
8 *of August 18, 1941 (33 U.S.C. 701n), for necessary expenses*
9 *to prepare for flood, hurricane, and other natural disasters*
10 *and support emergency operations, repairs, and other ac-*
11 *tivities in response to such disasters, as authorized by law,*
12 *\$519,200,000, to remain available until expended: Pro-*
13 *vided, That funding provided under this heading in this*
14 *Act and utilized for authorized shore protection projects*
15 *shall restore such projects to the full project profile at full*
16 *Federal expense: Provided further, That beginning not later*
17 *than 60 days after the enactment of this Act, the Chief of*
18 *Engineers shall provide a quarterly report directly to the*
19 *Committees on Appropriations of the House of Representa-*
20 *tives and the Senate detailing the allocation and obligation*
21 *of these fund provided under this heading in this Act.*

22 *EXPENSES*

23 *For an additional amount for “Expenses” for nec-*
24 *essary expenses to administer and oversee the obligation*
25 *and expenditure of amounts provided in this Act for the*

1841

1 *Corps of Engineers, \$5,000,000, to remain available until*
2 *expended: Provided, That beginning not later than 60 days*
3 *after the enactment of this Act, the Chief of Engineers shall*
4 *provide a quarterly report directly to the Committees on*
5 *Appropriations of the House of Representatives and the*
6 *Senate detailing the allocation and obligation of these fund*
7 *provided under this heading in this Act.*

8 *DEPARTMENT OF ENERGY*

9 *ENERGY PROGRAMS*

10 *ELECTRICITY*

11 *For an additional amount for “Electricity”,*
12 *\$1,000,000,000, to remain available until expended, to*
13 *carry out activities to improve the resilience of the Puerto*
14 *Rican electric grid, including grants for low and moderate*
15 *income households and households that include individuals*
16 *with disabilities for the purchase and installation of renew-*
17 *able energy, energy storage, and other grid technologies:*
18 *Provided, That the Department of Energy shall coordinate*
19 *with the Federal Emergency Management Agency and the*
20 *Department of Housing and Urban Development on these*
21 *activities.*

1842

1 *POWER MARKETING ADMINISTRATIONS*2 *CONSTRUCTION, REHABILITATION, OPERATION AND*3 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

4 *For an additional amount for “Construction, Reha-*
5 *bilitation, Operation and Maintenance, Western Area*
6 *Power Administration”, \$520,000,000, to remain available*
7 *until expended, for the purchase of power and transmission*
8 *services: Provided, That the amount made available under*
9 *this heading in this Act shall be derived from the general*
10 *fund of the Treasury and shall be reimbursable from*
11 *amounts collected by the Western Area Power Administra-*
12 *tion pursuant to the Flood Control Act of 1944 and the Rec-*
13 *lamation Project Act of 1939 to recover purchase power and*
14 *wheeling expenses: Provided further, That of the amount*
15 *made available under this heading in this Act, up to*
16 *\$100,000,000 may be transferred to Western Area Power*
17 *Administration’s Colorado River Basins Power Marketing*
18 *Fund account to be used for the same purposes as outlined*
19 *under this heading.*

1843

1 *TITLE V*2 *INDEPENDENT AGENCIES*3 *GENERAL SERVICES ADMINISTRATION*4 *REAL PROPERTY ACTIVITIES*5 *FEDERAL BUILDINGS FUND*

6 *For an additional amount to be deposited in the “Fed-*
7 *eral Buildings Fund”, \$36,788,390, to remain available*
8 *until expended, for necessary expenses related to the con-*
9 *sequences of Hurricane Ian, for repair and alteration of*
10 *buildings under the jurisdiction, custody and control of the*
11 *Administrator of General Services, and real property man-*
12 *agement and related activities not otherwise provided for:*
13 *Provided, That the amount provided under this heading in*
14 *this Act may be used to reimburse the Fund for obligations*
15 *incurred for this purpose prior to the date of the enactment*
16 *of this Act.*

17 *SMALL BUSINESS ADMINISTRATION*18 *DISASTER LOANS PROGRAM ACCOUNT*19 *(INCLUDING TRANSFERS OF FUNDS)*

20 *For an additional amount for “Disaster Loans Pro-*
21 *gram Account” for the cost of direct loans authorized by*
22 *section 7(b) of the Small Business Act, \$858,000,000, to re-*
23 *main available until expended, of which \$8,000,000 shall*
24 *be transferred to and merged with “Office of Inspector Gen-*
25 *eral” for audits and reviews of disaster loans and the dis-*

1844

1 *aster loans programs; and of which \$850,000,000 may be*
2 *transferred to and merged with “Salaries and Expenses”*
3 *for administrative expenses to carry out the disaster loan*
4 *program or any disaster loan authorized by section 7(b)*
5 *of the Small Business Act.*

6

TITLE VI

7

DEPARTMENT OF HOMELAND SECURITY

8

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

9

COAST GUARD

10

OPERATIONS AND SUPPORT

11

For an additional amount for “Operations and Sup-

12

port”, \$39,250,000, to remain available until September 30,

13

2024, for necessary expenses related to the consequences of

14

Hurricanes Fiona and Ian.

15

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

16

For an additional amount for “Procurement, Con-

17

struction, and Improvements”, \$115,500,000, to remain

18

available until September 30, 2027, for necessary expenses

19

related to the consequences of Hurricanes Fiona and Ian.

1845

1 *PROTECTION, PREPAREDNESS, RESPONSE, AND*
2 *RECOVERY*

3 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

4 *DISASTER RELIEF FUND*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for “Disaster Relief Fund”,*
7 *\$5,000,000,000, to remain available until expended, for*
8 *major disasters declared pursuant to the Robert T. Stafford*
9 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
10 *5121 et seq.), of which \$13,000,000 shall be transferred to*
11 *“Office of the Inspector General—Operations and Support”*
12 *for audits and investigations of activities funded under this*
13 *heading.*

14 *HERMIT’S PEAK/CALF CANYON FIRE ASSISTANCE ACCOUNT*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For an additional amount for “Hermit’s Peak/Calf*
17 *Canyon Fire Assistance Account”, \$1,450,000,000, to re-*
18 *main available until expended, to carry out the Hermit’s*
19 *Peak/Calf Canyon Fire Assistance Act, of which \$1,000,000*
20 *shall be transferred to “Office of the Inspector General—*
21 *Operations and Support” for oversight of activities author-*
22 *ized by the Hermit’s Peak/Calf Canyon Fire Assistance Act:*
23 *Provided, That the amounts provided under this heading*
24 *in this Act shall be subject to the reporting requirement in*

1846

1 *the third proviso of section 136 of the Continuing Appro-*
2 *priations Act, 2023 (division A of Public Law 117–180).*

3 **GENERAL PROVISIONS—THIS TITLE**

4 *SEC. 2601. Notwithstanding sections 104(c) and (d) of*
5 *the Hermit’s Peak/Calf Canyon Fire Assistance Act (divi-*
6 *sion G of Public Law 117–180), the Federal Emergency*
7 *Management Agency may compensate for the replacement*
8 *of water treatment facilities, to the extent necessitated by*
9 *the Hermit’s Peak/Calf Canyon Fire, in lieu of compen-*
10 *sating for temporary injury, in an amount not to exceed*
11 *\$140,000,000 from funds made available under the heading*
12 *“Hermit’s Peak/Calf Canyon Fire Assistance Account” in*
13 *this Act or in section 136 of the Continuing Appropriations*
14 *Act, 2023 (division A of Public Law 117–180).*

15 *SEC. 2602. For necessary expenses related to providing*
16 *customs and immigration inspection and pre-inspection*
17 *services at, or in support of ports of entry, pursuant to sec-*
18 *tion 1356 of title 8, United States Code, and section 58c(f)*
19 *of title 19, United States Code, and in addition to any other*
20 *funds made available for this purpose, there is appro-*
21 *priated, out of any money in the Treasury not otherwise*
22 *appropriated, \$309,000,000, to offset the loss of Immigra-*
23 *tion User Fee receipts collected pursuant to section 286(h)*
24 *of the Immigration and Nationality Act (8 U.S.C. 1356(h)),*
25 *and fees for certain customs services collected pursuant to*

1847

1 *paragraphs (1) through (8) and paragraph (10) of sub-*
2 *section (a) of section 13031 of the Consolidated Omnibus*
3 *Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(1)–*
4 *(8) and (a)(10)).*

5 *TITLE VII*

6 *DEPARTMENT OF THE INTERIOR*

7 *UNITED STATES FISH AND WILDLIFE SERVICE*

8 *CONSTRUCTION*

9 *For an additional amount for “Construction”,*
10 *\$247,000,000, to remain available until expended, for nec-*
11 *essary expenses related to the consequences of wildfires, hur-*
12 *ricanes, and other natural disasters occurring in and prior*
13 *to calendar year 2023, including winter storm damages at*
14 *Midway Atoll National Wildlife Refuge.*

15 *NATIONAL PARK SERVICE*

16 *CONSTRUCTION*

17 *For an additional amount for “Construction”,*
18 *\$1,500,000,000, to remain available until expended, for nec-*
19 *essary expenses related to the consequences of wildfires, hur-*
20 *ricanes, and other natural disasters occurring in and prior*
21 *to calendar year 2023.*

22 *UNITED STATES GEOLOGICAL SURVEY*

23 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

24 *For an additional amount for “Surveys, Investiga-*
25 *tions, and Research”, \$41,040,000, to remain available*

1848

1 *until expended, for necessary expenses related to the con-*
2 *sequences of wildfires, hurricanes, and other natural disas-*
3 *ters occurring in and prior to calendar year 2023.*

4 *INDIAN AFFAIRS*

5 *BUREAU OF INDIAN AFFAIRS*

6 *OPERATION OF INDIAN PROGRAMS*

7 *For an additional amount for “Operation of Indian*
8 *Programs”, \$44,500,000, to remain available until ex-*
9 *pended, for necessary expenses related to the consequences*
10 *of wildfires, hurricanes, and other natural disasters occur-*
11 *ring in and prior to calendar year 2023.*

12 *CONSTRUCTION*

13 *For an additional amount for “Construction”,*
14 *\$2,500,000, to remain available until expended, for nec-*
15 *essary expenses related to the consequences of wildfires, hur-*
16 *ricanes, and other natural disasters occurring in and prior*
17 *to calendar year 2023.*

18 *BUREAU OF INDIAN EDUCATION*

19 *EDUCATION CONSTRUCTION*

20 *For an additional amount for “Education Construc-*
21 *tion”, \$90,465,000, to remain available until expended, for*
22 *necessary expenses related to the consequences of flooding*
23 *at the To’Hajiilee Community School.*

1849

1 *DEPARTMENTAL OFFICES*2 *DEPARTMENT-WIDE PROGRAMS*3 *WILDLAND FIRE MANAGEMENT*

4 *For an additional amount for “Wildland Fire Man-*
5 *agement”, \$75,000,000, to remain available until expended,*
6 *for wildland fire suppression activities.*

7 *For an additional amount for “Wildland Fire Man-*
8 *agement”, \$429,000,000, to remain available until ex-*
9 *pendent: Provided, That of the funds provided under this*
10 *paragraph in this Act, \$383,657,000 shall be available for*
11 *wildfire suppression operations, and is provided to meet the*
12 *terms of section 4004(b)(5)(B) of S. Con. Res. 14 (117th*
13 *Congress), the concurrent resolution on the budget for fiscal*
14 *year 2022, and section 1(g)(2) of H. Res. 1151 (117th Con-*
15 *gress), as engrossed in the House of Representatives on June*
16 *8, 2022: Provided further, That of the funds provided under*
17 *this paragraph in this Act, \$45,343,000 shall be available*
18 *for fire preparedness.*

19 *ENVIRONMENTAL PROTECTION AGENCY*20 *LEAKING UNDERGROUND STORAGE TANK TRUST FUND*21 *PROGRAM*

22 *For an additional amount for “Leaking Underground*
23 *Storage Tank Trust Fund Program”, \$1,000,000, to remain*
24 *available until expended, for necessary expenses related to*
25 *the consequences of Hurricanes Fiona and Ian.*

1850

1 *STATE AND TRIBAL ASSISTANCE GRANTS*

2 *For an additional amount for “State and Tribal As-*
3 *sistance Grants”, \$1,067,210,000, to remain available until*
4 *expended, of which \$665,210,000 shall be for capitalization*
5 *grants for the Clean Water State Revolving Funds under*
6 *title VI of the Federal Water Pollution Control Act, and*
7 *of which \$402,000,000 shall be for capitalization grants*
8 *under section 1452 of the Safe Drinking Water Act: Pro-*
9 *vided, That notwithstanding section 604(a) of the Federal*
10 *Water Pollution Control Act and section 1452(a)(1)(D) of*
11 *the Safe Drinking Water Act, funds appropriated under*
12 *this paragraph in this Act shall be provided to States or*
13 *Territories in EPA Regions 2 and 4 in amounts determined*
14 *by the Administrator for wastewater treatment works and*
15 *drinking water facilities impacted by Hurricanes Fiona*
16 *and Ian: Provided further, That States or Territories shall*
17 *prioritize funds, as appropriate, to Tribes and disadvan-*
18 *tagged communities: Provided further, That notwithstanding*
19 *the requirements of section 603(i) of the Federal Water Pol-*
20 *lution Control Act and section 1452(d) of the Safe Drinking*
21 *Water Act, for the funds appropriated under this paragraph*
22 *in this Act, each State shall use 100 percent of the amount*
23 *of its capitalization grants to provide additional subsidiza-*
24 *tion to eligible recipients in the form of forgiveness of prin-*
25 *cipal, negative interest loans or grants, or any combination*

1851

1 *of these: Provided further, That the funds appropriated*
2 *under this paragraph in this Act shall be used for eligible*
3 *projects whose purpose is to reduce flood or fire damage risk*
4 *and vulnerability or to enhance resiliency to rapid hydro-*
5 *logic change or natural disaster at treatment works, as de-*
6 *finied by section 212 of the Federal Water Pollution Control*
7 *Act, or any eligible facilities under section 1452 of the Safe*
8 *Drinking Water Act, and for other eligible tasks at such*
9 *treatment works or facilities necessary to further such pur-*
10 *poses: Provided further, That the funds provided under this*
11 *paragraph in this Act shall not be subject to the matching*
12 *or cost share requirements of section 1452(e) of the Safe*
13 *Drinking Water Act: Provided further, That funds provided*
14 *under this paragraph in this Act shall not be subject to the*
15 *matching or cost share requirements of sections 602(b)(2),*
16 *602(b)(3), or 202 of the Federal Water Pollution Control*
17 *Act: Provided further, That the Administrator of the Envi-*
18 *ronmental Protection Agency may retain up to \$1,000,000*
19 *of the funds appropriated under this paragraph in this Act*
20 *for management and oversight.*

21 *For an additional amount for “State and Tribal As-*
22 *sistance Grants”, \$150,000,000, to remain available until*
23 *expended, for technical assistance and grants under section*
24 *1442(b) of the Safe Drinking Water Act (42 U.S.C. 300j–*
25 *1(b)) in areas where the President declared an emergency*

1852

1 *in August of fiscal year 2022 pursuant to the Robert T.*
2 *Stafford Disaster Relief and Emergency Assistance Act (42*
3 *U.S.C. 5121 et seq.): Provided, That the Administrator of*
4 *the Environmental Protection Agency may retain up to*
5 *three percent of the amounts made available under this*
6 *paragraph in this Act for salaries, expenses, and adminis-*
7 *tration: Provided further, That the agency shall submit an*
8 *annual report to the Committees on Appropriations until*
9 *all funds have been obligated, with a status on the use of*
10 *funds for this effort.*

11 *For an additional amount for “State and Tribal As-*
12 *sistance Grants”, \$450,000,000, to remain available until*
13 *expended, for capitalization grants under section 1452 of*
14 *the Safe Drinking Water Act (42 U.S.C. 300j–12): Pro-*
15 *vided, That notwithstanding section 1452(a)(1)(D) of the*
16 *Safe Drinking Water Act, funds appropriated under this*
17 *paragraph in this Act shall be provided to States or Terri-*
18 *ories in EPA Region 4 in amounts determined by the Ad-*
19 *ministrator in areas where there the President declared an*
20 *emergency in August of fiscal year 2022 pursuant to the*
21 *Robert T. Stafford Disaster Relief and Emergency Assist-*
22 *ance Act (42 U.S.C. 5121 et seq.): Provided further, That*
23 *notwithstanding the requirements of section 1452(d) of the*
24 *Safe Drinking Water Act, for the funds appropriated under*
25 *this paragraph in this Act, each State shall use 100 percent*

1853

1 *of the amount of its capitalization grants to provide addi-*
2 *tional subsidization to eligible recipients in the form of for-*
3 *giveness of principal, grants, negative interest loans, other*
4 *loan forgiveness, and through buying, refinancing, or re-*
5 *structuring debt or any combination thereof: Provided fur-*
6 *ther, That the funds provided under this paragraph in this*
7 *Act shall not be subject to the matching or cost share re-*
8 *quirements of section 1452(e) of the Safe Drinking Water*
9 *Act: Provided further, That the Administrator of the Envi-*
10 *ronmental Protection Agency may retain up to \$1,000,000*
11 *of the funds appropriated under this paragraph in this Act*
12 *for management and oversight.*

13 *RELATED AGENCIES*14 *DEPARTMENT OF AGRICULTURE*15 *FOREST SERVICE*16 *FOREST AND RANGELAND RESEARCH*

17 *For an additional amount for “Forest and Rangeland*
18 *Research”, \$2,000,000, to remain available until expended,*
19 *for necessary expenses related to the consequences of cal-*
20 *endar year 2020, 2021, and 2022 wildfires, hurricanes, and*
21 *other natural disasters.*

22 *STATE AND PRIVATE FORESTRY*

23 *For an additional amount for “State and Private For-*
24 *estry”, \$148,000,000, to remain available until expended,*
25 *for necessary expenses related to the consequences of cal-*

1854

1 *endar year 2020, 2021, and 2022 wildfires, hurricanes, and*
2 *other natural disasters: Provided, That of the amounts*
3 *made available under this heading in this Act, up to*
4 *\$20,000,000 is for grants to states to support economic re-*
5 *covery activities in communities damaged by wildfire: Pro-*
6 *vided further, That of the amounts made available under*
7 *this heading in this Act, no less than \$100,000,000 is for*
8 *cooperative lands forest management activities.*

9 *NATIONAL FOREST SYSTEM*

10 *For an additional amount for “National Forest Sys-*
11 *tem”, \$210,000,000, to remain available until expended, for*
12 *necessary expenses related to the consequences of calendar*
13 *year 2020, 2021, and 2022 wildfires, hurricanes, and other*
14 *natural disasters, including for high priority post-wildfire*
15 *restoration for watershed protection, public access and crit-*
16 *ical habitat, hazardous fuels mitigation for community pro-*
17 *tection, and burned area recovery.*

18 *CAPITAL IMPROVEMENT AND MAINTENANCE*

19 *For an additional amount for “Capital Improvement*
20 *and Maintenance”, \$150,000,000, to remain available until*
21 *expended, for necessary expenses related to the consequences*
22 *of calendar year 2020, 2021, and 2022 wildfires, hurri-*
23 *canes, and other natural disasters.*

1855

1 *WILDLAND FIRE MANAGEMENT*

2 *For an additional amount for “Wildland Fire Man-*
3 *agement”, \$375,000,000, to remain available until ex-*
4 *pendent, for wildland fire suppression activities.*

5 *For an additional amount for “Wildland Fire Man-*
6 *agement”, \$1,171,000,000, to remain available until ex-*
7 *pendent: Provided, That of the funds provided under this*
8 *paragraph in this Act, \$1,011,000,000 shall be available for*
9 *wildfire suppression operations, and is provided to meet the*
10 *terms of section 4004(b)(5)(B) of S. Con. Res. 14 (117th*
11 *Congress), the concurrent resolution on the budget for fiscal*
12 *year 2022, and section 1(g)(2) of H. Res. 1151 (117th Con-*
13 *gress), as engrossed in the House of Representatives on June*
14 *8, 2022: Provided further, That of the funds provided under*
15 *this paragraph in this Act, \$160,000,000 shall be available*
16 *for forest fire presuppression.*

17 *TITLE VIII*18 *DEPARTMENT OF HEALTH AND HUMAN*19 *SERVICES*20 *CENTERS FOR DISEASE CONTROL AND PREVENTION*21 *CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT*

22 *For an additional amount for “CDC-Wide Activities*
23 *and Program Support”, \$86,000,000, to remain available*
24 *until September 30, 2024, for necessary expenses directly*
25 *related to the consequences of Hurricanes Fiona and Ian:*

1856

1 *Provided, That funds appropriated under this heading in*
2 *this Act may be made available to restore amounts, either*
3 *directly or through reimbursement, for obligations incurred*
4 *for such purposes, prior to the date of enactment of this*
5 *Act.*

6 *NATIONAL INSTITUTES OF HEALTH*
7 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*
8 *SCIENCES*

9 *For an additional amount for “National Institute of*
10 *Environmental Health Sciences”, \$2,500,000, to remain*
11 *available until expended, for necessary expenses in carrying*
12 *out activities set forth in section 311(a) of the Comprehen-*
13 *sive Environmental Response, Compensation, and Liability*
14 *Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the*
15 *Superfund Amendments and Reauthorization Act of 1986*
16 *related to the consequences of major disasters declared pur-*
17 *suant to the Robert T. Stafford Disaster Relief and Emer-*
18 *gency Assistance Act (42 U.S.C. 5121 et seq.) in 2022.*

19 *OFFICE OF THE DIRECTOR*
20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For an additional amount for “Office of the Director”,*
22 *\$25,000,000, to remain available until September 30, 2024,*
23 *for necessary expenses directly related to the consequences*
24 *of Hurricanes Fiona and Ian: Provided, That funds appro-*
25 *priated under this heading in this Act may be made avail-*

1857

1 *able to restore amounts, either directly or through reim-*
2 *bursement, for obligations incurred for such purposes, prior*
3 *to the date of enactment of this Act: Provided further, That*
4 *funds appropriated under this heading in this Act may be*
5 *transferred to the accounts of Institutes and Centers of the*
6 *National Institutes of Health (NIH): Provided further, That*
7 *this transfer authority is in addition to any other transfer*
8 *authority available to the NIH.*

9 *ADMINISTRATION FOR CHILDREN AND FAMILIES*

10 *LOW INCOME HOME ENERGY ASSISTANCE*

11 *For an additional amount for “Low Income Home En-*
12 *ergy Assistance”, \$1,000,000,000, to remain available until*
13 *September 30, 2023, for making payments under subsection*
14 *(b) of section 2602 of the Low-Income Home Energy Assist-*
15 *ance Act of 1981 (42 U.S.C. 8621 et seq.): Provided, That*
16 *of the funds made available under this heading in this Act,*
17 *\$500,000,000 shall be allocated as though the total appro-*
18 *priation for such payments for fiscal year 2023 was less*
19 *than \$1,975,000,000.*

20 *For an additional amount for “Low Income Home En-*
21 *ergy Assistance”, \$2,500,000,000, to remain available until*
22 *September 30, 2023, for making payments under subsection*
23 *(b) of section 2602 of the Low-Income Home Energy Assist-*
24 *ance Act of 1981 (42 U.S.C. 8621 et seq.).*

1858

1 *PAYMENTS TO STATES FOR THE CHILD CARE AND*
2 *DEVELOPMENT BLOCK GRANT*

3 *For an additional amount for “Payments to States for*
4 *the Child Care and Development Block Grant”,*
5 *\$100,000,000, to remain available through September 30,*
6 *2024, for necessary expenses directly related to the con-*
7 *sequences of Hurricanes Fiona and Ian, including activities*
8 *authorized under section 319(a) of the Public Health Serv-*
9 *ice Act: Provided, That the Secretary shall allocate such*
10 *funds to States, Territories, and tribes based on assessed*
11 *need notwithstanding sections 658J and 658O of the Child*
12 *Care and Development Block Grant Act of 1990: Provided*
13 *further, That not to exceed 2 percent of funds appropriated*
14 *under this heading in this Act may be reserved, to remain*
15 *available until expended, for Federal administration costs:*
16 *Provided further, That such funds may be used for alter-*
17 *ation, renovation, construction, equipment, and other cap-*
18 *ital improvement costs, including for child care facilities*
19 *without regard to section 658F(b) of such Act, and for other*
20 *expenditures related to child care, as necessary to meet the*
21 *needs of areas affected by Hurricanes Fiona and Ian: Pro-*
22 *vided further, That funds made available under this head-*
23 *ing in this Act may be used without regard to section 658G*
24 *of such Act and with amounts allocated for such purposes*
25 *excluded from the calculation of percentages under sub-*

1859

1 *section 658E(c)(3) of such Act: Provided further, That not-*
2 *withstanding section 658J(c) of such Act, funds allotted to*
3 *a State may be obligated by the State in that fiscal year*
4 *or the succeeding three fiscal years: Provided further, That*
5 *Federal interest provisions will not apply to the renovation*
6 *or construction of privately-owned family child care homes,*
7 *and the Secretary shall develop parameters on the use of*
8 *funds for family child care homes: Provided further, That*
9 *the Secretary shall not retain Federal interest after a period*
10 *of 10 years (from the date on which the funds are made*
11 *available to purchase or improve the property) in any facil-*
12 *ity renovated or constructed with funds made available*
13 *under this heading in this Act: Provided further, That funds*
14 *made available under this heading in this Act shall not be*
15 *available for costs that are reimbursed by the Federal Emer-*
16 *gency Management Agency, under a contract for insurance,*
17 *or by self-insurance: Provided further, That funds appro-*
18 *priated under this heading in this Act may be made avail-*
19 *able to restore amounts, either directly or through reim-*
20 *bursement, for obligations incurred for such purposes, prior*
21 *to the date of enactment of this Act.*

22 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

23 *For an additional amount for “Children and Families*
24 *Services Programs”, \$408,000,000, to remain available*
25 *until September 30, 2027, for necessary expenses directly*

1860

1 *related to the consequences of Hurricanes Fiona and Ian,*
2 *including activities authorized under section 319(a) of the*
3 *Public Health Service Act: Provided, That \$345,000,000 of*
4 *the amount provided under this heading in this Act shall*
5 *be for Head Start programs, including making payments*
6 *under the Head Start Act: Provided further, That none of*
7 *funds made available in the preceding proviso shall be in-*
8 *cluded in the calculation of the “base grant” in subsequent*
9 *fiscal years, as such term is defined in sections 640(a)(7)(A)*
10 *of the Head Start Act: Provided further, That funds made*
11 *available in first proviso are not subject to the allocation*
12 *requirements of section 640(a) of the Head Start Act or the*
13 *matching requirements of section 640(b) of such Act: Pro-*
14 *vided further, That \$10,000,000 of the amount provided*
15 *under this heading in this Act shall be for payments to*
16 *States, Territories, and tribes for activities authorized*
17 *under subpart 1 of part B of title IV of the Social Security*
18 *Act, with such funds allocated based on assessed need not-*
19 *withstanding section 423 of such Act and paid without re-*
20 *gard to percentage limitations in subsections (a), (c), or (e)*
21 *in section 424 of such Act: Provided further, That*
22 *\$10,000,000 of the amount provided under this heading in*
23 *this Act shall be for payments to States, Territories, tribes,*
24 *and coalitions for carrying out sections 303(a) and 303(b)*
25 *of the Family Violence Prevention and Services Act, not-*

1861

1 *withstanding the matching requirements in section*
2 *306(c)(4) of such Act and allocated based on assessed need,*
3 *notwithstanding section 303(a)(2) of such Act: Provided*
4 *further, That the Secretary may make funds made available*
5 *under the preceding proviso available for providing tem-*
6 *porary housing and assistance to victims of family, domes-*
7 *tic, and dating violence: Provided further, That funds made*
8 *available by the fifth proviso shall be available for expendi-*
9 *ture, by a State, Territory, tribe, coalition, or any recipient*
10 *of funds from a grant, through the end of fiscal year 2027:*
11 *Provided further, That \$25,000,000 of the amount made*
12 *available under this heading in this Act shall be for pay-*
13 *ments to States, territories, and tribes authorized under the*
14 *Community Services Block Grant Act, with such funds allo-*
15 *cated based on assessed need, notwithstanding sections*
16 *674(b), 675A, and 675B of such Act: Provided further, That*
17 *notwithstanding section 676(b)(8) of the Community Serv-*
18 *ices Block Grant Act, each State, Territory, or tribe receiv-*
19 *ing funds made available under the preceding proviso may*
20 *allocate funds to eligible entities based on assessed need:*
21 *Provided further, That for services furnished under the*
22 *CSBG Act with funds appropriated under this heading in*
23 *this Act, a State, territory or tribe that receives a supple-*
24 *mental grant award may apply the last sentence of section*
25 *673(2) of the CSBG Act by substituting “200 percent” for*

1862

1 “125 percent”: *Provided further, That funds made available*
2 *under this heading in this Act may be used for alteration,*
3 *renovation, construction, equipment, and other capital im-*
4 *provement costs as necessary to meet the needs of areas af-*
5 *ected by Hurricanes Fiona and Ian: Provided further, That*
6 *the Secretary shall not retain Federal interest after a period*
7 *of 10 years (from the date on which the funds are made*
8 *available to purchase or improve the property) in any facil-*
9 *ity renovated, repaired, or rebuilt with funds appropriated*
10 *under this heading in this Act, with the exception of funds*
11 *appropriated for Head Start programs: Provided further,*
12 *That funds made available under this heading in this Act*
13 *shall not be available for costs that are reimbursed by the*
14 *Federal Emergency Management Agency, under a contract*
15 *for insurance, or by self-insurance: Provided further, That*
16 *up to \$18,000,000, to remain available until expended, shall*
17 *be available for Federal administrative expenses: Provided*
18 *further, That funds appropriated under this heading in this*
19 *Act may be made available to restore amounts, either di-*
20 *rectly or through reimbursement, for obligations incurred*
21 *for such purposes, prior to the date of enactment of this*
22 *Act.*

1863

1 *OFFICE OF THE SECRETARY*2 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*3 *(INCLUDING TRANSFERS OF FUNDS)*

4 *For an additional amount for “Public Health and So-*
5 *cial Services Emergency Fund”, \$128,792,000, to remain*
6 *available until September 30, 2024, for necessary expenses*
7 *directly related to the consequences of Hurricanes Fiona*
8 *and Ian, including activities authorized under section*
9 *319(a) of the Public Health Service Act (referred to under*
10 *this heading as the “PHS Act”): Provided, That funds*
11 *made available under this heading in this Act may be used*
12 *for alteration, renovation, construction, equipment, and*
13 *other capital improvement costs as necessary to meet the*
14 *needs of areas affected by Hurricanes Fiona and Ian: Pro-*
15 *vided further, That funds made available under this head-*
16 *ing in this Act may be used for the purchase or hire of*
17 *vehicles: Provided further, That of the amount made avail-*
18 *able under this heading in this Act, \$65,000,000 shall be*
19 *transferred to “Health Resources and Services Administra-*
20 *tion—Primary Health Care” for expenses directly related*
21 *to a disaster or emergency for disaster response and recov-*
22 *ery, for the Health Centers Program under section 330 of*
23 *the PHS Act, including alteration, renovation, construc-*
24 *tion, equipment, and other capital improvement costs as*
25 *necessary to meet the needs of areas affected by a disaster*

1864

1 *or emergency: Provided further, That the time limitation*
2 *in section 330(e)(3) of the PHS Act shall not apply to funds*
3 *made available under the preceding proviso: Provided fur-*
4 *ther, That of the amount made available under this heading*
5 *in this Act, not less than \$22,000,000 shall be transferred*
6 *to “Substance Abuse and Mental Health Services Adminis-*
7 *tration—Health Surveillance and Program Support” for*
8 *grants, contracts, and cooperative agreements for behavioral*
9 *health treatment (including screening and diagnosis), treat-*
10 *ment of substance use disorders (including screening and*
11 *diagnosis), crisis counseling, and other related helplines,*
12 *and for other similar programs to provide support to indi-*
13 *viduals impacted by a disaster or emergency: Provided fur-*
14 *ther, That of the amount made available under this heading*
15 *in this Act, not less than \$15,000,000 shall be transferred*
16 *to “Administration for Community Living—Aging and*
17 *Disability Services Programs” for necessary expenses di-*
18 *rectly related to the consequences of Hurricanes Fiona and*
19 *Ian: Provided further, That funds made available under the*
20 *preceding proviso are not subject to the allotment, reserva-*
21 *tion, matching, or application and State and area require-*
22 *ments of the Older Americans Act of 1965 and Rehabilita-*
23 *tion Act of 1973: Provided further, That of the amount*
24 *made available under this heading in this Act, not less than*
25 *\$392,000 shall be transferred to “Food and Drug Adminis-*

1865

1 *tration—Buildings and Facilities” for costs related to re-*
2 *pair of facilities, for replacement of equipment, and for*
3 *other increases in facility-related costs due to the con-*
4 *sequences of Hurricanes Fiona and Ian: Provided further,*
5 *That of the amount made available under this heading in*
6 *this Act, up to \$2,000,000, to remain available until ex-*
7 *pendent, shall be transferred to “Office of the Secretary—*
8 *Office of Inspector General” for oversight of activities re-*
9 *sponding to such disasters or emergencies.*

10 **GENERAL PROVISIONS—THIS TITLE**

11 *SEC. 2801. (a) IN GENERAL.—As the Secretary of*
12 *Health and Human Services determines necessary to re-*
13 *spond to a critical hiring need for emergency response posi-*
14 *tions, after providing public notice and without regard to*
15 *the provisions of sections 3309 through 3319 of title 5,*
16 *United States Code, the Secretary may appoint candidates*
17 *directly to the following positions, consistent with sub-*
18 *section (b), to perform critical work directly relating to the*
19 *consequences of Hurricanes Fiona and Ian:*

20 *(1) Intermittent disaster-response personnel in*
21 *the National Disaster Medical System, under section*
22 *2812 of the Public Health Service Act (42 U.S.C.*
23 *300hh–11).*

24 *(2) Term or temporary related positions in the*
25 *Centers for Disease Control and Prevention and the*

1866

1 *Office of the Assistant Secretary for Preparedness and*
2 *Response.*

3 (b) *EXPIRATION.*—*The authority under subsection (a)*
4 *shall expire 270 days after the date of enactment of this*
5 *section.*

6 SEC. 2802. Not later than 45 days after the date of
7 enactment of this Act, the agencies receiving funds appro-
8 priated by this title shall provide a detailed operating plan
9 of anticipated uses of funds made available in this title by
10 State and Territory, and by program, project, and activity,
11 to the Committees on Appropriations: Provided, That no
12 such funds shall be obligated before the operating plans are
13 provided to the Committees: Provided further, That such
14 plans shall be updated, including obligations to date and
15 anticipated use of funds made available in this title, and
16 submitted to the Committees on Appropriations biweekly
17 until all such funds are expended.

18 *TITLE IX*

19 DEPARTMENT OF DEFENSE

20 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*
21 *For an additional amount for “Military Construction,*
22 *Navy and Marine Corps”, \$41,040,000, to remain available*
23 *until September 30, 2025, for necessary expenses related to*
24 *the consequences of Hurricanes Ian and Fiona: Provided,*
25 *That, not later than 60 days after the date of enactment*

1867

1 *of this Act, the Secretary of the Navy, or their designee,*
2 *shall submit to the Committees on Appropriations of the*
3 *House of Representatives and the Senate an expenditure*
4 *plan for funds provided under this heading in this Act: Pro-*
5 *vided further, That such funds may be obligated or ex-*
6 *pended for planning and design and military construction*
7 *projects not otherwise authorized by law.*

8

TITLE X

9

DEPARTMENT OF TRANSPORTATION

10

FEDERAL HIGHWAY ADMINISTRATION

11

EMERGENCY RELIEF PROGRAM

12

For an additional amount for the “Emergency Relief
13 *Program” as authorized under section 125 of title 23,*
14 *United States Code, \$803,000,000, to remain available*
15 *until expended: Provided, That notwithstanding subsection*
16 *(e) of section 120 of title 23, United States Code, for this*
17 *fiscal year and hereafter, the Federal share for Emergency*
18 *Relief funds made available under section 125 of such title*
19 *to respond to damage caused by Hurricane Fiona, shall be*
20 *100 percent.*

21

FEDERAL TRANSIT ADMINISTRATION

22

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

23

For an additional amount for “Public Transportation
24 *Emergency Relief Program” as authorized under section*
25 *5324 of title 49, United States Code, \$213,905,338, to re-*

1868

1 *main available until expended, for transit systems affected*
2 *by major declared disasters occurring in calendar years*
3 *2017, 2020, 2021, and 2022: Provided, That not more than*
4 *three-quarters of 1 percent of the funds for public transpor-*
5 *tation emergency relief shall be available for administrative*
6 *expenses and ongoing program management oversight as*
7 *authorized under sections 5334 and 5338(c)(2) of such title*
8 *and shall be in addition to any other appropriations for*
9 *such purpose.*

10 *DEPARTMENT OF HOUSING AND URBAN*

11 *DEVELOPMENT*

12 *PUBLIC AND INDIAN HOUSING*

13 *TENANT-BASED RENTAL ASSISTANCE*

14 *For an additional amount for “Tenant-Based Rental*
15 *Assistance”, \$2,653,580,000, to remain available until ex-*
16 *pended, for activities specified in paragraph (1) (excluding*
17 *any set-asides) of such heading in title II of division L of*
18 *this consolidated Act.*

19 *COMMUNITY PLANNING AND DEVELOPMENT*

20 *COMMUNITY DEVELOPMENT FUND*

21 *(INCLUDING TRANSFERS OF FUNDS)*

22 *For an additional amount for “Community Develop-*
23 *ment Fund”, \$3,000,000,000, to remain available until ex-*
24 *pended, for the same purposes and under the same terms*
25 *and conditions as funds appropriated under such heading*

1869

1 *in title VIII of the Disaster Relief Supplemental Appropria-*
2 *tions Act, 2022 (division B of Public Law 117–43), except*
3 *that such amounts shall be for major disasters that occurred*
4 *in 2022 or later until such funds are fully allocated and*
5 *the fourth, twentieth, and twenty-first provisos under such*
6 *heading in such Act shall not apply: Provided, That*
7 *amounts made available under this heading in this Act and*
8 *under such heading in such Act may be used by a grantee*
9 *to assist utilities as part of a disaster-related eligible activ-*
10 *ity under section 105(a) of the Housing and Community*
11 *Development Act of 1974 (42 U.S.C. 5305(a)): Provided fur-*
12 *ther, That of the amounts made available under this head-*
13 *ing in this Act, up to \$10,000,000 shall be made available*
14 *for capacity building and technical assistance, including*
15 *assistance on contracting and procurement processes, to*
16 *support States, units of general local government, or Indian*
17 *tribes (and their subrecipients) that receive allocations re-*
18 *lated to major disasters under this heading in this, prior,*
19 *or future Acts: Provided further, That of the amounts made*
20 *available under this heading in this Act, up to \$5,000,000*
21 *shall be transferred to “Department of Housing and Urban*
22 *Development—Program Office Salaries and Expenses—*
23 *Community Planning and Development” for necessary*
24 *costs, including information technology costs, of admin-*
25 *istering and overseeing the obligation and expenditure of*

1870

1 *amounts made available under this heading in this Act or*
2 *any prior or future Act that makes amounts available for*
3 *purposes related to major disasters under such heading:*
4 *Provided further, That the amount specified in the pre-*
5 *ceding proviso shall be combined with funds appropriated*
6 *under this same heading for this same purpose in any prior*
7 *Acts and the aggregate of such amounts shall be available*
8 *for the costs of administering and overseeing any funds ap-*
9 *propriated to the Department related to major disasters in*
10 *this, prior, or future Acts, notwithstanding the purposes for*
11 *which such funds were appropriated: Provided further, That*
12 *of the amounts made available under this heading in this*
13 *Act, up to \$5,000,000 shall be transferred to “Department*
14 *of Housing and Urban Development—Office of the Inspec-*
15 *tor General” for necessary costs of overseeing and auditing*
16 *amounts made available under this heading in this Act or*
17 *any prior or future Act that makes amounts available for*
18 *purposes related to major disasters under such heading:*
19 *Provided further, That amounts repurposed under this*
20 *heading that were previously designated by the Congress as*
21 *an emergency requirement pursuant to the Balanced Budg-*
22 *et and Emergency Deficit Control Act of 1985 or a concur-*
23 *rent resolution on the budget are designated by the Congress*
24 *as an emergency requirement pursuant to section*
25 *4001(a)(1) of S. Con. Res. 14 (117th Congress), the concur-*

1871

1 *rent resolution on the budget for fiscal year 2022, and sec-*
2 *tion 1(e) of H. Res. 1151 (117th Congress), as engrossed*
3 *in the House of Representatives on June 8, 2022.*

4 *HOUSING PROGRAMS*

5 *PROJECT-BASED RENTAL ASSISTANCE*

6 *For an additional amount for “Project-Based Rental*
7 *Assistance”, \$969,420,000, to remain available until ex-*
8 *pended.*

9 *TITLE XI*

10 *GENERAL PROVISIONS—THIS ACT*

11 *SEC. 21101. Each amount appropriated or made*
12 *available by this Act is in addition to amounts otherwise*
13 *appropriated for the fiscal year involved.*

14 *SEC. 21102. No part of any appropriation contained*
15 *in this Act shall remain available for obligation beyond the*
16 *current fiscal year unless expressly so provided herein.*

17 *SEC. 21103. Unless otherwise provided for by this Act,*
18 *the additional amounts appropriated by this Act to appro-*
19 *priations accounts shall be available under the authorities*
20 *and conditions applicable to such appropriations accounts*
21 *for fiscal year 2023.*

22 *SEC. 21104. Each amount provided by this division*
23 *is designated by the Congress as being for an emergency*
24 *requirement pursuant to section 4001(a)(1) of S. Con. Res.*
25 *14 (117th Congress), the concurrent resolution on the budget*

1872

1 *for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th*
2 *Congress), as engrossed in the House of Representatives on*
3 *June 8, 2022.*

4 *This division may be cited as the “Disaster Relief Sup-*
5 *plemental Appropriations Act, 2023”.*

1873

1 ***DIVISION O—EXTENDERS AND***
2 ***TECHNICAL CORRECTIONS***
3 ***TITLE I—NATIONAL CYBERSECU-***
4 ***RITY PROTECTION SYSTEM***
5 ***AUTHORIZATION EXTENSION***

6 ***SEC. 101. EXTENSION OF DHS AUTHORITY AND REPORTING.***

7 *Section 227(a) of the Federal Cybersecurity Enhance-*
8 *ment Act of 2015 (6 U.S.C. 1525(a)) is amended by striking*
9 *“the date that is 7 years after the date of enactment of this*
10 *Act” and inserting “September 30, 2023”.*

11 ***TITLE II—NDAA TECHNICAL***
12 ***CORRECTIONS***

13 ***SEC. 201. BASIC NEEDS ALLOWANCE TECHNICAL CORREC-***
14 ***TION.***

15 *(a) IN GENERAL.—Subsection (a) of section 611 of the*
16 *James M. Inhofe National Defense Authorization Act for*
17 *Fiscal Year 2023 is amended—*

18 *(1) in the matter preceding paragraph (1), by*
19 *striking “402b(b)” and inserting “402b”;*

20 *(2) by striking paragraph (1) and inserting the*
21 *following:*

22 *“(1) in subsection (b)(2)—*

23 *“(A) by inserting ‘(A)’ before ‘the gross’;*

24 *“(B) by striking ‘130 percent’ and inserting*
25 *‘150 percent’;*

1874

1 “(C) by striking ‘; and’ and inserting ‘; or’;

2 *and*

3 “(D) by inserting at the end the following:

4 “‘(B) if the Secretary concerned determines it
5 *appropriate (based on location, household need, or*
6 *special circumstance), the gross household income of*
7 *the member during the most recent calendar year did*
8 *not exceed an amount equal to 200 percent of the Fed-*
9 *eral poverty guidelines of the Department of Health*
10 *and Human Services for the location of the member*
11 *and the number of individuals in the household of the*
12 *member for such year; and’; and’; and*

13 (3) by striking paragraph (2) and inserting the
14 *following:*

15 “(2) in subsection (c)(1)(A), by striking ‘130
16 *percent’ and inserting ‘150 percent (or, in the case of*
17 *a member described in subsection (b)(2)(B), 200 per-*
18 *cent)’.”.*

19 (b) *EFFECTIVE DATE.*—*The amendments made by this*
20 *section shall take effect as if included in the enactment of*
21 *such Act.*

1875

1 **SEC. 202. TECHNICAL CORRECTION RELATING TO APPLICA-**
2 **BILITY OF AGREEMENT BY A CADET OR MID-**
3 **SHIPMAN TO PLAY PROFESSIONAL SPORT**
4 **CONSTITUTING BREACH OF AGREEMENT TO**
5 **SERVE AS AN OFFICER.**

6 (a) *IN GENERAL.*—Section 553 of the James M. Inhofe
7 National Defense Authorization Act for Fiscal Year 2023
8 is amended by adding at the end the following new sub-
9 section:

10 “(d) *APPLICABILITY.*—The amendments made by this
11 section shall only apply with respect to a cadet or mid-
12 shipman who first enrolls in the United States Military
13 Academy, the United States Naval Academy, or the United
14 States Air Force Academy on or after June 1, 2021.”.

15 (b) *EFFECTIVE DATE.*—The amendment made by sub-
16 section (a) shall take effect on the date of the enactment
17 of the James M. Inhofe National Defense Authorization Act
18 for Fiscal Year 2023 and apply as if originally included
19 in the enactment of such Act.

20 **TITLE III—IMMIGRATION**
21 **EXTENSIONS**

22 **SEC. 301. E-VERIFY.**

23 Section 401(b) of the Illegal Immigration Reform and
24 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
25 note) shall be applied by substituting “September 30, 2023”
26 for “September 30, 2015”.

1876

1 **SEC. 302. NON-MINISTER RELIGIOUS WORKERS.**

2 *Subclauses (II) and (III) of section 101(a)(27)(C)(ii)*
3 *of the Immigration and Nationality Act (8 U.S.C.*
4 *1101(a)(27)(C)(ii)) shall be applied by substituting “Sep-*
5 *tember 30, 2023” for “September 30, 2015”.*

6 **SEC. 303. H-2B SUPPLEMENTAL VISAS EXEMPTION.**

7 *Notwithstanding the numerical limitation set forth in*
8 *section 214(g)(1)(B) of the Immigration and Nationality*
9 *Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland*
10 *Security, after consultation with the Secretary of Labor,*
11 *and upon determining that the needs of American busi-*
12 *nesses cannot be satisfied during fiscal year 2023 with*
13 *United States workers who are willing, qualified, and able*
14 *to perform temporary nonagricultural labor, may increase*
15 *the total number of aliens who may receive a visa under*
16 *section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C.*
17 *1101(a)(15)(H)(ii)(b)) in such fiscal year above such limi-*
18 *tation by not more than the highest number of H-2B non-*
19 *immigrants who participated in the H-2B returning work-*
20 *er program in any fiscal year in which returning workers*
21 *were exempt from such numerical limitation.*

22 **SEC. 304. RURAL HEALTHCARE WORKERS.**

23 *Section 220(c) of the Immigration and Nationality*
24 *Technical Corrections Act of 1994 (8 U.S.C. 1182 note)*
25 *shall be applied by substituting “September 30, 2023” for*
26 *“September 30, 2015”.*

1877

1 ***TITLE IV—ENVIRONMENT AND***
2 ***PUBLIC WORKS MATTERS***

3 ***SEC. 401. ESTABLISHMENT OF REGIONAL COMMISSION FOR***
4 ***THE GREAT LAKES.***

5 *(a) ESTABLISHMENT.—*

6 *(1) IN GENERAL.—Section 15301(a) of title 40,*
7 *United States Code, is amended by adding at the end*
8 *the following:*

9 *“(4) The Great Lakes Authority.”.*

10 *(2) CONFORMING AMENDMENT.—Section*
11 *15101(1) of title 40, United States Code, is amended*
12 *by inserting “or Authority” after “a Commission”.*

13 *(b) DESIGNATION OF REGION.—*

14 *(1) IN GENERAL.—Subchapter II of chapter 157*
15 *of title 40, United States Code, is amended by adding*
16 *at the end the following:*

17 ***“§ 15734. Great Lakes Authority***

18 *“The region of the Great Lakes Authority shall consist*
19 *of areas in the watershed of the Great Lakes and the Great*
20 *Lakes System (as such terms are defined in section*
21 *118(a)(3) of the Federal Water Pollution Control Act (33*
22 *U.S.C. 1268(a)(3))), in each of the following States:*

23 *“(1) Illinois.*

24 *“(2) Indiana.*

25 *“(3) Michigan.*

1878

1 “(4) *Minnesota.*

2 “(5) *New York.*

3 “(6) *Ohio.*

4 “(7) *Pennsylvania.*

5 “(8) *Wisconsin.*”.

6 (2) *CLERICAL AMENDMENT.*—*The analysis for*
7 *subchapter II of chapter 157 of title 40, United States*
8 *Code, is amended by adding at the end the following:*
“15734. Great Lakes Authority.”.

9 **SEC. 402. REAUTHORIZATION OF NATIONAL WILDLIFE REF-**
10 **UGE SYSTEM VOLUNTEER SERVICES, COMMU-**
11 **NITY PARTNERSHIP, AND REFUGE EDU-**
12 **CATION PROGRAMS.**

13 *Section 7(g) of the Fish and Wildlife Act of 1956 (16*
14 *U.S.C. 742f) is amended by striking “2018 through 2022”*
15 *and inserting “2023 through 2027”.*

16 **SEC. 403. NUMBERING OF SEGMENT.**

17 *Section 1105(e)(5)(C)(i) of the Intermodal Surface*
18 *Transportation Efficiency Act of 1991 (Public Law 102–*
19 *240; 109 Stat. 598; 133 Stat. 3018) is amended by striking*
20 *the seventh, eighth, and ninth sentences.*

21 **SEC. 404. PATRICK LEAHY LAKE CHAMPLAIN BASIN PRO-**
22 **GRAM.**

23 (a) *IN GENERAL.*—*Section 120 of the Federal Water*
24 *Pollution Control Act (33 U.S.C. 1270) is amended—*

1879

1 (1) *in the section heading, by inserting “**PAT-***
2 ***RICK LEAHY**” before “**LAKE**”;*

3 (2) *by inserting “Patrick Leahy” before “Lake*
4 *Champlain Basin Program” each place it appears;*

5 (3) *in subsection (g)(1), in the paragraph head-*
6 *ing, by striking “LAKE” and inserting “PATRICK*
7 *LEAHY LAKE”;* and

8 (4) *by amending subsection (i) to read as fol-*
9 *lows:*

10 “(i) *AUTHORIZATION OF APPROPRIATIONS.—There is*
11 *authorized to be appropriated to the Administrator to carry*
12 *out this section \$35,000,000 for each of fiscal years 2023*
13 *through 2027, to remain available until expended.”.*

14 (b) *CONFORMING AMENDMENT.—Section 1201(c) of the*
15 *Nonindigenous Aquatic Nuisance Prevention and Control*
16 *Act of 1990 (16 U.S.C. 4721) is amended by inserting “Pat-*
17 *rick Leahy” before “Lake Champlain Basin Program”.*

18 (c) *REFERENCES.—Any reference in law, regulation,*
19 *map, document, paper, or other record of the United States*
20 *to the “Lake Champlain Basin Program” shall be deemed*
21 *to be a reference to the Patrick Leahy Lake Champlain*
22 *Basin Program.*

23 **SEC. 405. CLEAN SCHOOL BUS PROGRAM.**

24 *Section 741 of the Energy Policy Act of 2005 (42*
25 *U.S.C. 16091) is amended—*

1880

1 (1) *in subsection (a)*—

2 (A) *in paragraph (4)*—

3 (i) *in subparagraph (A)*—

4 (I) *by inserting “, lease, license,*
5 *or contract for service” after “to sell”;*
6 *and*

7 (II) *by inserting “, lease, license,*
8 *or contract for service” after “that*
9 *own”; and*

10 (ii) *in subparagraph (B), by inserting*
11 *“, lease, license, or contract for service” be-*
12 *fore the period at the end; and*

13 (B) *in paragraph (5)(A)*—

14 (i) *in clause (i)(II), by inserting “,*
15 *lease, license, or contract for service” after*
16 *“purchase”;*

17 (ii) *in clause (iii), by striking “or” at*
18 *the end;*

19 (iii) *by redesignating clause (iv) as*
20 *clause (v);*

21 (iv) *by inserting after clause (iii) the*
22 *following:*

23 “(iv) *a charter school (as defined in*
24 *section 4310 of the Elementary and Sec-*
25 *ondary Education Act of 1965 (20 U.S.C.*

1881

1 7221i)) responsible for the purchase, lease,
2 license, or contract for service of school
3 buses for that charter school; or”; and

4 (v) in subclause (II) of clause (v) (as
5 so redesignated), by inserting “, lease, li-
6 cense, or contract for service” after “pur-
7 chase”; and

8 (2) in subsection (b)(5)(A), by inserting “, except
9 that, if the award is to an eligible contractor and the
10 contract with the local educational agency (including
11 charter schools operating as local educational agencies
12 under State law) ends before the end of the 5-year pe-
13 riod, those school buses may be operated as part of
14 another local educational agency eligible for the same
15 or higher priority consideration under paragraph (4),
16 subject to the limitations under paragraph (7)” before
17 the semicolon at the end.

18 **TITLE V—SAFETY**
19 **ENHANCEMENTS**

20 **SEC. 501. AMENDMENTS TO THE FLIGHT CREW ALERTING**
21 **REQUIREMENTS.**

22 (a) *IN GENERAL.*—Chapter 447 of title 49, United
23 States Code, is amended by inserting after section 44743
24 the following:

1882

1 **“§ 44744. *Flight crew alerting***

2 “(a) *IN GENERAL.—Beginning on December 27, 2022,*
3 *the Administrator may not issue a type certificate for a*
4 *transport category airplane unless such airplane incor-*
5 *porates a flight crew alerting system that, at a minimum—*

6 “(1) *displays and differentiates among warn-*
7 *ings, cautions, and advisories; and*

8 “(2) *includes functions to assist the flight crew*
9 *in prioritizing corrective actions and responding to*
10 *systems failures.*

11 “(b) *LIMITATION.—The prohibition in subsection (a)*
12 *shall not apply to any application for an original or*
13 *amended type certificate that was submitted to the Admin-*
14 *istrator prior to December 27, 2020.*

15 “(c) *SAFETY ENHANCEMENTS.—*

16 “(1) *RESTRICTION ON AIRWORTHINESS CERTIFI-*
17 *CATE ISSUANCE.—Beginning on the date that is 1*
18 *year after the date on which the Administrator issues*
19 *a type certificate for the Boeing 737-10, the Adminis-*
20 *trator may not issue an original airworthiness certifi-*
21 *cate for any Boeing 737 MAX aircraft unless the Ad-*
22 *ministrator finds that the type design for the aircraft*
23 *includes safety enhancements that have been approved*
24 *by the Administrator.*

25 “(2) *RESTRICTION ON OPERATION.—Beginning*
26 *on the date that is 3 years after the date on which*

1883

1 *the Administrator issues a type certificate for the*
2 *Boeing 737-10, no person may operate a Boeing 737*
3 *MAX aircraft unless—*

4 *“(A) the type design for the aircraft in-*
5 *cludes safety enhancements approved by the Ad-*
6 *ministrator; and*

7 *“(B) the aircraft was—*

8 *“(i) produced in conformance with*
9 *such type design; or*

10 *“(ii) altered in accordance with such*
11 *type design.*

12 *“(d) DEFINITIONS.—In this section:*

13 *“(1) BOEING 737 MAX AIRCRAFT.—The term*
14 *‘Boeing 737 MAX aircraft’ means any—*

15 *“(A) Model 737 series aircraft designated as*
16 *a 737-7, 737-8, 737-8200, 737-9, or 737-10; or*

17 *“(B) other variant of a model described in*
18 *subparagraph (A).*

19 *“(2) SAFETY ENHANCEMENT.—The term ‘safety*
20 *enhancement’ means any design change to the flight*
21 *crew alerting system approved by the Administrator*
22 *for the Boeing 737-10, including—*

23 *“(A) a—*

24 *“(i) synthetic enhanced angle-of-attack*
25 *system; and*

1884

1 “(ii) means to shut off stall warning
2 and overspeed alerts; or

3 “(B) any design changes equivalent to sub-
4 paragraph (A) determined appropriate by the
5 Administrator.”.

6 (b) *REPEAL OF ACSAA SECTION 116(B)(1).*—Section
7 116 of the Aircraft Certification, Safety, and Accountability
8 Act (49 U.S.C. 44704 note) is amended by striking sub-
9 section (b) and inserting the following:

10 “(b) *PROHIBITION.*—Beginning on December 27, 2022,
11 the Administrator may not issue a type certificate for a
12 transport category aircraft unless, in the case of a transport
13 category aircraft other than a transport airplane, the type
14 certificate applicant provides a means acceptable to the Ad-
15 ministrator to assist the flight crew in prioritizing correc-
16 tive actions and responding to systems failures (including
17 by cockpit or flight manual procedures).”.

18 (c) *COSTS.*—Any costs associated with the safety en-
19 hancements required by section 44744 of title 49, United
20 States Code, as added by subsection (a), shall be borne by
21 the holder of the type certificate.

22 (d) *CONGRESSIONAL BRIEFINGS.*—Not later than
23 March 1, 2023, and on a quarterly basis thereafter, the Ad-
24 ministrator shall brief Congress on the status of—

1885

1 (1) *the issuance of a type certificate for the Boe-*
2 *ing 737-7 and 737-10, including any design enhance-*
3 *ments, pilot procedures, or training requirements re-*
4 *sulting from system safety assessments; and*

5 (2) *the implementation of safety enhancements*
6 *for Boeing 737 MAX aircraft, as required by section*
7 *44744 of title 49, United States Code, as added by*
8 *subsection (a).*

9 (e) *CLERICAL AMENDMENT.—The chapter analysis for*
10 *chapter 447 of title 49, United States Code, is amended by*
11 *inserting after the item relating to section 44743 the fol-*
12 *lowing:*

“44744. Flight Crew Alerting.”.

13 ***TITLE VI—EXTENSION OF TEM-***
14 ***PORARY ORDER FOR***
15 ***FENTANYL-RELATED SUB-***
16 ***STANCES***

17 ***SEC. 601. EXTENSION OF TEMPORARY ORDER FOR***
18 ***FENTANYL-RELATED SUBSTANCES.***

19 *Effective as if included in the enactment of the Tem-*
20 *porary Reauthorization and Study of the Emergency*
21 *Scheduling of Fentanyl Analogues Act (Public Law 116–*
22 *114), section 2 of such Act is amended by striking “Decem-*
23 *ber 31, 2022” and inserting “December 31, 2024”.*

1886

1 **TITLE VII—FEDERAL TRADE**
2 **COMMISSION OVERSIGHT OF**
3 **HORSERACING INTEGRITY**
4 **AND SAFETY AUTHORITY**

5 **SEC. 701. FEDERAL TRADE COMMISSION OVERSIGHT OF**
6 **HORSERACING INTEGRITY AND SAFETY AU-**
7 **THORITY.**

8 *Section 1204(e) of the Horseracing Integrity and Safe-*
9 *ty Act of 2020 (15 U.S.C. 3053(e)) is amended to read as*
10 *follows:*

11 *“(e) AMENDMENT BY COMMISSION OF RULES OF AU-*
12 *THORITY.—The Commission, by rule in accordance with*
13 *section 553 of title 5, United States Code, may abrogate,*
14 *add to, and modify the rules of the Authority promulgated*
15 *in accordance with this Act as the Commission finds nec-*
16 *essary or appropriate to ensure the fair administration of*
17 *the Authority, to conform the rules of the Authority to re-*
18 *quirements of this Act and applicable rules approved by*
19 *the Commission, or otherwise in furtherance of the purposes*
20 *of this Act.”.*

1887

1 ***TITLE VIII—UNITED STATES PA-***
2 ***ROLE COMMISSION EXTEN-***
3 ***SION***

4 ***SEC. 801. UNITED STATES PAROLE COMMISSION EXTEN-***
5 ***SION.***

6 (a) *SHORT TITLE.*—*This section may be cited as the*
7 *“United States Parole Commission Additional Extension*
8 *Act of 2022”.*

9 (b) *AMENDMENT OF SENTENCING REFORM ACT OF*
10 *1984.*—*For purposes of section 235(b) of the Sentencing Re-*
11 *form Act of 1984 (18 U.S.C. 3551 note; Public Law 98–*
12 *473; 98 Stat. 2032), as such section relates to chapter 311*
13 *of title 18, United States Code, and the United States Pa-*
14 *role Commission, each reference in such section to “35 years*
15 *and 46 days” or “35-year and 46-day period” shall be*
16 *deemed a reference to “36 years” or “36-year period”, re-*
17 *spectively.*

18 (c) *EFFECTIVE DATE.*—*Subsection (b) shall take effect*
19 *as though enacted as part of the Further Continuing Appro-*
20 *priations and Extensions Act, 2023.*

21 (d) *SUPERSEDED PROVISION.*—*Section 103 of division*
22 *B of the Further Continuing Appropriations and Exten-*
23 *sions Act, 2023 shall have no force or effect.*

1888

1 ***TITLE IX—EXTENSION OF FCC***
2 ***AUCTION AUTHORITY***

3 ***SEC. 901. EXTENSION OF FCC AUCTION AUTHORITY.***

4 *Section 309(j)(11) of the Communications Act of 1934*
5 *(47 U.S.C. 309(j)(11)) is amended by striking “December*
6 *23, 2022” and inserting “March 9, 2023”.*

7 ***TITLE X—BUDGETARY EFFECTS***

8 ***SEC. 1001. BUDGETARY EFFECTS.***

9 *(a) STATUTORY PAYGO SCORECARDS.—The budgetary*
10 *effects of this division and each succeeding division shall*
11 *not be entered on either PAYGO scorecard maintained pur-*
12 *suant to section 4(d) of the Statutory Pay-As-You-Go Act*
13 *of 2010.*

14 *(b) SENATE PAYGO SCORECARDS.—The budgetary ef-*
15 *fects of this division and each succeeding division shall not*
16 *be entered on any PAYGO scorecard maintained for pur-*
17 *poses of section 4106 of H. Con. Res. 71 (115th Congress).*

18 *(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Not-*
19 *withstanding Rule 3 of the Budget Scorekeeping Guidelines*
20 *set forth in the joint explanatory statement of the committee*
21 *of conference accompanying Conference Report 105–217*
22 *and section 250(c)(8) of the Balanced Budget and Emer-*
23 *gency Deficit Control Act of 1985, the budgetary effects of*
24 *this division and each succeeding division shall not be esti-*
25 *mated—*

1889

1 (1) *for purposes of section 251 of such Act;*

2 (2) *for purposes of an allocation to the Com-*
3 *mittee on Appropriations pursuant to section 302(a)*
4 *of the Congressional Budget Act of 1974; and*

5 (3) *for purposes of paragraph (4)(C) of section*
6 *3 of the Statutory Pay-As-You-Go Act of 2010 as*
7 *being included in an appropriation Act.*

8 (d) *BALANCES ON THE PAYGO SCORECARDS.—*

9 (1) *FISCAL YEAR 2023.—For the purposes of the*
10 *annual report issued pursuant to section 5 of the*
11 *Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934)*
12 *after adjournment of the second session of the 117th*
13 *Congress, and for determining whether a sequestration*
14 *order is necessary under such section, the debit for the*
15 *budget year on the 5-year scorecard, if any, and the*
16 *10-year scorecard, if any, shall be deducted from such*
17 *scorecards in 2023 and added to such scorecards in*
18 *2025.*

19 (2) *FISCAL YEAR 2024.—For the purposes of the*
20 *annual report issued pursuant to section 5 of the*
21 *Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934)*
22 *after adjournment of the first session of the 118th*
23 *Congress, and for determining whether a sequestration*
24 *order is necessary under such section, the debit for the*
25 *budget year on the 5-year scorecard, if any, and the*

1890

1 10-year scorecard, if any, shall be deducted from such
2 scorecards in 2024 and added to such scorecards in
3 2025.

4 ***DIVISION P—ELECTORAL COUNT***
5 ***REFORM AND PRESIDENTIAL***
6 ***TRANSITION IMPROVEMENT***

7 ***SEC. 1. SHORT TITLE, ETC.***

8 *This division may be cited as the “Electoral Count Re-*
9 *form and Presidential Transition Improvement Act of*
10 *2022”.*

11 ***TITLE I—ELECTORAL COUNT***
12 ***REFORM ACT***

13 ***SEC. 101. SHORT TITLE.***

14 *This title may be cited as the “Electoral Count Reform*
15 *Act of 2022”.*

16 ***SEC. 102. TIME FOR APPOINTING ELECTORS.***

17 *(a) IN GENERAL.—Title 3, United States Code, is*
18 *amended by striking sections 1 and 2 and inserting the fol-*
19 *lowing:*

20 ***“§ 1. Time of appointing electors***

21 *“The electors of President and Vice President shall be*
22 *appointed, in each State, on election day, in accordance*
23 *with the laws of the State enacted prior to election day.”.*

24 *(b) ELECTION DAY.—Section 21 of title 3, United*
25 *States Code, is amended by redesignating subsections (a)*

1891

1 *and (b) as paragraphs (2) and (3), respectively, and by in-*
2 *serting before paragraph (2) (as so redesignated) the fol-*
3 *lowing:*

4 “(1) ‘election day’ means the Tuesday next after
5 the first Monday in November, in every fourth year
6 succeeding every election of a President and Vice
7 President held in each State, except, in the case of a
8 State that appoints electors by popular vote, if the
9 State modifies the period of voting, as necessitated by
10 force majeure events that are extraordinary and cata-
11 strophic, as provided under laws of the State enacted
12 prior to such day, ‘election day’ shall include the
13 modified period of voting.”.

14 (c) **CONFORMING AMENDMENT.**—*The table of contents*
15 *for chapter 1 of title 3, United States Code, is amended*
16 *by striking the item relating to section 1 and inserting the*
17 *following:*

 “1. *Time of appointing electors.*”.

18 **SEC. 103. CLARIFICATION WITH RESPECT TO VACANCIES IN**
19 **ELECTORAL COLLEGE.**

20 Section 4 of title 3, United States Code, is amended
21 by inserting “enacted prior to election day” after “by law”.

22 **SEC. 104. CERTIFICATE OF ASCERTAINMENT OF APPOINT-**
23 **MENT OF ELECTORS.**

24 (a) **DETERMINATION.**—Section 5 of title 3, United
25 States Code, is amended to read as follows:

1892

1 **“§ 5. Certificate of ascertainment of appointment of**
2 **electors**

3 “(a) *IN GENERAL.*—

4 “(1) *CERTIFICATION.*—*Not later than the date*
5 *that is 6 days before the time fixed for the meeting*
6 *of the electors, the executive of each State shall issue*
7 *a certificate of ascertainment of appointment of elec-*
8 *tors, under and in pursuance of the laws of such*
9 *State providing for such appointment and ascertain-*
10 *ment enacted prior to election day.*

11 “(2) *FORM OF CERTIFICATE.*—*Each certificate of*
12 *ascertainment of appointment of electors shall—*

13 “(A) *set forth the names of the electors ap-*
14 *pointed and the canvass or other determination*
15 *under the laws of such State of the number of*
16 *votes given or cast for each person for whose ap-*
17 *pointment any and all votes have been given or*
18 *cast;*

19 “(B) *bear the seal of the State; and*

20 “(C) *contain at least one security feature,*
21 *as determined by the State, for purposes of*
22 *verifying the authenticity of such certificate.*

23 “(b) *TRANSMISSION.*—*It shall be the duty of the execu-*
24 *tive of each State—*

25 “(1) *to transmit to the Archivist of the United*
26 *States, immediately after the issuance of a certificate*

1893

1 *of ascertainment of appointment of electors and by*
2 *the most expeditious method available, such certificate*
3 *of ascertainment of appointment of electors; and*

4 “(2) *to transmit to the electors of such State, on*
5 *or before the day on which the electors are required*
6 *to meet under section 7, six duplicate-originals of the*
7 *same certificate.*

8 “(c) *TREATMENT OF CERTIFICATE AS CONCLUSIVE.—*
9 *For purposes of section 15:*

10 “(1) *IN GENERAL.—*

11 “(A) *CERTIFICATE ISSUED BY EXECU-*
12 *TIVE.—Except as provided in subparagraph (B),*
13 *a certificate of ascertainment of appointment of*
14 *electors issued pursuant to subsection (a)(1) shall*
15 *be treated as conclusive in Congress with respect*
16 *to the determination of electors appointed by the*
17 *State.*

18 “(B) *CERTIFICATES ISSUED PURSUANT TO*
19 *COURT ORDERS.—Any certificate of ascertain-*
20 *ment of appointment of electors required to be*
21 *issued or revised by any State or Federal judi-*
22 *cial relief granted prior to the date of the meet-*
23 *ing of electors shall replace and supersede any*
24 *other certificates submitted pursuant to this sec-*
25 *tion.*

1894

1 “(2) *DETERMINATION OF FEDERAL QUES-*
2 *TIONS.—The determination of Federal courts on ques-*
3 *tions arising under the Constitution or laws of the*
4 *United States with respect to a certificate of ascer-*
5 *tainment of appointment of electors shall be conclu-*
6 *sive in Congress.*

7 “(d) *VENUE AND EXPEDITED PROCEDURE.—*

8 “(1) *IN GENERAL.—Any action brought by an*
9 *aggrieved candidate for President or Vice President*
10 *that arises under the Constitution or laws of the*
11 *United States with respect to the issuance of the cer-*
12 *tification required under section (a)(1), or the trans-*
13 *mission of such certification as required under sub-*
14 *section (b), shall be subject to the following rules:*

15 “(A) *VENUE.—The venue for such action*
16 *shall be the Federal district court of the Federal*
17 *district in which the State capital is located.*

18 “(B) *3-JUDGE PANEL.—Such action shall be*
19 *heard by a district court of three judges, con-*
20 *vened pursuant to section 2284 of title 28,*
21 *United States Code, except that—*

22 “(i) *the court shall be comprised of two*
23 *judges of the circuit court of appeals in*
24 *which the district court lies and one judge*

1895

1 *of the district court in which the action is*
2 *brought; and*

3 “(ii) *section 2284(b)(2) of such title*
4 *shall not apply.*

5 “(C) *EXPEDITED PROCEDURE.—It shall be*
6 *the duty of the court to advance on the docket*
7 *and to expedite to the greatest possible extent the*
8 *disposition of the action, consistent with all*
9 *other relevant deadlines established by this chap-*
10 *ter and the laws of the United States.*

11 “(D) *APPEALS.—Notwithstanding section*
12 *1253 of title 28, United States Code, the final*
13 *judgment of the panel convened under subpara-*
14 *graph (B) may be reviewed directly by the Su-*
15 *preme Court, by writ of certiorari granted upon*
16 *petition of any party to the case, on an expe-*
17 *ditated basis, so that a final order of the court on*
18 *remand of the Supreme Court may occur on or*
19 *before the day before the time fixed for the meet-*
20 *ing of electors.*

21 “(2) *RULE OF CONSTRUCTION.—This sub-*
22 *section—*

23 “(A) *shall be construed solely to establish*
24 *venue and expedited procedures in any action*
25 *brought by an aggrieved candidate for President*

1896

1 *or Vice President as specified in this subsection*
2 *that arises under the Constitution or laws of the*
3 *United States; and*

4 *“(B) shall not be construed to preempt or*
5 *displace any existing State or Federal cause of*
6 *action.”.*

7 *(b) EXECUTIVE OF A STATE.—Section 21 of title 3,*
8 *United States Code, as amended by section 102(b), is*
9 *amended by striking paragraph (3) and inserting the fol-*
10 *lowing:*

11 *“(3) ‘executive’ means, with respect to any State,*
12 *the Governor of the State (or, in the case of the Dis-*
13 *trict of Columbia, the Mayor of the District of Colum-*
14 *bia), except when the laws or constitution of a State*
15 *in effect as of election day expressly require a dif-*
16 *ferent State executive to perform the duties identified*
17 *under this chapter.”.*

18 *(c) CONFORMING AMENDMENTS.—*

19 *(1) Section 9 of title 3, United States Code, is*
20 *amended by striking “annex to each of the certificates*
21 *one of the lists of the electors” and inserting “annex*
22 *to each of the certificates of votes one of the certifi-*
23 *cates of ascertainment of appointment of electors”.*

1897

1 (2) *The table of contents for chapter 1 of title 3,*
2 *United States Code, is amended by striking the items*
3 *relating to sections 5 inserting the following:*

“5. Certificate of ascertainment of appointment of electors.”.

4 **SEC. 105. DUTIES OF THE ARCHIVIST.**

5 (a) *IN GENERAL.*—Section 6 of title 3, United States
6 *Code, is amended to read as follows:*

7 **“§ 6. Duties of Archivist**

8 *“The certificates of ascertainment of appointment of*
9 *electors received by the Archivist of the United States under*
10 *section 5 shall—*

11 *“(1) be preserved for one year;*

12 *“(2) be a part of the public records of such office;*

13 *and*

14 *“(3) be open to public inspection.”.*

15 (b) *CONFORMING AMENDMENT.*—The table of contents
16 *for chapter 1 of title 3, United States Code, is amended*
17 *by striking the items relating to section 6 and inserting*
18 *the following:*

“6. Duties of Archivist.”.

19 **SEC. 106. MEETING OF ELECTORS.**

20 (a) *TIME FOR MEETING.*—Section 7 of title 3, United
21 *States Code, is amended—*

22 *(1) by striking “Monday” and inserting “Tues-*
23 *day”; and*

1898

1 (2) *by striking “as the legislature of such State*
2 *shall direct” and inserting “in accordance with the*
3 *laws of the State enacted prior to election day”.*

4 (b) *CLARIFICATION ON SEALING OF CERTIFICATES OF*
5 *VOTES.—Section 10 of such title is amended by striking*
6 *“the certificates so made by them” and inserting “the cer-*
7 *tificates of votes so made by them, together with the annexed*
8 *certificates of ascertainment of appointment of electors”.*

9 **SEC. 107. TRANSMISSION OF CERTIFICATES OF VOTES.**

10 (a) *IN GENERAL.—Section 11 of title 3, United States*
11 *Code, is amended to read as follows:*

12 **“§ 11. Transmission of certificates by electors**

13 *“The electors shall immediately transmit at the same*
14 *time and by the most expeditious method available the cer-*
15 *tificates of votes so made by them, together with the annexed*
16 *certificates of ascertainment of appointment of electors, as*
17 *follows:*

18 *“(1) One set shall be sent to the President of the*
19 *Senate at the seat of government.*

20 *“(2) Two sets shall be sent to the chief election*
21 *officer of the State, one of which shall be held subject*
22 *to the order of the President of the Senate, the other*
23 *to be preserved by such official for one year and shall*
24 *be a part of the public records of such office and shall*
25 *be open to public inspection.*

1899

1 “(3) *Two sets shall be sent to the Archivist of the*
2 *United States at the seat of government, one of which*
3 *shall be held subject to the order of the President of*
4 *the Senate and the other of which shall be preserved*
5 *by the Archivist of the United States for one year and*
6 *shall be a part of the public records of such office and*
7 *shall be open to public inspection.*

8 “(4) *One set shall be sent to the judge of the dis-*
9 *trict in which the electors shall have assembled.*”.

10 (b) *CONFORMING AMENDMENT.—The table of contents*
11 *for chapter 1 of title 3, United States Code, is amended*
12 *by striking the item relating to section 11 and inserting*
13 *the following:*

 “11. *Transmission of certificates by electors.*”.

14 **SEC. 108. FAILURE OF CERTIFICATE OF VOTES TO REACH**
15 **RECIPIENTS.**

16 (a) *IN GENERAL.—Section 12 of title 3, United States*
17 *Code, is amended—*

18 (1) *by inserting “, after the meeting of the elec-*
19 *tors shall have been held,” after “When”;*

20 (2) *by striking “and list” each place it appears;*

21 (3) *by striking “in December, after the meeting*
22 *of the electors shall have been held,” and inserting “in*
23 *December,”;*

24 (4) *by striking “or, if he be absent” and insert-*
25 *ing “or, if the President of the Senate be absent”;*

1900

1 (5) *by striking “secretary of State” and insert*
2 *“chief election officer”;*

3 (6) *by striking “lodged with him” and inserting*
4 *“lodged with such officer”;*

5 (7) *by striking “his duty” and inserting “the*
6 *duty of such chief election officer of the State”; and*

7 (8) *by striking “by registered mail” and insert-*
8 *ing “by the most expeditious method available”.*

9 (b) *CONTINUED FAILURE.—Section 13 of title 3,*
10 *United States Code, is amended—*

11 (1) *by inserting “, after the meeting of the elec-*
12 *tors shall have been held,” after “When”;*

13 (2) *by striking “in December, after the meeting*
14 *of the electors shall have been held,” and inserting “in*
15 *December,”;*

16 (3) *by striking “or, if he be absent” and insert-*
17 *ing “or, if the President of the Senate be absent”; and*

18 (4) *by striking “that list” and inserting “that*
19 *certificate”.*

20 (c) *ELIMINATION OF MESSENGER’S PENALTY.—*

21 (1) *IN GENERAL.—Title 3, United States Code, is*
22 *amended by striking section 14.*

23 (2) *CONFORMING AMENDMENT.—The table of*
24 *contents for chapter 1 of title 3, United States Code,*
25 *is amended by striking the item relating to section 14.*

1901

1 **SEC. 109. CLARIFICATIONS RELATING TO COUNTING ELEC-**
2 **TORAL VOTES.**

3 (a) *IN GENERAL.*—Section 15 of title 3, United States
4 Code, is amended to read as follows:

5 **“§ 15. Counting electoral votes in Congress**

6 “(a) *IN GENERAL.*—Congress shall be in session on the
7 sixth day of January succeeding every meeting of the elec-
8 tors. The Senate and House of Representatives shall meet
9 in the Hall of the House of Representatives at the hour of
10 1 o’clock in the afternoon on that day, and the President
11 of the Senate shall be their presiding officer.

12 “(b) *POWERS OF THE PRESIDENT OF SENATE.*—

13 “(1) *MINISTERIAL IN NATURE.*—Except as other-
14 wise provided in this chapter, the role of the President
15 of the Senate while presiding over the joint session
16 shall be limited to performing solely ministerial du-
17 ties.

18 “(2) *POWERS EXPLICITLY DENIED.*—The Presi-
19 dent of the Senate shall have no power to solely deter-
20 mine, accept, reject, or otherwise adjudicate or resolve
21 disputes over the proper certificate of ascertainment
22 of appointment of electors, the validity of electors, or
23 the votes of electors.

24 “(c) *APPOINTMENT OF TELLERS.*—At the joint session
25 of the Senate and House of Representatives described in
26 subsection (a), there shall be present two tellers previously

1902

1 *appointed on the part of the Senate and two tellers pre-*
2 *viously appointed on the part of the House of Representa-*
3 *tives by the presiding officers of the respective chambers.*

4 “(d) *PROCEDURE AT JOINT SESSION GENERALLY.—*

5 “(1) *IN GENERAL.—The President of the Senate*
6 *shall—*

7 “(A) *open the certificates and papers pur-*
8 *porting to be certificates of the votes of electors*
9 *appointed pursuant to a certificate of ascertain-*
10 *ment of appointment of electors issued pursuant*
11 *to section 5, in the alphabetical order of the*
12 *States, beginning with the letter A; and*

13 “(B) *upon opening any certificate, hand the*
14 *certificate and any accompanying papers to the*
15 *tellers, who shall read the same in the presence*
16 *and hearing of the two Houses.*

17 “(2) *ACTION ON CERTIFICATE.—*

18 “(A) *IN GENERAL.—Upon the reading of*
19 *each certificate or paper, the President of the*
20 *Senate shall call for objections, if any.*

21 “(B) *REQUIREMENTS FOR OBJECTIONS OR*
22 *QUESTIONS.—*

23 “(i) *OBJECTIONS.—No objection or*
24 *other question arising in the matter shall be*
25 *in order unless the objection or question—*

1903

1 “(I) is made in writing;

2 “(II) is signed by at least one-fifth
3 of the Senators duly chosen and sworn
4 and one-fifth of the Members of the
5 House of Representatives duly chosen
6 and sworn; and

7 “(III) in the case of an objection,
8 states clearly and concisely, without
9 argument, one of the grounds listed
10 under clause (ii).

11 “(ii) *GROUND*S FOR OBJECTIONS.—*The*
12 *only grounds for objections shall be as fol-*
13 *lows:*

14 “(I) *The electors of the State were*
15 *not lawfully certified under a certifi-*
16 *cate of ascertainment of appointment*
17 *of electors according to section 5(a)(1).*

18 “(II) *The vote of one or more elec-*
19 *tors has not been regularly given.*

20 “(C) *CONSIDERATION OF OBJECTIONS AND*
21 *QUESTIONS.—*

22 “(i) *IN GENERAL.—When all objections*
23 *so made to any vote or paper from a State,*
24 *or other question arising in the matter,*
25 *shall have been received and read, the Sen-*

1904

1 *ate shall thereupon withdraw, and such ob-*
2 *jections and questions shall be submitted to*
3 *the Senate for its decision; and the Speaker*
4 *of the House of Representatives shall, in like*
5 *manner, submit such objections and ques-*
6 *tions to the House of Representatives for its*
7 *decision.*

8 “(ii) *DETERMINATION.—No objection*
9 *or any other question arising in the matter*
10 *may be sustained unless such objection or*
11 *question is sustained by separate concurring*
12 *votes of each House.*

13 “(D) *RECONVENING.—When the two Houses*
14 *have voted, they shall immediately again meet,*
15 *and the presiding officer shall then announce the*
16 *decision of the questions submitted. No vote or*
17 *paper from any other State shall be acted upon*
18 *until the objections previously made to any vote*
19 *or paper from any State , and other questions*
20 *arising in the matter, shall have been finally dis-*
21 *posed of.*

22 “(e) *RULES FOR TABULATING VOTES.—*

23 “(1) *COUNTING OF VOTES.—*

24 “(A) *IN GENERAL.—Except as provided in*
25 *subparagraph (B)—*

1905

1 “(i) *only the votes of electors who have*
2 *been appointed under a certificate of ascer-*
3 *tainment of appointment of electors issued*
4 *pursuant to section 5, or who have legally*
5 *been appointed to fill a vacancy of any such*
6 *elector pursuant to section 4, may be count-*
7 *ed; and*

8 “(ii) *no vote of an elector described in*
9 *clause (i) which has been regularly given*
10 *shall be rejected.*

11 “(B) *EXCEPTION.—The vote of an elector*
12 *who has been appointed under a certificate of as-*
13 *certainment of appointment of electors issued*
14 *pursuant to section 5 shall not be counted if—*

15 “(i) *there is an objection which meets*
16 *the requirements of subsection (d)(2)(B)(i);*
17 *and*

18 “(ii) *each House affirmatively sustains*
19 *the objection as valid.*

20 “(2) *DETERMINATION OF MAJORITY.—If the*
21 *number of electors lawfully appointed by any State*
22 *pursuant to a certificate of ascertainment of appoint-*
23 *ment of electors that is issued under section 5 is fewer*
24 *than the number of electors to which the State is enti-*
25 *tled under section 3, or if an objection the grounds for*

† HR 2617 EAS2

1906

1 *which are described in subsection (d)(2)(B)(ii)(I) has*
2 *been sustained, the total number of electors appointed*
3 *for the purpose of determining a majority of the whole*
4 *number of electors appointed as required by the*
5 *Twelfth Amendment to the Constitution shall be re-*
6 *duced by the number of electors whom the State has*
7 *failed to appoint or as to whom the objection was sus-*
8 *tained.*

9 “(3) *LIST OF VOTES BY TELLERS; DECLARATION*
10 *OF WINNER.—The tellers shall make a list of the votes*
11 *as they shall appear from the said certificates; and*
12 *the votes having been ascertained and counted accord-*
13 *ing to the rules in this subchapter provided, the result*
14 *of the same shall be delivered to the President of the*
15 *Senate, who shall thereupon announce the state of the*
16 *vote, which announcement shall be deemed a sufficient*
17 *declaration of the persons, if any, elected President*
18 *and Vice President of the United States, and, together*
19 *with a list of the votes, be entered on the Journals of*
20 *the two Houses.”.*

21 “(b) *CONFORMING AMENDMENT.—The table of contents*
22 *for chapter 1 of title 3, United States Code, is amended*
23 *by striking the item relating to section 15 and inserting*
24 *the following:*

 “15. *Counting electoral votes in Congress.”.*

1907

1 **SEC. 110. RULES RELATING TO JOINT SESSION.**

2 (a) *LIMIT OF DEBATE IN EACH HOUSE.*—Section 17
3 of title 3, United States Code, is amended to read as follows:

4 **“§ 17. Same; limit of debate in each House**

5 “When the two Houses separate to decide upon an ob-
6 jection pursuant to section 15(d)(2)(C)(i) that may have
7 been made to the counting of any electoral vote or votes from
8 any State, or other question arising in the matter—

9 “(1) all such objections and questions permitted
10 with respect to such State shall be considered at such
11 time;

12 “(2) each Senator and Representative may speak
13 to such objections or questions for up to five minutes,
14 and not more than once;

15 “(3) the total time for debate for all such objec-
16 tions and questions with respect to such State shall
17 not exceed two hours in each House, equally divided
18 and controlled by the Majority Leader and Minority
19 Leader, or their respective designees; and

20 “(4) at the close of such debate, it shall be the
21 duty of the presiding officer of each House to put each
22 of the objections and questions to a vote without fur-
23 ther debate.”.

24 (b) *PARLIAMENTARY PROCEDURE.*—Section 18 of title
25 3, United States Code, is amended by inserting “under sec-
26 tion 15(d)(2)(C)(i)” after “motion to withdraw”.

1908

1 (c) *CONFORMING AMENDMENTS.*—

2 (1) *Sections 16 of title 3, United States Code, is*
3 *amended by striking “meeting” each place it appears*
4 *in the text and in the heading and inserting “ses-*
5 *sion”.*

6 (2) *Sections 18 of title 3, United States Code, is*
7 *amended by striking “meeting” each place it appears*
8 *in the text and in the heading and inserting “ses-*
9 *sion”.*

10 (3) *The table of contents for chapter 1 of title 3,*
11 *United States Code, is amended—*

12 (A) *by striking “meeting” in the item relat-*
13 *ing to section 16 and inserting “session”; and*

14 (B) *by striking “meeting” in the item relat-*
15 *ing to section 18 and inserting “session”.*

16 **SEC. 111. SEVERABILITY.**

17 (a) *IN GENERAL.*—*Title 3, United States Code, is*
18 *amended by inserting after section 21 the following new sec-*
19 *tion:*

20 **“§ 22. Severability**

21 *“If any provision of this chapter, or the applica-*
22 *tion of a provision to any person or circumstance, is*
23 *held to be unconstitutional, the remainder of this*
24 *chapter, and the application of the provisions to any*

1909

1 *person or circumstance, shall not be affected by the*
2 *holding.”.*

3 (b) *CONFORMING AMENDMENT.—The table of contents*
4 *for chapter 1 of title 3, United States Code, is amended*
5 *by adding at the end the following:*

“22. Severability.”.

6 ***TITLE II—PRESIDENTIAL***
7 ***TRANSITION IMPROVEMENT ACT***

8 ***SEC. 201. SHORT TITLE.***

9 *This title may be cited as the “Presidential Transition*
10 *Improvement Act”.*

11 ***SEC. 202. MODIFICATIONS TO PRESIDENTIAL TRANSITION***
12 ***ACT OF 1963.***

13 (a) *IN GENERAL.—Section 3 of the Presidential Tran-*
14 *sition Act of 1963 (3 U.S.C. 102 note) is amended by strik-*
15 *ing subsection (c) and inserting the following:*

16 “(c)(1) *APPARENT SUCCESSFUL CANDIDATES.—*

17 “(A) *IN GENERAL.—For purposes of this Act, the*
18 *‘apparent successful candidate’ for the office of Presi-*
19 *dent and Vice President, respectively, shall be deter-*
20 *mined as follows:*

21 “(i) *If all but one eligible candidate for the*
22 *office of President and one eligible candidate for*
23 *the office of Vice President, respectively, concede*
24 *the election, then the candidate for each such of-*

1910

1 *fice who has not conceded shall be the apparent*
2 *successful candidate for each such office.*

3 *“(ii) If, on the date that is 5 days after the*
4 *date of the election, more than one eligible can-*
5 *didate for the office of President has not conceded*
6 *the election, then each of the remaining eligible*
7 *candidates for such office and the office of Vice*
8 *President who have not conceded shall be treated*
9 *as the apparent successful candidates until such*
10 *time as a single candidate for the office of Presi-*
11 *dent is treated as the apparent successful can-*
12 *didate pursuant to clause (iii) or clause (iv).*

13 *“(iii) If a single candidate for the office of*
14 *President or Vice President is determined by the*
15 *Administrator to meet the qualifications under*
16 *subparagraph (B), the Administrator may deter-*
17 *mine that such candidate shall solely be treated*
18 *as the apparent successful candidate for that of-*
19 *fice until such time as a single candidate for the*
20 *office of President is treated as the apparent suc-*
21 *cessful candidate pursuant to clause (iv).*

22 *“(iv) If a single candidate for the office of*
23 *President or Vice President is the apparent suc-*
24 *cessful candidate for such office under subpara-*
25 *graph (C), that candidate shall solely be treated*

1911

1 *as the apparent successful candidate for that of-*
2 *fice.*

3 “(B) *INTERIM DISCRETIONARY QUALIFICA-*
4 *TIONS.—On or after the date that is 5 days after the*
5 *date of the election, the Administrator may determine*
6 *that a single candidate for the office of President or*
7 *Vice President shall be treated as the sole apparent*
8 *successful candidate for that office pursuant to sub-*
9 *paragraph (A)(iii) if it is substantially certain the*
10 *candidate will receive a majority of the pledged votes*
11 *of electors, based on consideration of the following fac-*
12 *tors:*

13 “(i) *The results of the election for such office*
14 *in States in which significant legal challenges*
15 *that could alter the outcome of the election in the*
16 *State have been substantially resolved, such that*
17 *the outcome is substantially certain.*

18 “(ii) *The certified results of the election for*
19 *such office in States in which the certification is*
20 *complete.*

21 “(iii) *The results of the election for such of-*
22 *fice in States in which there is substantial cer-*
23 *tainty of an apparent successful candidate based*
24 *on the totality of the circumstances.*

25 “(C) *MANDATORY QUALIFICATIONS.—*

1912

1 “(i) *IN GENERAL.*—*Notwithstanding sub-*
2 *paragraph (A) or (B), a candidate shall be the*
3 *sole apparent successful candidate for the office*
4 *of President or Vice President pursuant to sub-*
5 *paragraph (A)(iv) for purposes of this Act if—*

6 “(I) *the candidate receives a majority*
7 *of pledged votes of electors of such office*
8 *based on certifications by States of their*
9 *final canvass, and the conclusion of any re-*
10 *counts, legal actions, or administrative ac-*
11 *tions pertaining to the results of the election*
12 *for such office;*

13 “(II) *in the case where subclause (I) is*
14 *not met, the candidate receives a majority*
15 *of votes of electors of such office at the meet-*
16 *ing and vote of electors under section 7 of*
17 *title 3, United States Code; or*

18 “(III) *in the case where neither sub-*
19 *clause (I) or (II) is met, the candidate is*
20 *declared as the person elected to such office*
21 *at the joint session of Congress under sec-*
22 *tion 15 of title 3, United States Code.*

23 “(i) *CLARIFICATION IF STATE UNABLE TO*
24 *CERTIFY ELECTION RESULTS OR APPOINTS MORE*
25 *THAN ONE SLATE OF ELECTORS.*—*For purposes*

† HR 2617 EAS2

1913

1 *of subclauses (I) and (II) of clause (i), if a State*
2 *is unable to certify its election results or a State*
3 *appoints more than one slate of electors, the votes*
4 *of the electors of such State shall not count to-*
5 *wards meeting the qualifications under such sub-*
6 *clauses.*

7 “(2) *PERIOD OF MULTIPLE POSSIBLE APPARENT SUC-*
8 *CESSFUL CANDIDATES.—During any period in which there*
9 *is more than one possible apparent successful candidate for*
10 *the office of President—*

11 “(A) *the Administrator is authorized to provide,*
12 *upon request, to each remaining eligible candidate for*
13 *such office and the office of Vice President described*
14 *in paragraph (1)(A)(ii) access to services and facili-*
15 *ties pursuant to this Act;*

16 “(B) *the Administrator, in conjunction with the*
17 *Federal Transition Coordinator designated under sec-*
18 *tion 4(c) and the senior career employee of each agen-*
19 *cy and senior career employee of each major compo-*
20 *nent and subcomponent of each agency designated*
21 *under subsection (f)(1) to oversee and implement the*
22 *activities of the agency, component, or subcomponent*
23 *relating to the Presidential transition, shall make ef-*
24 *forts to ensure that each such candidate is provided*

1914

1 *equal access to agency information and spaces as re-*
2 *quested pursuant to this Act;*

3 *“(C) the Administrator shall provide weekly re-*
4 *ports to Congress containing a brief summary of the*
5 *status of funds being distributed to such candidates*
6 *under this Act, the level of access to agency informa-*
7 *tion and spaces provided to such candidates, and the*
8 *status of such candidates with respect to meeting the*
9 *qualifications to be the apparent successful candidate*
10 *for the office of President or Vice President under sub-*
11 *paragraph (B) or (C) of paragraph (1); and*

12 *“(D) if a single candidate for the office of Presi-*
13 *dent or Vice President is treated as the apparent suc-*
14 *cessful candidate for such office pursuant to subpara-*
15 *graph (A)(iii) or (A)(iv) of paragraph (1), not later*
16 *than 24 hours after such treatment is effective, the*
17 *Administrator shall make available to the public a*
18 *written statement that such candidate is treated as*
19 *the sole apparent successful candidate for such office*
20 *for purposes of this Act, including a description of the*
21 *legal basis and reasons for such treatment based on*
22 *the qualifications under subparagraph (B) or (C) of*
23 *paragraph (1), as applicable.*

1915

1 “(3) *DEFINITION.*—*In this subsection, the term ‘eligi-*
2 *ble candidate’ has the meaning given that term in sub-*
3 *section (h)(4).’.*”

4 (b) *CONFORMING AMENDMENTS.*—*The Presidential*
5 *Transition Act of 1963 (3 U.S.C. 102 note) is amended—*
6 (1) *in section 3—*

7 (A) *in the heading, by striking “PRESI-*
8 *DENTS-ELECT AND VICE-PRESIDENTS-*
9 *ELECT” and inserting “APPARENT SUCCESS-*
10 *FUL CANDIDATES”;*

11 (B) *in subsection (a)—*

12 (i) *in the matter preceding paragraph*
13 (1)—

14 (I) *by striking “each President-*
15 *elect, each Vice-President-elect” and in-*
16 *serting “each apparent successful can-*
17 *didate for the office of President and*
18 *Vice President (as determined by sub-*
19 *section (c))”;* and

20 (II) *by striking “the President-*
21 *elect and Vice-President-elect” and in-*
22 *serting “each such candidate”;*

23 (ii) *in paragraph (1)—*

24 (I) *by striking “the President-*
25 *elect, the Vice-President-elect” and in-*

1916

1 serting “the apparent successful can-
2 didate”; and

3 (II) by striking “the President-
4 elect or Vice-President-elect” and in-
5 serting “the apparent successful can-
6 didate”;

7 (iii) in paragraphs (2), (3), (4), and
8 (5), by striking “the President-elect or Vice-
9 President-elect” each place it appears and
10 inserting “the apparent successful can-
11 didate”;

12 (iv) in paragraph (4)(B), by striking
13 “the President-elect, the Vice-President-elect,
14 or the designee of the President-elect or Vice-
15 President-elect” and inserting “the appar-
16 ent successful candidate or their designee”;

17 (v) in paragraph (8), in subparagraph
18 (A)(v) and (B), by striking “the President-
19 elect” and inserting “the apparent success-
20 ful candidate for the office of President”;
21 and

22 (vi) in paragraph (10)—

23 (I) by striking “any President-
24 elect, Vice-President-elect, or eligible
25 candidate” and inserting “any appar-

1917

1 *ent successful candidate or eligible can-*
2 *didate”;* and

3 (II) *by striking “the President-*
4 *elect and Vice President-elect” and in-*
5 *serting “the apparent successful can-*
6 *didates”;*

7 (C) *in subsection (b)—*

8 (i) *in paragraph (1), by striking “the*
9 *President-elect or Vice-President-elect, or*
10 *after the inauguration of the President-elect*
11 *as President and the inauguration of the*
12 *Vice-President-elect as Vice President” and*
13 *inserting “the apparent successful can-*
14 *didates, or after the inauguration of the ap-*
15 *parent successful candidate for the office of*
16 *President as President and the inaugura-*
17 *tion of the apparent successful candidate for*
18 *the office of Vice President as Vice Presi-*
19 *dent”;* and

20 (ii) *in paragraph (2), by striking “the*
21 *President-elect, Vice-President-elect” and in-*
22 *serting “the apparent successful candidate”;*
23 (D) *in subsection (d)—*

24 (i) *in the first sentence, by striking*
25 *“Each President-elect” and inserting “Each*

1918

1 *apparent successful candidate for the office*
2 *of President”*; and

3 (ii) in the second sentence, by striking
4 *“Each Vice-President-elect”* and inserting
5 *“Each apparent successful candidate for the*
6 *office of Vice-President”*;
7 (E) in subsection (e)—

8 (i) in the first sentence, by striking
9 *“Each President-elect and Vice-President-*
10 *elect”* and inserting *“Each apparent suc-*
11 *cessful candidate”*; and

12 (ii) in the second sentence, by striking
13 *“any President-elect or Vice-President-elect*
14 *may be made upon the basis of a certificate*
15 *by him or the assistant designated by him”*
16 and inserting *“any apparent successful can-*
17 *didate may be made upon the basis of a cer-*
18 *tificate by the candidate or their designee”*;
19 (F) in subsection (f)—

20 (i) in paragraph (1), by striking *“The*
21 *President-elect”* and inserting *“Any appar-*
22 *ent successful candidate for the office of*
23 *President”*; and

24 (ii) in paragraph (2), by striking *“in-*
25 *auguration of the President-elect as Presi-*

1919

1 *dent and the inauguration of the Vice-Presi-*
2 *dent-elect as Vice President” and inserting*
3 *“inauguration of the apparent successful*
4 *candidate for the office of President as*
5 *President and the inauguration of the ap-*
6 *parent successful candidate for the office of*
7 *Vice President as Vice President”;*

8 *(G) in subsection (g), by striking “In the*
9 *case where the President-elect is the incumbent*
10 *President or in the case where the Vice-Presi-*
11 *dent-elect is the incumbent Vice President” and*
12 *inserting “In the case where an apparent suc-*
13 *cessful candidate for the office of President is the*
14 *incumbent President or in the case where an ap-*
15 *parent successful candidate for the office of Vice*
16 *President is the incumbent Vice President”;*

17 *(H) in subsection (h)—*

18 *(i) in paragraph (2)(B)(iv), by strik-*
19 *ing “the President-elect or Vice-President-*
20 *elect” and inserting “an apparent successful*
21 *candidate”;* and

22 *(ii) in paragraph (3)(B)(iii), by strik-*
23 *ing “the President-elect or Vice-President-*
24 *elect” and inserting “an apparent successful*
25 *candidate”;* and

1920

1 *(I) in subsection (i)(3)(C)—*

2 *(i) in clause (i), by striking “the inau-*
3 *guration of the President-elect as President*
4 *and the inauguration of the Vice-President-*
5 *elect as Vice President” and inserting “the*
6 *inauguration of the apparent successful*
7 *candidate for the office of President as*
8 *President and the inauguration of the ap-*
9 *parent successful candidate for the office of*
10 *Vice President as Vice President”; and*

11 *(ii) in clause (ii), by striking “upon*
12 *request of the President-elect or the Vice-*
13 *President-elect” and inserting “upon request*
14 *of the apparent successful candidate”;*

15 *(2) in section 4—*

16 *(A) in subsection (e)—*

17 *(i) in paragraph (1)(B), by striking*
18 *“the President-elect and Vice-President-*
19 *elect” and inserting “the apparent success-*
20 *ful candidates (as determined by section*
21 *3(c))”; and*

22 *(ii) in paragraph (4)(B), by striking*
23 *“the President-elect is inaugurated” and in-*
24 *serting “the apparent successful candidate*

1921

1 *for the office of President is inaugurated”;*

2 *and*

3 *(B) in subsection (g)—*

4 *(i) in paragraph (3)(A), by striking*

5 *“the President-elect” and inserting “the ap-*

6 *parent successful candidate for the office of*

7 *President”;* *and*

8 *(ii) in paragraph (3)(B)(ii)(III), by*

9 *striking “the President-elect” and inserting*

10 *“the apparent successful candidate for the*

11 *office of President”;*

12 *(3) in section 5, in the first sentence, by striking*

13 *“Presidents-elect and Vice-Presidents-elect” and in-*

14 *serting “apparent successful candidates (as deter-*

15 *mined by section 3(c))”;*

16 *(4) in section 6—*

17 *(A) in subsection (a)—*

18 *(i) in paragraph (1)—*

19 *(I) by striking “The President-*

20 *elect and Vice-President-elect” and in-*

21 *serting “Each apparent successful can-*

22 *didate (as determined by section*

23 *3(c))”;* *and*

24 *(II) by striking “the President-*

25 *elect or Vice-President-elect” and in-*

1922

1 serting “the apparent successful can-
2 didate”;

3 (ii) in paragraph (2), by striking “The
4 President-elect and Vice-President-elect”
5 and inserting “Each apparent successful
6 candidate”; and

7 (iii) in paragraph (3)(A), by striking
8 “inauguration of the President-elect as
9 President and the Vice-President-elect as
10 Vice President” and inserting “inaugura-
11 tion of the apparent successful candidate for
12 the office of President as President and the
13 apparent successful candidate for the office
14 of Vice-President as Vice President”;
15 (B) in subsection (b)(1)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “The President-elect
18 and Vice-President-elect” and inserting
19 “Each apparent successful candidate”; and

20 (ii) in subparagraph (A), by striking
21 “the President-elect or Vice-President-
22 elect’s” and inserting “the apparent success-
23 ful candidate’s”; and

24 (C) in subsection (c), by striking “The
25 President-elect and Vice-President-elect” and in-

† HR 2617 EAS2

1923

1 serting “Each apparent successful candidate”;
2 and
3 (5) in section 7(a)(1), by striking “the President-
4 elect and Vice President-elect” and inserting “the ap-
5 parent successful candidates”.

6 ***DIVISION Q—AVIATION RELATED***
7 ***MATTERS***

8 ***SEC. 101. ADVANCED AIR MOBILITY INFRASTRUCTURE***
9 ***PILOT PROGRAM.***

10 (a) *ESTABLISHMENT.*—Not later than 180 days after
11 the date of enactment of this section, the Secretary shall
12 establish a pilot program to provide grants that assist an
13 eligible entity to plan for the development and deployment
14 of infrastructure necessary to facilitate AAM operations, lo-
15 cally and regionally, within the United States.

16 (b) *PLANNING GRANTS.*—

17 (1) *IN GENERAL.*—The Secretary shall provide
18 grants to eligible entities to develop comprehensive
19 plans under paragraph (2) related to AAM infra-
20 structure.

21 (2) *COMPREHENSIVE PLAN.*—

22 (A) *IN GENERAL.*—Not later than 1 year
23 after receiving a grant under this subsection, an
24 eligible entity shall submit to the Secretary a
25 comprehensive plan, including the development

1924

1 *of potential public use or private-owned vertiport*
2 *infrastructure, in a format capable of being pub-*
3 *lished on the website of the Department of Trans-*
4 *portation.*

5 *(B) PLAN CONTENTS.—The Secretary shall*
6 *establish content requirements for comprehensive*
7 *plans submitted under this subsection, which*
8 *shall include as many of the following as pos-*
9 *sible:*

10 *(i) The identification of planned or po-*
11 *tential public use and private-owned*
12 *vertiport locations.*

13 *(ii) A description of infrastructure nec-*
14 *essary to support AAM operations.*

15 *(iii) A description of types of planned*
16 *or potential AAM operations and a forecast*
17 *for proposed vertiport operations, including*
18 *estimates for initial operations and future*
19 *growth.*

20 *(iv) The identification of physical and*
21 *digital infrastructure required to meet any*
22 *standards for vertiport design and perform-*
23 *ance characteristics established by the Fed-*
24 *eral Aviation Administration (as in effect*
25 *on the date on which the Secretary issues a*

† HR 2617 EAS2

1925

1 *grant to an eligible entity), including modi-*
2 *fications to existing infrastructure and*
3 *ground sensors, electric charging or other*
4 *fueling requirements, electric utility re-*
5 *quirements, wireless and cybersecurity re-*
6 *quirements, fire safety, perimeter security,*
7 *and other necessary hardware or software.*

8 *(v) A description of any hazard associ-*
9 *ated with planned or potential vertiport in-*
10 *frastructure, such as handling of hazardous*
11 *materials, batteries, or other fuel cells,*
12 *charging or fueling of aircraft, aircraft res-*
13 *cue and firefighting response, and emer-*
14 *gency planning.*

15 *(vi) A description of potential environ-*
16 *mental effects of planned or potential con-*
17 *struction or siting of vertiports, including*
18 *efforts to reduce potential aviation noise.*

19 *(vii) A description of how planned or*
20 *potential vertiport locations, including new*
21 *or repurposed infrastructure, fit into State*
22 *and local transportation systems and net-*
23 *works, including—*

24 *(I) connectivity to existing public*
25 *transportation hubs and intermodal*

1926

1 *and multimodal facilities for AAM op-*
2 *erations;*

3 *(II) opportunities to create new*
4 *service to rural areas and areas under-*
5 *served by air transportation; or*

6 *(III) any potential conflict with*
7 *existing aviation infrastructure that*
8 *may arise from the planned or poten-*
9 *tial location of the vertiport.*

10 *(viii) A description of how vertiport*
11 *planning will be incorporated in State or*
12 *metropolitan planning documents.*

13 *(ix) The identification of the process*
14 *an eligible entity will undertake to ensure*
15 *an adequate level of engagement with any*
16 *potentially impacted community for each*
17 *planned or potential vertiport location and*
18 *planned or potential AAM operations, such*
19 *as engagement with communities in rural*
20 *areas, underserved communities, Tribal*
21 *communities, individuals with disabilities,*
22 *or racial and ethnic minorities to address*
23 *equity of access.*

24 *(x) The identification of State, local, or*
25 *private sources of funding an eligible entity*

1927

1 *may use to assist with the construction or*
2 *operation of a vertiport.*

3 *(xi) The identification of existing Fed-*
4 *eral aeronautical and airspace requirements*
5 *that must be met for the eligible entity's*
6 *planned or potential vertiport location.*

7 *(xii) The identification of the actions*
8 *necessary for an eligible entity to undertake*
9 *the construction of a vertiport, such as*
10 *planning studies to assess existing infra-*
11 *structure, environmental studies, studies of*
12 *projected economic benefit to the commu-*
13 *nity, lease or acquisition of an easement or*
14 *land for new infrastructure, and activities*
15 *related to other capital costs.*

16 *(3) APPLICATION.—To apply for a grant under*
17 *this subsection, an eligible entity shall provide to the*
18 *Secretary an application in such form, at such time,*
19 *and containing such information as the Secretary*
20 *may require.*

21 *(4) SELECTION.—*

22 *(A) IN GENERAL.—In awarding grants*
23 *under this subsection, the Secretary shall con-*
24 *sider the following:*

25 *(i) Geographic diversity.*

1928

1 (ii) *Diversity of the proposed models of*
2 *infrastructure financing and management.*

3 (iii) *Diversity of proposed or planned*
4 *AAM operations.*

5 (iv) *The need for comprehensive plans*
6 *that—*

7 (I) *ensure the safe and efficient*
8 *integration of AAM operations into the*
9 *National Airspace System;*

10 (II) *improve transportation safe-*
11 *ty, connectivity, access, and equity in*
12 *both rural and urban regions in the*
13 *United States;*

14 (III) *leverage existing public*
15 *transportation systems and intermodal*
16 *and multimodal facilities;*

17 (IV) *reduce surface congestion and*
18 *the environmental impacts of transpor-*
19 *tation;*

20 (V) *grow the economy and create*
21 *jobs in the United States; and*

22 (VI) *encourage community en-*
23 *gagement when planning for AAM-re-*
24 *lated infrastructure.*

1929

1 (B) *PRIORITY.*—*The Secretary shall*
2 *prioritize awarding grants under this subsection*
3 *to eligible entities that collaborate with commer-*
4 *cial AAM entities, institutions of higher edu-*
5 *cation, research institutions, or other relevant*
6 *stakeholders to develop and prepare a com-*
7 *prehensive plan.*

8 (C) *MINIMUM ALLOCATION TO RURAL*
9 *AREAS.*—*The Secretary shall ensure that not less*
10 *than 20 percent of the amounts made available*
11 *under subsection (c) are used to award grants to*
12 *eligible entities that submit a comprehensive*
13 *plan under paragraph (2) that is related to in-*
14 *frastructure located in a rural area.*

15 (5) *GRANT AMOUNT.*—*Each grant made under*
16 *this subsection shall be made in an amount that is*
17 *not more than \$1,000,000.*

18 (6) *BRIEFING.*—

19 (A) *IN GENERAL.*—*Not later than 180 days*
20 *after the first comprehensive plan is submitted*
21 *under paragraph (2), and every 180 days there-*
22 *after through September 30, 2025, the Secretary*
23 *shall provide a briefing to the appropriate com-*
24 *mittees of Congress on the comprehensive plans*

1930

1 *submitted to the Secretary under such para-*
2 *graph.*

3 *(B) CONTENTS.—The briefing required*
4 *under subparagraph (A) shall include—*

5 *(i) an evaluation of all planned or po-*
6 *tential vertiport locations included in the*
7 *comprehensive plans submitted under para-*
8 *graph (2) and how such planned or poten-*
9 *tial vertiport locations may fit into the*
10 *overall United States transportation system*
11 *and network; and*

12 *(ii) a description of lessons or best*
13 *practices learned through the review of com-*
14 *prehensive plans and how the Secretary will*
15 *incorporate any such lessons or best prac-*
16 *tices into Federal standards or guidance for*
17 *the design and operation of AAM infra-*
18 *structure and facilities.*

19 *(c) AUTHORIZATION OF APPROPRIATIONS.—*

20 *(1) AUTHORIZATION.—There are authorized to be*
21 *appropriated to the Secretary to carry out this sec-*
22 *tion \$12,500,000 for each of fiscal years 2023 and*
23 *2024, to remain available until expended.*

24 *(2) ADMINISTRATIVE EXPENSES.—Of the*
25 *amounts made available under paragraph (1), the*

1931

1 *Secretary may retain up to 1 percent for personnel,*
2 *contracting, and other costs to establish and admin-*
3 *ister the pilot program under this section.*

4 *(d) TERMINATION.—*

5 *(1) IN GENERAL.—No grant may be awarded*
6 *under this section after September 30, 2024.*

7 *(2) CONTINUED FUNDING.—Funds authorized to*
8 *be appropriated pursuant to subsection (c) may be ex-*
9 *pende d after September 30, 2024—*

10 *(A) for grants awarded prior to September*
11 *30, 2024; and*

12 *(B) for administrative expenses.*

13 *(e) DEFINITIONS.—In this section:*

14 *(1) ADVANCED AIR MOBILITY; AAM.—The terms*
15 *“advanced air mobility” and “AAM” have the mean-*
16 *ing given such terms in section 2(i) of the Advanced*
17 *Air Mobility Coordination and Leadership Act (49*
18 *U.S.C. 40101 note).*

19 *(2) APPROPRIATE COMMITTEES OF CONGRESS.—*
20 *The term “appropriate committees of Congress”*
21 *means the Committee on Transportation and Infra-*
22 *structure of the House of Representatives and the*
23 *Committee on Commerce, Science, and Transpor-*
24 *tation of the Senate.*

1932

1 (3) *COMMERCIAL AAM ENTITIES.*—*The term*
2 *“commercial AAM entities” means—*

3 (A) *manufacturers of aircraft, avionics,*
4 *propulsion systems, and air traffic management*
5 *systems related to AAM;*

6 (B) *intended commercial operators of AAM*
7 *aircraft and systems; and*

8 (C) *intended commercial operators and de-*
9 *velopers of vertiports.*

10 (4) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
11 *ty” means—*

12 (A) *a State, local, or Tribal government, in-*
13 *cluding a political subdivision thereof;*

14 (B) *an airport sponsor;*

15 (C) *a transit agency;*

16 (D) *a port authority;*

17 (E) *a metropolitan planning organization;*

18 *or*

19 (F) *any combination or consortium of the*
20 *entities described in subparagraphs (A) through*
21 *(E).*

22 (5) *METROPOLITAN PLANNING ORGANIZATION.*—
23 *The term “metropolitan planning organization” has*
24 *the meaning given such term in section 5303(b) of*
25 *title 49, United States Code.*

1933

1 (6) *RURAL AREA.*—*The term “rural area” means*
2 *an area located outside a metropolitan statistical*
3 *area (as designated by the Office of Management and*
4 *Budget).*

5 (7) *SECRETARY.*—*The term “Secretary” means*
6 *the Secretary of Transportation.*

7 (8) *STATE.*—*The term “State” means a State of*
8 *the United States, the District of Columbia, Puerto*
9 *Rico, the Virgin Islands, American Samoa, the North-*
10 *ern Mariana Islands, and Guam.*

11 (9) *VERTIPOINT.*—*The term “vertipoint” means a*
12 *designated location used or intended to be used to*
13 *support AAM operations, including the landing, take-*
14 *off, loading, taxiing, parking, and storage of aircraft*
15 *developed for AAM operations.*

16 (10) *VERTICAL TAKE-OFF AND LANDING AIR-*
17 *CRAFT.*—*The term “vertical take-off and landing air-*
18 *craft” has the meaning given such term in section*
19 *2(i) of the Advanced Air Mobility Coordination and*
20 *Leadership Act (49 U.S.C. 40101 note).*

21 (f) *RULE OF CONSTRUCTION.*—*Nothing in this section*
22 *may be construed as conferring upon any person, State,*
23 *local, or Tribal government the authority to determine the*
24 *safety of any AAM operation or the feasibility of simulta-*

1934

1 neous operations by AAM and conventional aircraft within
2 any given area of the national airspace system.

3 **SEC. 102. SAMYA ROSE STUMO NATIONAL AIR GRANT FEL-**
4 **LOWSHIP PROGRAM.**

5 (a) *SHORT TITLE.*—This section may be cited as the
6 “Samya Rose Stumo National Air Grant Fellowship Pro-
7 gram Act of 2022”.

8 (b) *DESIGNATION.*—

9 (1) *IN GENERAL.*—Section 131 of division V of
10 the Consolidated Appropriations Act of 2021 (49
11 U.S.C. 40101 note) is amended—

12 (A) in the section heading, by inserting
13 “**SAMYA ROSE STUMO**” before “**NATIONAL**
14 **AIR GRANT FELLOWSHIP PROGRAM**”;

15 (B) in the paragraph heading of subsection
16 (a)(4), by inserting “**SAMYA ROSE STUMO**” before
17 “**NATIONAL AIR GRANT FELLOWSHIP PROGRAM**”;
18 and

19 (C) by inserting “Samya Rose Stumo” be-
20 fore “National Air Grant Fellowship Program”
21 each place it appears.

22 (2) *CLERICAL AMENDMENT.*—Section 101(b) of
23 division V of the Consolidated Appropriations Act of
24 2021 (Public Law 116–260) is amended by striking

1935

1 *the item relating to section 131 and by inserting the*
2 *following:*

“Sec. 131. Samya Rose Stumo National Air Grant Fellowship Program.”.

3 *(c) REFERENCES.—On and after the date of enactment*
4 *of this section, any reference in a law, regulation, docu-*
5 *ment, paper, or other record of the United States to the*
6 *“National Air Grant Fellowship Program” shall be deemed*
7 *to be a reference to the “Samya Rose Stumo National Air*
8 *Grant Fellowship Program”.*

9 *(d) SENSE OF CONGRESS.—It is the sense of Congress*
10 *that—*

11 *(1) the lives of 189 passengers and crew, who*
12 *died in the Lion Air Flight 610 crash on October 29,*
13 *2018, are commemorated and recognized, including,*
14 *but not limited to, Captain Bhavye Suneja, First Of-*
15 *ficer Harvino, Permadi Anggrumulja, Liu Chandra,*
16 *Chairul Aswan, Resti Amelia, Reni Ariyanti, Daniel*
17 *Suhardja Wijaya, Mardiman, Dadang, Diah*
18 *Damayanti, Dolar, Dony, Dwinanto, Eryant, Cici*
19 *Ariska, Fendi Christanto, Dr. Ibnu Fajariyadi*
20 *Hantoro, Inayah Fatwa Kurnia Dewi, Hendra, Hesti*
21 *Nuraini, Henry Hew, Khotijah, Jannatun Cintya*
22 *Dewi, Ammad Mughni, Sudibyo Onggowardoyo,*
23 *Shintia Melina, Citra Novita Anggelia Putri, Alviani*
24 *Hidayatul Solikha, Damayanti Simarmata, Mery*
25 *Yulyanda, Putri Yuniarsi, Putty Fatikah Rani, Tan*

1936

1 *Toni, Tami Julian, Moedjiono, Deny Maula, Michelle*
 2 *Vergina Bonkal, Mathew Darryl Bongkal, Adonia*
 3 *Magdiel Bonkal, Fiona Ayu Zen S, Agil Nugroho*
 4 *Septian, Wahyu Alldilla, Xherdan Fachredzi, Deryl*
 5 *Fida Febrianto, Bambang Rosali Usman, Nikki*
 6 *Bagus Santoso, Andrea Manfredi, Muhammad Luthfi*
 7 *Nurrandhani, Shandy Johan Ramadhan, Muchtar*
 8 *Rasyid, Rebiyanti, Eka Suganda, Yulia Silvianti,*
 9 *Syahrudin, Sekar Maulana, Fais Saleh Harharah,*
 10 *Natalia Setiawan, Alfiani Hidayatul Solikah, Robert*
 11 *Susanto, Rudolf Petrus Sayers, Muhammad Syafi,*
 12 *Sian Sian, Arif Yustian, Vicky Ardian, Wanto, and*
 13 *Verian Utama;*

14 *(2) the life of Samya Rose Stumo and the lives*
 15 *of 156 passengers and crew who died in the Ethio-*
 16 *pian Airlines Flight 302 crash on March 10, 2019,*
 17 *are commemorated and recognized, including, but not*
 18 *limited to, Abdishakur Shahad, Abdullahi Moham-*
 19 *med, Adam Kornaski, Adam Mbicha, Professor Agnes*
 20 *W. Gathumbi, Ahmednur Mohammed Omar, Alex-*
 21 *andra Wachtmeister, Ama Tesfamariam, Ambassador*
 22 *Abiodun Oluremi Bashua, Ameen Ismail*
 23 *Noormohamed, Amina Ibrahim Odawaa, Amos*
 24 *Namanya, Angela Rehorn, Ann Wangui Karanja,*
 25 *Anne Mogoi Birundu, Anne (last name unknown),*

1937

1 *Anne-Katrin Feigl, Anushka Dixit, Ashka Dixit,*
2 *Kosha Vaidya, Prerit Dixit, Bennett Riffel, Benson*
3 *Maina Gathu, Bernard Musembi Mutua, Captain*
4 *Yared Getachew, Carolynne Karanja, Ryan Njuguna,*
5 *Kerri Pauls, Rubi Pauls, Cedric Asiavugwa,*
6 *Chunming Jack Wang, Cosmas Kipngetich Rogony,*
7 *CP Christine Alalo, Danielle Moore, Darcy Belanger,*
8 *Dawn Tanner, Djordje Vdovic, Dooa Atef Abdel*
9 *Salam, Dr. Ben Ahmed Chihab, Dr. Manisha*
10 *Nukavarapu, Ekta Adhikari, Elsabet Menwyelet, Fa-*
11 *ther George Mukua, First Officer Ahmednur Moham-*
12 *med, Ayantu Girma, Sara Gebre Michael, Carlo*
13 *Spini, Gabriella Viciani, George Kabau, George*
14 *Kabugi, George Kamau Thugge, Getnet Alemayehu,*
15 *GaoShuang, Ghislaine De Claremont, Harina Hafitz,*
16 *Siraje Hussein Abdi, Hussein Swaleh, Isaac Mwangi,*
17 *Isabella Beryl Achieng Jaboma, Jackson Musoni,*
18 *Jared Babu Mwazo, Mercy Ngami Ndivo, Jessica*
19 *Hyba, Joanna Toole, Jonathan Seex, Jordi Dalmau*
20 *Sayol, Josefin Ekermann, Joseph Kuria Waithaka,*
21 *Julia Mwashhi, Karim Saafi, Karoline Aadland,*
22 *Kodjo Glato, Marcelino Rassul Tayob, Marie Philipp,*
23 *Maria Pilar Buzzetti, Matthew Vecere, Max Thabiso*
24 *Edkins, Mel Riffel, Micah John Messent, Michael*
25 *Ryan, Meraf Yirgalem Areda, Juliet Otieno, Mulugeta*

1938

1 *Asfaw Shenkut, Mulusew Alemu, Mwazo, Nadia*
2 *Adam Abaker Ali, Oliver Vick, Paolo Dieci, Peter*
3 *DeMarsh, Professor Adesanmi, Saad Khalaf Al-*
4 *Mutairi, Sam Pegram, Sara Chalachew, Sarah*
5 *Auffret, Sebastiano Tusa, Shikha Garg, Sintayehu*
6 *Aymeku, Sintayehu Shafi Balaker, Sofia Faisal*
7 *Abdulkadir, Stéphanie Lacroix, Stella Mbicha*
8 *Konarska, Tamirat Mulu Demessie, Anthony Wanjohi*
9 *Ngare, United States Army Captain Antoine Lewis,*
10 *Vaibhav Lahoti, Victor Tsang, Virginia Chimenit,*
11 *WangHeo, Xavier Fricaudet, Yekaterina Polyakova,*
12 *Alexander Polyako, Zhen Zhen Huang, ZhouYuan,*
13 *Pannagesh Vaidya, Hansini Vaidya, Joseph*
14 *Waithaka, Blanka Hrnko, Martin Hrnko, Michala*
15 *Hrnko, Sergei Vyalikov, Suzan Mohamed Abu-Farag,*
16 *Nasser Fatehy Al-Azab Douban, Asraf Mohamed*
17 *Abdel Halim Al-Turkim, Abdel-Hamid Farrag*
18 *Mohamed Magly, Essmat Abdel-Sattar Taha Aransa,*
19 *Jin Yetao, Derick Lwugi, Reverend Sister Florence*
20 *Wangari Yongi, Melvin Riffel, Mwazo Mercy Ngami,*
21 *Reverend Norman Tendis, and Pius Adesanmi;*

22 *(3) the life of Indonesian diver Syachrul Anto,*
23 *who died during search and rescue recovery oper-*
24 *ations in the aftermath of the Lion Air Flight 610*
25 *crash, is commemorated and recognized; and*

1939

1 (4) *the Senate and the House of Representatives*
2 *express their condolences to the families, friends, and*
3 *loved ones of those who died on Lion Air Flight 610*
4 *and Ethiopian Airlines Flight 302 and commend*
5 *their ongoing advocacy to advance aviation safety for*
6 *the flying public at large.*

7 **SEC. 103. TEMPORARY INSURANCE FOR AIR CARRIERS FOR**
8 **CERTAIN TERMINATED COVERAGE.**

9 (a) *IN GENERAL.*—Chapter 443 of title 49, United
10 *States Code, is amended by inserting after section 44302*
11 *the following:*

12 **“§ 44302a. Temporary insurance**

13 “(a) *IN GENERAL.*—The Secretary may provide insur-
14 *ance or reinsurance under this section to or for an air car-*
15 *rier for 1 coverage period not to exceed 90 days. Except*
16 *as otherwise provided in this section, such insurance or re-*
17 *insurance shall be subject to the requirements of this chap-*
18 *ter.*

19 “(b) *RESTRICTIONS.*—A policy for insurance or rein-
20 *surance issued under this section—*

21 “(1) *may not be issued unless the insurance car-*
22 *rier of the air carrier has unilaterally terminated the*
23 *air carrier’s war risk liability coverage pursuant to—*

24 “(A) *notice under the policy;*

25 “(B) *an endorsement to the policy; or*

1940

1 “(C) *an automatic termination provision in*
2 *the policy or any endorsement thereto; and*

3 “(2) *may cover hull, comprehensive, and third*
4 *party liability risks.*

5 “(c) *PREMIUM.—A premium for insurance or reinsur-*
6 *ance provided under this section shall be calculated based*
7 *on a prorated amount equivalent to the premium that was*
8 *in effect under the terminated insurance carrier policy.*

9 “(d) *APPROVAL.—A policy for insurance or reinsur-*
10 *ance provided under this section—*

11 “(1) *shall be exempt from the requirements of*
12 *section 44302(c); and*

13 “(2) *may provide coverage to the extent allowed*
14 *under section 44303, as determined by the Secretary,*
15 *notwithstanding any determination by the President*
16 *in subsection (a)(1) of such section.”.*

17 (b) *CONFORMING AMENDMENTS.—*

18 (1) *GENERAL AUTHORITY.—Section 44303(a) of*
19 *title 49, United States Code, is amended by striking*
20 *“section 44302” and inserting “sections 44302 and*
21 *44302a”.*

22 (2) *ENDING EFFECTIVE DATE.—Section 44310(a)*
23 *of title 49, United States Code, is amended by strik-*
24 *ing “section 44305” and inserting “sections 44302a*
25 *and 44305”.*

1941

1 (c) *CLERICAL AMENDMENT.*—*The analysis for chapter*
2 *443 of title 49, United States Code, is amended by inserting*
3 *after the item relating to section 44302 the following:*

“44302a. Temporary insurance.”.

4 **SEC. 104. REMOVAL OF RESTRICTION ON VETERANS CON-**
5 **CURRENTLY SERVING IN THE OFFICES OF AD-**
6 **MINISTRATOR AND DEPUTY ADMINISTRATOR**
7 **OF THE FEDERAL AVIATION ADMINISTRA-**
8 **TION.**

9 *Section 106(d)(1) of title 49, United States Code, is*
10 *amended by striking “, a retired regular officer of an armed*
11 *force, or a former regular officer of an armed force”.*

12 **SEC. 105. NATIONAL AVIATION PREPAREDNESS PLAN.**

13 (a) *IN GENERAL.*—*Not later than 2 years after the*
14 *date of enactment of this section, the Secretary of Transpor-*
15 *tation, in coordination with the Secretary of Health and*
16 *Human Services, the Secretary of Homeland Security, and*
17 *the heads of such other Federal departments or agencies as*
18 *the Secretary of Transportation considers appropriate,*
19 *shall develop a national aviation preparedness plan for*
20 *communicable disease outbreaks.*

21 (b) *CONTENTS OF PLAN.*—*The plan developed under*
22 *subsection (a) shall, at a minimum—*

23 (1) *provide airports and air carriers with an*
24 *adaptable and scalable framework with which to align*
25 *the individual plans, including the emergency re-*

1942

1 *sponse plans, of such airports and air carriers and*
2 *provide guidance as to each individual plan;*

3 *(2) improve coordination among airports, air*
4 *carriers, the Transportation Security Administration,*
5 *U.S. Customs and Border Protection, the Centers for*
6 *Disease Control and Prevention, other appropriate*
7 *Federal entities, and State and local governments and*
8 *health agencies with respect to preparing for and re-*
9 *sponding to communicable disease outbreaks;*

10 *(3) to the extent practicable, improve coordina-*
11 *tion among relevant international entities;*

12 *(4) create a process to identify appropriate per-*
13 *sonal protective equipment, if any, for covered em-*
14 *ployees to reduce the likelihood of exposure to a cov-*
15 *ered communicable disease, and thereafter issue rec-*
16 *ommendations for the equipage of such employees;*

17 *(5) create a process to identify appropriate tech-*
18 *niques, strategies, and protective infrastructure, if*
19 *any, for the cleaning, disinfecting, and sanitization of*
20 *aircraft and enclosed facilities owned, operated, or*
21 *used by an air carrier or airport, and thereafter issue*
22 *recommendations pertaining to such techniques, strat-*
23 *egies, and protective infrastructure;*

24 *(6) create a process to evaluate technologies and*
25 *develop procedures to effectively screen passengers for*

1943

1 *communicable diseases, including through the use of*
2 *temperature checks if appropriate, for domestic and*
3 *international passengers, crew members, and other in-*
4 *dividuals passing through airport security check-*
5 *points;*

6 *(7) identify and assign Federal agency roles in*
7 *the deployment of emerging and existing technologies*
8 *and solutions to reduce covered communicable diseases*
9 *in the aviation ecosystem;*

10 *(8) clearly delineate the responsibilities of the*
11 *sponsors and operators of airports, air carriers, and*
12 *Federal agencies in responding to a covered commu-*
13 *nicable disease;*

14 *(9) incorporate, as appropriate, the rec-*
15 *ommendations made by the Comptroller General of*
16 *the United States to the Secretary of Transportation*
17 *contained in the report titled “Air Travel and Com-*
18 *municable Diseases: Comprehensive Federal Plan*
19 *Needed for U.S. Aviation System’s Preparedness”,*
20 *issued in December 2015 (GAO-16-127);*

21 *(10) consider the latest peer-reviewed scientific*
22 *studies that address communicable disease with re-*
23 *spect to air transportation; and*

24 *(11) consider funding constraints.*

1944

1 (c) *CONSULTATION.*—When developing the plan under
2 subsection (a), the Secretary of Transportation shall consult
3 with aviation industry and labor stakeholders, including
4 representatives of—

5 (1) *air carriers, which shall include domestic air*
6 *carriers consisting of major air carriers, low-cost car-*
7 *riers, regional air carriers and cargo carriers;*

8 (2) *airport operators, including with respect to*
9 *large hub, medium hub, small hub, and nonhub com-*
10 *mercial service airports;*

11 (3) *labor organizations that represent airline pi-*
12 *lots, flight attendants, air carrier airport customer*
13 *service representatives, and air carrier maintenance,*
14 *repair, and overhaul workers;*

15 (4) *the labor organization certified under section*
16 *7111 of title 5, United States Code, as the exclusive*
17 *bargaining representative of air traffic controllers of*
18 *the Federal Aviation Administration;*

19 (5) *the labor organization certified under such*
20 *section as the exclusive bargaining representative of*
21 *airway transportation systems specialists and avia-*
22 *tion safety inspectors of the Federal Aviation Admin-*
23 *istration;*

24 (6) *trade associations representing air carriers*
25 *and airports;*

1945

1 (7) *aircraft manufacturing companies;*

2 (8) *general aviation; and*

3 (9) *such other stakeholders as the Secretary con-*
4 *siders appropriate.*

5 (d) *REPORT.—Not later than 30 days after the plan*
6 *is developed under subsection (a), the Secretary shall submit*
7 *to the Committee on Transportation and Infrastructure of*
8 *the House of Representatives and the Committee on Com-*
9 *merce, Science, and Transportation of the Senate a report*
10 *that includes such plan.*

11 (e) *REVIEW OF PLAN.—Not later than 1 year after the*
12 *date on which a report is submitted under subsection (d),*
13 *and again not later than 5 years thereafter, the Secretary*
14 *shall review the plan included in such report and, after con-*
15 *sultation with aviation industry and labor stakeholders,*
16 *make changes by rule as the Secretary considers appro-*
17 *priate.*

18 (f) *GAO STUDY.—Not later than 18 months after the*
19 *date of enactment of this section, the Comptroller General*
20 *shall conduct and submit to the Committee on Transpor-*
21 *tation and Infrastructure of the House of Representatives*
22 *and the Committee on Commerce, Science, and Transpor-*
23 *tation of the Senate a study assessing the national aviation*
24 *preparedness plan developed under subsection (a), includ-*
25 *ing—*

1946

1 (1) *whether such plan—*

2 (A) *is responsive to any previous rec-*
3 *ommendations relating to aviation preparedness*
4 *with respect to an outbreak of a covered commu-*
5 *nicable disease or global health emergency made*
6 *by the Comptroller General; and*

7 (B) *meets the obligations of the United*
8 *States under international conventions and trea-*
9 *ties; and*

10 (2) *the extent to which the United States avia-*
11 *tion system is prepared to respond to an outbreak of*
12 *a covered communicable disease.*

13 (g) *DEFINITIONS.—In this section:*

14 (1) *COVERED EMPLOYEE.—The term “covered*
15 *employee” means—*

16 (A) *an individual whose job duties require*
17 *interaction with air carrier passengers on a reg-*
18 *ular and continuing basis and who is an em-*
19 *ployee of—*

20 (i) *an air carrier;*

21 (ii) *an air carrier contractor;*

22 (iii) *an airport; or*

23 (iv) *the Federal Government; or*

1947

1 (B) an air traffic controller or systems safe-
2 ty specialist of the Federal Aviation Administra-
3 tion.

4 (2) COVERED COMMUNICABLE DISEASE.—The
5 term “covered communicable disease” means a com-
6 municable disease that has the potential to cause a fu-
7 ture epidemic or pandemic of infectious disease that
8 would constitute a public health emergency of inter-
9 national concern as declared, after the date of enact-
10 ment of this section, by the Secretary of Health and
11 Human Services under section 319 of the Public
12 Health Service Act (42 U.S.C. 247d).

13 (3) TEMPERATURE CHECK.—The term “tempera-
14 ture check” means the screening of an individual for
15 a fever.

16 **SEC. 106. AEROSPACE SUPPLY CHAIN RESILIENCY TASK**
17 **FORCE.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of enactment of this section, the Secretary of Transpor-
20 tation shall establish the Aerospace Supply Chain Resil-
21 iency Task Force (in this section referred to as the “Task
22 Force”) to—

23 (1) identify and assess risks to United States
24 aerospace supply chains, including the availability of

1948

1 *raw materials and critical manufactured goods, with*
2 *respect to—*

3 *(A) major end items produced by the aero-*
4 *space industry; and*

5 *(B) the infrastructure of the National Air-*
6 *space System; and*

7 *(2) identify best practices and make rec-*
8 *ommendations to mitigate risks identified under*
9 *paragraph (1) and support a robust United States*
10 *aerospace supply chain.*

11 *(b) MEMBERSHIP.—*

12 *(1) IN GENERAL.—The Secretary shall appoint*
13 *not more than 21 individuals to the Task Force.*

14 *(2) COMPOSITION.—In appointing individuals to*
15 *the Task Force, the Secretary shall appoint:*

16 *(A) At least 1 individual representing each*
17 *of the following:*

18 *(i) Manufacturers of aircraft.*

19 *(ii) Manufacturers of avionics.*

20 *(iii) Manufacturers of aircraft propul-*
21 *sion systems.*

22 *(iv) Manufacturers of aircraft struc-*
23 *tures.*

1949

1 (v) *Manufacturers of communications,*
2 *navigation, and surveillance equipment*
3 *used for the provision of air traffic services.*

4 (vi) *Manufacturers of commercial*
5 *space transportation launch vehicles.*

6 (vii) *Commercial air carriers.*

7 (viii) *General aviation operators.*

8 (ix) *Rotorcraft operators.*

9 (x) *Unmanned aircraft system opera-*
10 *tors.*

11 (xi) *Aircraft maintenance providers.*

12 (xii) *Aviation safety organizations.*

13 (B) *At least 1 individual representing cer-*
14 *tified labor representatives of each of the fol-*
15 *lowing:*

16 (i) *Aircraft mechanics.*

17 (ii) *Aircraft engineers.*

18 (iii) *Aircraft manufacturers.*

19 (iv) *Airway transportation system spe-*
20 *cialists employed by the Federal Aviation*
21 *Administration.*

22 (C) *Individuals with expertise in logistics,*
23 *economics, supply chain management, or another*
24 *field or discipline related to the resilience of in-*
25 *dustrial supply chains.*

1950

1 (c) *ACTIVITIES.*—*In carrying out the responsibilities*
2 *of the Task Force described in subsection (a), the Task Force*
3 *shall—*

4 (1) *engage with the aerospace industry to docu-*
5 *ment trends in changes to production throughput and*
6 *lead times of major end items produced by the aero-*
7 *space industry;*

8 (2) *determine the extent to which United States*
9 *aerospace supply chains are potentially exposed to*
10 *significant disturbances, including the existence of*
11 *and potential for supply chain issues such as*
12 *chokepoints, bottlenecks, or shortages that could pre-*
13 *vent or inhibit the production or flow of major end*
14 *items and services;*

15 (3) *explore new solutions to resolve such supply*
16 *chain issues identified under paragraph (2), includ-*
17 *ing through the use of—*

18 (A) *existing aerospace infrastructure; and*

19 (B) *aerospace infrastructure, manufac-*
20 *turing capabilities, and production capacities in*
21 *small or rural communities;*

22 (4) *evaluate the potential for the introduction*
23 *and integration of advanced technology to—*

24 (A) *relieve such supply chain issues; and*

25 (B) *fill such gaps;*

1951

1 (5) *utilize, to the maximum extent practicable,*
2 *existing supply chain studies, reports, and materials*
3 *in carrying out the activities described in this sub-*
4 *section; and*

5 (6) *provide recommendations to address, man-*
6 *age, and relieve such supply chain issues.*

7 (d) *MEETINGS.—*

8 (1) *IN GENERAL.—Except as provided in para-*
9 *graph (2), the Task Force shall convene at such times*
10 *and places, and by such means, as the Secretary de-*
11 *termines to be appropriate, which may include the*
12 *use of remote conference technology.*

13 (2) *TIMING.—The Task Force shall convene for*
14 *an initial meeting not later than 120 days after the*
15 *date of enactment of this section and at least every*
16 *90 days thereafter.*

17 (e) *REPORTS TO CONGRESS.—*

18 (1) *REPORT OF TASK FORCE.—*

19 (A) *IN GENERAL.—Not later than 1 year*
20 *after the date of the initial meeting of the Task*
21 *Force, the Task Force shall submit to the appro-*
22 *priate committees of Congress a report on the ac-*
23 *tivities of the Task Force.*

24 (B) *CONTENTS.—The report required under*
25 *subparagraph (A) shall include—*

1952

1 (i) *best practices and recommendations*
2 *identified pursuant to subsection (a)(2);*
3 (ii) *a detailed description of the find-*
4 *ings of the Task Force pursuant to the ac-*
5 *tivities required by subsection (c); and*
6 (iii) *recommendations of the Task*
7 *Force, if any, for regulatory, policy, or leg-*
8 *islative action to improve Government ef-*
9 *forts to reduce barriers, mitigate risk, and*
10 *bolster the resiliency of United States aero-*
11 *space supply chains.*

12 (2) *REPORT OF SECRETARY.*—*Not later than 180*
13 *days after the submission of the report required under*
14 *paragraph (1), the Secretary shall submit a report to*
15 *the appropriate committees of Congress on the status*
16 *or implementation of recommendations of the Task*
17 *Force included in the report required under para-*
18 *graph (1).*

19 (f) *APPLICABLE LAW.*—*The Federal Advisory Com-*
20 *mittee Act (5 U.S.C. App.) shall not apply to the Task*
21 *Force.*

22 (g) *SUNSET.*—*The Task Force shall terminate upon*
23 *the submission of the report required by subsection (e)(1).*

24 (h) *DEFINITIONS.*—*In this section:*

1953

1 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—

2 *The term “appropriate committees of Congress”*
3 *means—*

4 (A) *the Committee on Transportation and*
5 *Infrastructure of the House of Representatives;*
6 *and*

7 (B) *the Committee on Commerce, Science,*
8 *and Transportation of the Senate.*

9 (2) *MAJOR END ITEM.*—*The term “major end*
10 *item” means—*

11 (A) *an aircraft;*

12 (B) *an aircraft engine or propulsion sys-*
13 *tem;*

14 (C) *communications, navigation, or surveil-*
15 *lance equipment used in the provision of air*
16 *traffic services; and*

17 (D) *any other end item the manufacture*
18 *and operation of which has a significant effect*
19 *on air commerce, as determined by the Sec-*
20 *retary.*

21 **SEC. 107. COVERED OPERATIONS ELECTIVE STANDARDS.**

22 (a) *IN GENERAL.*—*Section 44729(a) of title 49, United*
23 *States Code, is amended by striking “covered operations*
24 *until attaining 65 years of age.” and inserting the fol-*
25 *lowing: “covered operations described in subsection (b)(1)*

1954

1 *until attaining 65 years of age. Air carriers that employ*
2 *pilots who serve in covered operations described in sub-*
3 *section (b)(2) may elect to implement an age restriction to*
4 *prohibit employed pilots from serving in such covered oper-*
5 *ations after attaining 70 years of age by delivering written*
6 *notice to the Administrator of the Federal Aviation Admin-*
7 *istration. Such election—*

8 “(1) shall take effect 1 year after the date of de-
9 *livery of written notice of the election; and*

10 “(2) may not be terminated after the date on
11 *which such election takes effect by the air carrier.”.*

12 (b) *COVERED OPERATIONS.*—Section 44729(b) of title
13 49, *United States Code*, is amended by striking “means op-
14 *erations under part 121 of title 14, Code of Federal Regula-*
15 *tions.” and inserting the following: “means—*

16 “(1) *operations under part 121 of title 14, Code*
17 *of Federal Regulations; or*

18 “(2) *operations by a person that—*

19 “(A) *holds an air carrier certificate issued*
20 *pursuant to part 119 of title 14, Code of Federal*
21 *Regulations, to conduct operations under part*
22 *135 of such title;*

23 “(B) *holds management specifications under*
24 *subpart K of title 91 of title 14, Code of Federal*
25 *Regulations; and*

1955

1 “(C) performed an aggregate total of at
2 least 75,000 turbojet operations in calendar year
3 2019 or any subsequent year.”.

4 (c) *PROTECTION FOR COMPLIANCE.*—An action or elec-
5 tion taken in conformance with the amendments made by
6 this section, or taken in conformance with a regulation
7 issued to carry out the amendments made by this section,
8 may not serve as a basis for liability or relief in a pro-
9 ceeding brought under any employment law or regulation
10 before any court or agency of the United States or of any
11 State or locality.

12 ***DIVISION R—NO TIKTOK ON***
13 ***GOVERNMENT DEVICES***

14 ***SEC. 101. SHORT TITLE.***

15 *This division may be cited as the “No TikTok on Gov-*
16 *ernment Devices Act”.*

17 ***SEC. 102. PROHIBITION ON THE USE OF TIKTOK.***

18 (a) *DEFINITIONS.*—In this section—

19 (1) the term “covered application” means the so-
20 cial networking service TikTok or any successor ap-
21 plication or service developed or provided by
22 ByteDance Limited or an entity owned by ByteDance
23 Limited;

1956

1 (2) *the term “executive agency” has the meaning*
2 *given that term in section 133 of title 41, United*
3 *States Code; and*

4 (3) *the term “information technology” has the*
5 *meaning given that term in section 11101 of title 40,*
6 *United States Code.*

7 (b) *PROHIBITION ON THE USE OF TIKTOK.—*

8 (1) *IN GENERAL.—Not later than 60 days after*
9 *the date of the enactment of this Act, the Director of*
10 *the Office of Management and Budget, in consultation*
11 *with the Administrator of General Services, the Direc-*
12 *tor of the Cybersecurity and Infrastructure Security*
13 *Agency, the Director of National Intelligence, and the*
14 *Secretary of Defense, and consistent with the informa-*
15 *tion security requirements under subchapter II of*
16 *chapter 35 of title 44, United States Code, shall de-*
17 *velop standards and guidelines for executive agencies*
18 *requiring the removal of any covered application from*
19 *information technology.*

20 (2) *NATIONAL SECURITY AND RESEARCH EXCEP-*
21 *TIONS.—The standards and guidelines developed*
22 *under paragraph (1) shall include—*

23 (A) *exceptions for law enforcement activi-*
24 *ties, national security interests and activities,*
25 *and security researchers; and*

1957

1 (B) for any authorized use of a covered ap-
2 plication under an exception, requirements for
3 executive agencies to develop and document risk
4 mitigation actions for such use.

5 ***DIVISION S—OCEANS RELATED***
6 ***MATTERS***
7 ***TITLE I—DRIFTNET***
8 ***MODERNIZATION***

9 ***SEC. 101. SHORT TITLE.***

10 *This title may be cited as the “Driftnet Modernization*
11 *and Bycatch Reduction Act”.*

12 ***SEC. 102. DEFINITION.***

13 *Section 3(25) of the Magnuson-Stevens Fishery Con-*
14 *servation and Management Act (16 U.S.C. 1802(25)) is*
15 *amended by inserting “, or with a mesh size of 14 inches*
16 *or greater,” after “more”.*

17 ***SEC. 103. FINDINGS AND POLICY.***

18 *(a) FINDINGS.—Section 206(b) of the Magnuson-Ste-*
19 *vens Fishery Conservation and Management Act (16 U.S.C.*
20 *1826(b)) is amended—*

21 *(1) in paragraph (6), by striking “and” at the*
22 *end;*

23 *(2) in paragraph (7), by striking the period and*
24 *inserting “; and”; and*

25 *(3) by adding at the end the following:*

1958

1 “(8) *within the exclusive economic zone, large-*
2 *scale driftnet fishing that deploys nets with large*
3 *mesh sizes causes significant entanglement and mor-*
4 *tality of living marine resources, including myriad*
5 *protected species, despite limitations on the lengths of*
6 *such nets.*”.

7 (b) *POLICY.—Section 206(c) of the Magnuson-Stevens*
8 *Fishery Conservation and Management Act (16 U.S.C.*
9 *1826(c)) is amended—*

10 (1) *in paragraph (2), by striking “and” at the*
11 *end;*

12 (2) *in paragraph (3), by striking the period and*
13 *inserting “; and”; and*

14 (3) *by adding at the end the following:*

15 “(4) *prioritize the phase out of large-scale*
16 *driftnet fishing in the exclusive economic zone and*
17 *promote the development and adoption of alternative*
18 *fishing methods and gear types that minimize the in-*
19 *cidental catch of living marine resources.*”.

20 **SEC. 104. TRANSITION PROGRAM.**

21 *Section 206 of the Magnuson-Stevens Fishery Con-*
22 *servation and Management Act (16 U.S.C. 1826) is amend-*
23 *ed by adding at the end the following—*

24 “(i) *FISHING GEAR TRANSITION PROGRAM.—*

1959

1 “(1) *IN GENERAL.*—During the 5-year period be-
2 ginning on the date of enactment of the Driftnet Mod-
3 ernization and Bycatch Reduction Act, the Secretary
4 shall conduct a transition program to facilitate the
5 phase-out of large-scale driftnet fishing and adoption
6 of alternative fishing practices that minimize the in-
7 cidental catch of living marine resources, and shall
8 award grants to eligible permit holders who partici-
9 pate in the program.

10 “(2) *PERMISSIBLE USES.*—Any permit holder re-
11 ceiving a grant under paragraph (1) may use such
12 funds only for the purpose of covering—

13 “(A) any fee originally associated with a
14 permit authorizing participation in a large-scale
15 driftnet fishery, if such permit is surrendered for
16 permanent revocation, and such permit holder
17 relinquishes any claim associated with the per-
18 mit;

19 “(B) a forfeiture of fishing gear associated
20 with a permit described in subparagraph (A); or

21 “(C) the purchase of alternative gear with
22 minimal incidental catch of living marine re-
23 sources, if the fishery participant is authorized
24 to continue fishing using such alternative gears.

1960

1 “(3) *CERTIFICATION.*—*The Secretary shall cer-*
2 *tify that, with respect to each participant in the pro-*
3 *gram under this subsection, any permit authorizing*
4 *participation in a large-scale driftnet fishery has been*
5 *permanently revoked and that no new permits will be*
6 *issued to authorize such fishing.*”.

7 **SEC. 105. EXCEPTION.**

8 *Section 307(1)(M) of the Magnuson-Stevens Fishery*
9 *Conservation and Management Act (16 U.S.C. 1857(1)(M))*
10 *is amended by inserting before the semicolon the following:*
11 *“, unless such large-scale driftnet fishing—*

12 *“(i) deploys, within the exclusive eco-*
13 *nomie zone, a net with a total length of less*
14 *than two and one-half kilometers and a*
15 *mesh size of 14 inches or greater; and*

16 *“(ii) is conducted within 5 years of the*
17 *date of enactment of the Driftnet Mod-*
18 *ernization and Bycatch Reduction Act”.*

19 **SEC. 106. FEES.**

20 *(a) IN GENERAL.*—*The North Pacific Fishery Manage-*
21 *ment Council may recommend, and the Secretary of Com-*
22 *merce may approve, regulations necessary for the collection*
23 *of fees from charter vessel operators who guide recreational*
24 *anglers who harvest Pacific halibut in International Pacific*
25 *Halibut Commission regulatory areas 2C and 3A as those*

1961

1 *terms are defined in part 300 of title 50, Code of Federal*
2 *Regulations (or any successor regulations).*

3 (b) *USE OF FEES.—Any fees collected under this sec-*
4 *tion shall be available for the purposes of—*

5 (1) *financing administrative costs of the Rec-*
6 *reational Quota Entity program;*

7 (2) *the purchase of halibut quota shares in Inter-*
8 *national Pacific Halibut Commission regulatory*
9 *areas 2C and 3A by the recreational quota entity au-*
10 *thorized in part 679 of title 50, Code of Federal Regu-*
11 *lations (or any successor regulations);*

12 (3) *halibut conservation and research; and*

13 (4) *promotion of the halibut resource by the rec-*
14 *reational quota entity authorized in part 679 of title*
15 *50, Code of Federal Regulations (or any successor reg-*
16 *ulations).*

17 (c) *LIMITATION ON COLLECTION AND AVAILABILITY.—*
18 *Fees shall be collected and available pursuant to this section*
19 *only to the extent and in such amounts as provided in ad-*
20 *vance in appropriations Acts, subject to subsection (d).*

21 (d) *FEE COLLECTED DURING START-UP PERIOD.—*
22 *Notwithstanding subsection (c), fees may be collected*
23 *through the date of enactment of an Act making appropria-*
24 *tions for the activities authorized under this Act through*

1962

1 *September 30, 2023, and shall be available for obligation*
2 *and remain available until expended.*

3 ***TITLE II—FISHERY RESOURCE***
4 ***DISASTERS IMPROVEMENT***

5 ***SEC. 201. SHORT TITLE.***

6 *This title may be cited as the “Fishery Resource Disas-*
7 *ters Improvement Act”.*

8 ***SEC. 202. FISHERY RESOURCE DISASTER RELIEF.***

9 *Section 312(a) of the Magnuson-Stevens Fishery Con-*
10 *servation and Management Act (16 U.S.C. 1861a(a)) is*
11 *amended to read as follows:*

12 *“(a) FISHERY RESOURCE DISASTER RELIEF.—*

13 *“(1) DEFINITIONS.—In this subsection:*

14 *“(A) ALLOWABLE CAUSE.—The term ‘allow-*
15 *able cause’ means a natural cause, discrete an-*
16 *thropogenic cause, or undetermined cause, in-*
17 *cluding a cause that occurred not more than 5*
18 *years prior to the date of a request for a fishery*
19 *resource disaster determination that affected such*
20 *applicable fishery.*

21 *“(B) ANTHROPOGENIC CAUSE.—The term*
22 *‘anthropogenic cause’ means an anthropogenic*
23 *event, such as an oil spill or spillway opening—*

1963

1 “(i) that could not have been addressed
2 or prevented by fishery management meas-
3 ures; and

4 “(ii) that is otherwise beyond the con-
5 trol of fishery managers to mitigate through
6 conservation and management measures, in-
7 cluding regulatory restrictions imposed as a
8 result of judicial action or to protect human
9 health or marine animals, plants, or habi-
10 tats.

11 “(C) *FISHERY RESOURCE DISASTER*.—The
12 term ‘fishery resource disaster’ means a disaster
13 that is determined by the Secretary in accord-
14 ance with this subsection and—

15 “(i) is an unexpected large decrease in
16 fish stock biomass or other change that re-
17 sults in significant loss of access to the fish-
18 ery resource, which may include loss of fish-
19 ing vessels and gear for a substantial period
20 of time and results in significant revenue
21 loss or negative subsistence impact due to
22 an allowable cause; and

23 “(ii) does not include—

24 “(I) reasonably predictable, fore-
25 seeable, and recurrent fishery cyclical

1964

1 *variations in species distribution or*
2 *stock abundance; or*

3 “(II) *reductions in fishing oppor-*
4 *tunities resulting from conservation*
5 *and management measures taken pur-*
6 *suant to this Act.*

7 “(D) *INDIAN TRIBE.*—*The term ‘Indian*
8 *Tribe’ has the meaning given such term in sec-*
9 *tion 102 of the Federally Recognized Indian*
10 *Tribe List Act of 1994 (25 U.S.C. 5130), and the*
11 *term ‘Tribal’ means of or pertaining to such an*
12 *Indian tribe.*

13 “(E) *NATURAL CAUSE.*—*The term ‘natural*
14 *cause’—*

15 “(i) *means a weather, climatic, hazard,*
16 *or biology-related event, such as—*

17 “(I) *a hurricane;*

18 “(II) *a flood;*

19 “(III) *a harmful algal bloom;*

20 “(IV) *a tsunami;*

21 “(V) *a hypoxic zone;*

22 “(VI) *a drought;*

23 “(VII) *El Niño effects on water*
24 *temperature;*

25 “(VIII) *a marine heat wave; or*

1965

1 “(IX) disease; and

2 “(ii) does not mean a normal or cycli-
3 cal variation in a species distribution or
4 stock abundance.

5 “(F) 12-MONTH REVENUE LOSS.—The term
6 ‘12-month revenue loss’ means the percentage re-
7 duction, as applicable, in commercial, charter,
8 headboat, or processor revenue for the affected
9 fishery for the 12 months during which the fish-
10 ery resource disaster occurred, when compared to
11 average annual revenue in the most recent 5
12 years when no fishery resource disaster occurred
13 or equivalent for stocks with cyclical life his-
14 tories.

15 “(G) UNDETERMINED CAUSE.—The term
16 ‘undetermined cause’ means a cause in which the
17 current state of knowledge does not allow the Sec-
18 retary to identify the exact cause, and there is no
19 current conclusive evidence supporting a possible
20 cause of the fishery resource disaster.

21 “(2) GENERAL AUTHORITY.—

22 “(A) IN GENERAL.—The Secretary shall
23 have the authority to determine the existence, ex-
24 tent, and beginning and end dates of a fishery

1966

1 *resource disaster under this subsection in accord-*
2 *ance with this subsection.*

3 “(B) *AVAILABILITY OF FUNDS.*—*After the*
4 *Secretary determines that a fishery resource dis-*
5 *aster has occurred, the Secretary is authorized to*
6 *make sums available, from funds appropriated*
7 *for such purposes, to be used by the affected*
8 *State, Indian Tribe, or interstate marine fish-*
9 *eries commission, or by the Secretary in coopera-*
10 *tion with the affected State, Indian Tribe, or*
11 *interstate marine fisheries commission.*

12 “(C) *SAVINGS CLAUSE.*—*The requirements*
13 *under this paragraph and paragraphs (3), (4),*
14 *and (5) shall take effect only with respect to fish-*
15 *ery resource disaster determination requests sub-*
16 *mitted after the date of enactment of the Fishery*
17 *Resource Disasters Improvement Act.*

18 “(3) *INITIATION OF A FISHERY RESOURCE DIS-*
19 *ASTER REVIEW.*—

20 “(A) *ELIGIBLE REQUESTERS.*—

21 “(i) *IN GENERAL.*—*If the Secretary*
22 *has not independently determined that a*
23 *fishery resource disaster has occurred, a re-*
24 *quest for a fishery resource disaster deter-*
25 *mination may be submitted to the Secretary*

1967

1 *at any time, but not later than the applica-*
2 *ble date determined under clause (ii), by—*

3 *“(I) the Governor of an affected*
4 *State;*

5 *“(II) an official resolution of an*
6 *Indian Tribe; or*

7 *“(III) any other comparable elect-*
8 *ed or politically appointed representa-*
9 *tive as determined by the Secretary.*

10 *“(ii) APPLICABLE DATE.—The applica-*
11 *ble date under this clause shall be—*

12 *“(I) 1 year after the date of the*
13 *conclusion of the fishing season;*

14 *“(II) in the case of a distinct*
15 *cause that occurs during more than 1*
16 *consecutive fishing season, 2 years*
17 *after the date of the conclusion of the*
18 *fishing season for which the request for*
19 *a fishery resource disaster determina-*
20 *tion is made; or*

21 *“(III) in the case of a complete*
22 *fishery closure, 1 year after the date on*
23 *which that closure is determined by the*
24 *Secretary.*

1968

1 “(B) *REQUIRED INFORMATION.*—A complete
2 request for a fishery resource disaster determina-
3 tion under subparagraph (A) shall include—

4 “(i) identification of all presumed af-
5 fected fish stocks;

6 “(ii) identification of the fishery as
7 Federal, non-Federal, or both;

8 “(iii) the geographical boundaries of
9 the fishery, as determined by the eligible re-
10 quester, including geographic boundaries
11 that are smaller than the area represented
12 by the eligible requester;

13 “(iv) preliminary information on
14 causes of the fishery resource disaster, if
15 known; and

16 “(v) information needed to support a
17 finding of a fishery resource disaster, in-
18 cluding—

19 “(I) information demonstrating
20 the occurrence of an unexpected large
21 decrease in fish stock biomass or other
22 change that results in significant loss
23 of access to the fishery resource, which
24 could include the loss of fishing vessels

1969

1 *and gear, for a substantial period of*
2 *time;*

3 *“(II) significant—*

4 *“(aa) 12-month revenue loss*
5 *for the affected fishery; or*

6 *“(bb) negative subsistence*
7 *impact for the affected fishery, or*
8 *if a fishery resource disaster has*
9 *occurred at any time in the pre-*
10 *vious 5-year period, the most re-*
11 *cent 5 years when no fishery re-*
12 *source disaster occurred;*

13 *“(III) if applicable, information*
14 *on lost resource tax revenues assessed*
15 *by local communities, such as a raw*
16 *fish tax and local sourcing require-*
17 *ments; and*

18 *“(IV) if applicable and available,*
19 *information on affected fishery 12-*
20 *month revenue loss for charter,*
21 *headboat, or processors related to the*
22 *information provided under subclause*
23 *(I), subject to section 402(b).*

1970

1 “(C) *ASSISTANCE.*—*The Secretary may pro-*
2 *vide data and analysis assistance to an eligible*
3 *requester described in paragraph (1), if—*

4 “(i) *the assistance is so requested;*

5 “(ii) *the Secretary is in possession of*
6 *the required information described in sub-*
7 *paragraph (B); and*

8 “(iii) *the data is not available to the*
9 *requester, in carrying out the complete re-*
10 *quest under subparagraph (B).*

11 “(D) *INITIATION OF REVIEW.*—*The Sec-*
12 *retary shall have the discretion to initiate a fish-*
13 *ery resource disaster review without a request.*

14 “(4) *REVIEW PROCESS.*—

15 “(A) *INTERIM RESPONSE.*—*Not later than*
16 *20 days after receipt of a request under para-*
17 *graph (3), the Secretary shall provide an interim*
18 *response to the individual that—*

19 “(i) *acknowledges receipt of the request;*

20 “(ii) *provides a regional contact with-*
21 *in the National Oceanographic and Atmos-*
22 *pheric Administration;*

23 “(iii) *outlines the process and timeline*
24 *by which a request shall be considered; and*

1971

1 “(iv) requests additional information
2 concerning the fishery resource disaster, if
3 the original request is considered incom-
4 plete.

5 “(B) EVALUATION OF REQUESTS.—

6 “(i) IN GENERAL.—The Secretary shall
7 complete a review, within the time frame
8 described in clause (ii), using the best sci-
9 entific information available, in consulta-
10 tion with the affected fishing communities,
11 States, or Indian Tribes, of—

12 “(I) the information provided by
13 the requester and any additional infor-
14 mation relevant to the fishery, which
15 may include—

16 “(aa) fishery characteristics;

17 “(bb) stock assessments;

18 “(cc) the most recent fishery
19 independent surveys and other
20 fishery resource assessments and
21 surveys conducted by Federal,
22 State, or Tribal officials;

23 “(dd) estimates of mortality;

24 and

25 “(ee) overall effects; and

1972

1 “(II) the available economic infor-
2 mation, which may include an anal-
3 ysis of—
4 “(aa) landings data;
5 “(bb) revenue;
6 “(cc) the number of partici-
7 pants involved;
8 “(dd) the number and type of
9 jobs and persons impacted, which
10 may include—
11 “(AA) fishers;
12 “(BB) charter fishing
13 operators;
14 “(CC) subsistence users;
15 “(DD) United States
16 fish processors; and
17 “(EE) an owner of a re-
18 lated fishery infrastructure
19 or business affected by the
20 disaster, such as a marina
21 operator, recreational fishing
22 equipment retailer, or char-
23 ter, headboat, or tender vessel
24 owner, operator, or crew;

1973

1 “(ee) an impacted Indian
2 Tribe;

3 “(ff) other forms of disaster
4 assistance made available to the
5 fishery, including prior awards of
6 disaster assistance for the same
7 event;

8 “(gg) the length of time the
9 resource, or access to the resource,
10 has been restricted;

11 “(hh) status of recovery from
12 previous fishery resource disasters;

13 “(ii) lost resource tax reve-
14 nues assessed by local commu-
15 nities, such as a raw fish tax; and

16 “(jj) other appropriate indi-
17 cators to an affected fishery, as
18 determined by the National Ma-
19 rine Fisheries Service.

20 “(ii) *TIME FRAME.*—The Secretary
21 shall complete the review described in clause
22 (i), if the fishing season, applicable to the
23 fishery—

24 “(I) has concluded or there is no
25 defined fishing season applicable to the

1974

1 *fishery, not later than 120 days after*
2 *the Secretary receives a complete re-*
3 *quest for a fishery resource disaster de-*
4 *termination;*

5 *“(II) has not concluded, not later*
6 *than 120 days after the conclusion of*
7 *the fishing season; or*

8 *“(III) is expected to be closed for*
9 *the entire fishing season, not later than*
10 *120 days after the Secretary receives a*
11 *complete request for a fishery resource*
12 *disaster determination.*

13 *“(C) FISHERY RESOURCE DISASTER DETER-*
14 *MINATION.—The Secretary shall make the deter-*
15 *mination of a fishery resource disaster based on*
16 *the criteria for determinations listed in para-*
17 *graph (5).*

18 *“(D) NOTIFICATION.—Not later than 14*
19 *days after the conclusion of the review under this*
20 *paragraph, the Secretary shall notify the re-*
21 *quester and the Governor of the affected State or*
22 *Indian Tribe representative of the determination*
23 *of the Secretary.*

24 *“(5) CRITERIA FOR DETERMINATIONS.—*

1975

1 “(A) *IN GENERAL.*—*The Secretary shall*
2 *make a determination about whether a fishery*
3 *resource disaster has occurred, based on the rev-*
4 *enue loss thresholds under subparagraph (B),*
5 *and, if a fishery resource disaster has occurred,*
6 *whether the fishery resource disaster was due*
7 *to—*

8 “(i) *a natural cause;*

9 “(ii) *an anthropogenic cause;*

10 “(iii) *a combination of a natural cause*
11 *and an anthropogenic cause; or*

12 “(iv) *an undetermined cause.*

13 “(B) *REVENUE LOSS THRESHOLDS.*—

14 “(i) *IN GENERAL.*—*Based on the infor-*
15 *mation provided or analyzed under para-*
16 *graph (4)(B), the Secretary shall apply the*
17 *following 12-month revenue loss thresholds*
18 *in determining whether a fishery resource*
19 *disaster has occurred:*

20 “(I) *Losses greater than 80 per-*
21 *cent may result in a positive deter-*
22 *mination that a fishery resource dis-*
23 *aster has occurred, based on the infor-*
24 *mation provided or analyzed under*
25 *paragraph (4)(B).*

1976

1 “(II) *Losses between 35 percent*
2 *and 80 percent shall be evaluated to*
3 *determine whether economic impacts*
4 *are severe enough to determine that a*
5 *fishery resource disaster has occurred.*

6 “(III) *Losses less than 35 percent*
7 *shall not be eligible for a determina-*
8 *tion that a fishery resource disaster*
9 *has occurred.*

10 “(ii) *CHARTER FISHING.—In making*
11 *a determination of whether a fishery re-*
12 *source disaster has occurred, the Secretary*
13 *shall consider the economic impacts to the*
14 *charter fishing industry to ensure financial*
15 *coverage for charter fishing businesses.*

16 “(iii) *NEGATIVE SUBSISTENCE IM-*
17 *PACTS.—In considering negative subsistence*
18 *impacts, the Secretary shall evaluate the se-*
19 *verity of negative impacts to the fishing*
20 *community instead of applying the revenue*
21 *loss thresholds described in clause (i).*

22 “(C) *INELIGIBLE FISHERIES.—A fishery*
23 *subject to overfishing in any of the 3 years pre-*
24 *ceding the date of a determination under this*
25 *subsection is not eligible for a determination of*

† HR 2617 EAS2

1977

1 *whether a fishery resource disaster has occurred*
2 *unless the Secretary determines that overfishing*
3 *was not a contributing factor to the fishery re-*
4 *source disaster.*

5 “(D) *EXCEPTIONAL CIRCUMSTANCES.—In*
6 *an exceptional circumstance where substantial*
7 *economic impacts to the affected fishery and fish-*
8 *ing community have been subject to a disaster*
9 *declaration under another statutory authority,*
10 *such as in the case of a natural disaster or from*
11 *the direct consequences of a Federal action taken*
12 *to prevent, or in response to, a natural disaster*
13 *for purposes of protecting life and safety, the*
14 *Secretary may determine a fishery resource dis-*
15 *aster has occurred without a request, notwith-*
16 *standing the requirements under subparagraph*
17 *(B) and paragraph (3).*

18 “(6) *DISBURSAL OF APPROPRIATED FUNDS.—*

19 “(A) *AUTHORIZATION.—The Secretary shall*
20 *allocate funds available under paragraph (9) for*
21 *fishery resource disasters.*

22 “(B) *ALLOCATION OF APPROPRIATED FISH-*
23 *ERY RESOURCE DISASTER ASSISTANCE.—*

24 “(i) *NOTIFICATION OF FUNDING AVAIL-*
25 *ABILITY.—When there are appropriated*

1978

1 *funds for 1 or more fishery resource disas-*
2 *ters, the Secretary shall notify—*

3 *“(I) the public; and*

4 *“(II) representatives of affected*
5 *fishing communities with a positive*
6 *disaster determination that is un-*
7 *funded;*

8 *of the availability of funds, not more than*
9 *14 days after the date of the appropriation*
10 *or the determination of a fishery resource*
11 *disaster, whichever occurs later.*

12 *“(ii) EXTENSION OF DEADLINE.—The*
13 *Secretary may extend the deadline under*
14 *clause (i) by 90 days to evaluate and make*
15 *determinations on eligible requests.*

16 *“(C) CONSIDERATIONS.—In determining the*
17 *allocation of appropriations for a fishery re-*
18 *source disaster, the Secretary shall consider com-*
19 *mercial, charter, headboat, or seafood processing*
20 *revenue losses and negative impacts to subsist-*
21 *ence or Indian Tribe ceremonial fishing oppor-*
22 *tunity, for the affected fishery, and may consider*
23 *the following factors:*

24 *“(i) Direct economic impacts.*

25 *“(ii) Uninsured losses.*

1979

1 “(iii) *Losses of recreational fishing op-*
2 *portunity.*

3 “(iv) *Aquaculture operations revenue*
4 *loss.*

5 “(v) *Direct revenue losses to a fishing*
6 *community.*

7 “(vi) *Treaty obligations.*

8 “(vii) *Other economic impacts.*

9 “(D) *SPEND PLANS.—To receive an alloca-*
10 *tion from funds available under paragraph (9),*
11 *a requester with an affirmative fishery resource*
12 *disaster determination shall submit a spend plan*
13 *to the Secretary, not more than 120 days after*
14 *receiving notification that funds are available,*
15 *that shall include the following information, if*
16 *applicable:*

17 “(i) *Objectives and outcomes, with an*
18 *emphasis on addressing the factors contrib-*
19 *uting to the fishery resource disaster and*
20 *minimizing future uninsured losses, if ap-*
21 *plicable.*

22 “(ii) *Statement of work.*

23 “(iii) *Budget details.*

24 “(E) *REGIONAL CONTACT.—If so requested,*
25 *the Secretary shall provide a regional contact*

1980

1 *within the National Oceanic and Atmospheric*
2 *Administration to facilitate review of spend*
3 *plans and disbursal of funds.*

4 “(F) *DISBURSAL OF FUNDS.*—

5 “(i) *AVAILABILITY.*—*Funds shall be*
6 *made available to grantees not later than 90*
7 *days after the date the Secretary receives a*
8 *complete spend plan.*

9 “(ii) *METHOD.*—*The Secretary may*
10 *provide an allocation of funds under this*
11 *subsection in the form of a grant, direct*
12 *payment, cooperative agreement, loan, or*
13 *contract.*

14 “(iii) *ELIGIBLE USES.*—

15 “(I) *IN GENERAL.*—*Funds allo-*
16 *cated for fishery resources disasters*
17 *under this subsection shall restore the*
18 *fishery affected by such a disaster, pre-*
19 *vent a similar disaster in the future, or*
20 *assist the affected fishing community,*
21 *and shall prioritize the following uses,*
22 *which are not in order of priority:*

23 “(aa) *Habitat conservation*
24 *and restoration and other activi-*
25 *ties, including scientific research,*

1981

1 *that reduce adverse impacts to the*
2 *fishery or improve understanding*
3 *of the affected species or its eco-*
4 *system.*

5 “(bb) *The collection of fishery*
6 *information and other activities*
7 *that improve management of the*
8 *affected fishery.*

9 “(cc) *In a commercial fish-*
10 *ery, capacity reduction and other*
11 *activities that improve manage-*
12 *ment of fishing effort, including*
13 *funds to offset budgetary costs to*
14 *refinance a Federal fishing capac-*
15 *ity reduction loan or to repay the*
16 *principal of a Federal fishing ca-*
17 *capacity reduction loan.*

18 “(dd) *Developing, repairing,*
19 *or improving fishery-related pub-*
20 *lic infrastructure.*

21 “(ee) *Direct assistance to a*
22 *person, fishing community (in-*
23 *cluding assistance for lost fisheries*
24 *resource levies), or a business to*
25 *alleviate economic loss incurred as*

1982

1 *a direct result of a fishery re-*
2 *source disaster, particularly when*
3 *affected by a circumstance de-*
4 *scribed in paragraph (5)(D) or by*
5 *negative impacts to subsistence or*
6 *Indian Tribe ceremonial fishing*
7 *opportunity.*

8 *“(ff) Hatcheries and stock en-*
9 *hancement to help rebuild the af-*
10 *ected stock or offset fishing pres-*
11 *sure on the affected stock.*

12 *“(II) DISPLACED FISHERY EM-*
13 *PLOYEES.—Where appropriate, indi-*
14 *viduals carrying out the activities de-*
15 *scribed in items (aa) through (dd) of*
16 *subclause (I) shall be individuals who*
17 *are, or were, employed in a commer-*
18 *cial, charter, or Indian Tribe fishery*
19 *for which the Secretary has determined*
20 *that a fishery resource disaster has oc-*
21 *curred.*

22 *“(7) LIMITATIONS.—*

23 *“(A) FEDERAL SHARE.—*

24 *“(i) IN GENERAL.—Except as provided*
25 *in clauses (ii) and (iii), the Federal share*

1983

1 *of the cost of any activity carried out under*
2 *the authority of this subsection shall not ex-*
3 *ceed 75 percent of the cost of that activity.*

4 “(ii) *WAIVER.—The Secretary may*
5 *waive the non-Federal share requirements of*
6 *this subsection, if the Secretary determines*
7 *that—*

8 “(I) *no reasonable means are*
9 *available through which the recipient*
10 *of the Federal share can meet the non-*
11 *Federal share requirement; and*

12 “(II) *the probable benefit of 100*
13 *percent Federal financing outweighs*
14 *the public interest in imposition of the*
15 *non-Federal share requirement.*

16 “(iii) *EXCEPTION.—The Federal share*
17 *shall be equal to 100 percent in the case*
18 *of—*

19 “(I) *direct assistance as described*
20 *in paragraph (6)(F)(iii)(I)(ee); or*

21 “(II) *assistance to subsistence or*
22 *Tribal fisheries.*

23 “(B) *LIMITATIONS ON ADMINISTRATIVE EX-*
24 *PENSES.—*

1984

1 “(i) *FEDERAL*.—Not more than 3 per-
2 cent of the funds available under this sub-
3 section may be used for administrative ex-
4 penses by the National Oceanographic and
5 Atmospheric Administration.

6 “(ii) *STATE GOVERNMENTS OR INDIAN*
7 *TRIBES*.—Of the funds remaining after the
8 use described in clause (i), not more than 5
9 percent may be used by States, Indian
10 Tribes, or interstate marine fisheries com-
11 missions for administrative expenses.

12 “(C) *FISHING CAPACITY REDUCTION PRO-*
13 *GRAM*.—

14 “(i) *IN GENERAL*.—No funds available
15 under this subsection may be used as part
16 of a fishing capacity reduction program in
17 a fishery unless the Secretary determines
18 that adequate conservation and manage-
19 ment measures are in place in such fishery.

20 “(ii) *ASSISTANCE CONDITIONS*.—As a
21 condition of providing assistance under this
22 subsection with respect to a vessel under a
23 fishing capacity reduction program, the
24 Secretary shall—

† **HR 2617 EAS2**

1985

1 “(I) prohibit the vessel from being
2 used for fishing in Federal, State, or
3 international waters; and

4 “(II) require that the vessel be—

5 “(aa) scrapped or otherwise
6 disposed of in a manner approved
7 by the Secretary;

8 “(bb) donated to a nonprofit
9 organization and thereafter used
10 only for purposes of research, edu-
11 cation, or training; or

12 “(cc) used for another non-
13 fishing purpose provided the Sec-
14 retary determines that adequate
15 measures are in place to ensure
16 that the vessel cannot reenter any
17 fishery anywhere in the world.

18 “(D) NO FISHERY ENDORSEMENT.—

19 “(i) IN GENERAL.—A vessel that is
20 prohibited from fishing under subparagraph
21 (C)(ii)(I) shall not be eligible for a fishery
22 endorsement under section 12113(a) of title
23 46, United States Code.

1986

1 “(ii) *NONEFFECTIVE.*—*A fishery en-*
2 *dorsement for a vessel described in clause (i)*
3 *shall not be effective.*

4 “(iii) *NO SALE.*—*A vessel described in*
5 *clause (i) shall not be sold to a foreign*
6 *owner or reflagged.*

7 “(8) *PUBLIC INFORMATION ON DATA COLLEC-*
8 *TION.*—*The Secretary shall make available and up-*
9 *date as appropriate, information on data collection*
10 *and submittal best practices for the information de-*
11 *scribed in paragraph (4)(B).*

12 “(9) *AUTHORIZATION OF APPROPRIATIONS.*—
13 *There are authorized to be appropriated to carry out*
14 *this subsection \$377,000,000 for the period of fiscal*
15 *years 2023 through 2027.”.*

16 **SEC. 203. MAGNUSON-STEVENSON FISHERY CONSERVATION**
17 **AND MANAGEMENT ACT.**

18 “(a) *REPEAL.*—*Section 315 of the Magnuson-Stevens*
19 *Fishery Conservation and Management Act (16 U.S.C.*
20 *1864) is repealed.*

21 “(b) *REPORT.*—*Section 113(b)(2) of the Magnuson-Ste-*
22 *vens Fishery Conservation and Management Reauthoriza-*
23 *tion Act of 2006 (16 U.S.C. 460ss note) is amended—*

24 *(1) in the paragraph heading, by striking “AN-*
25 *NUAL REPORT” and inserting “REPORT”;*

1987

1 (2) *in the matter preceding subparagraph (A),*
2 *by striking “Not later than 2 years after the date of*
3 *enactment of this Act, and annually thereafter” and*
4 *inserting “Not later than 2 years after the date of en-*
5 *actment of the Fishery Resource Disasters Improve-*
6 *ment Ac, and biennially thereafter”;* and

7 (3) *in subparagraph (D), by striking “the cal-*
8 *endar year 2003” and inserting “the most recent”.*

9 **SEC. 204. INTERJURISDICTIONAL FISHERIES ACT OF 1986.**

10 (a) *REPEAL.—Section 308 of the Interjurisdictional*
11 *Fisheries Act of 1986 (16 U.S.C. 4107) is repealed.*

12 (b) *TECHNICAL EDIT.—Section 3(k)(1) of the Small*
13 *Business Act (15 U.S.C. 632(k)(1)) is amended by striking*
14 *“(as determined by the Secretary of Commerce under sec-*
15 *tion 308(b) of the Interjurisdictional Fisheries Act of*
16 *1986)” and inserting “(as determined by the Secretary of*
17 *Commerce under the Fishery Resource Disasters Improve-*
18 *ment Act)”.*

19 **SEC. 205. BUDGET REQUESTS; REPORTS.**

20 (a) *BUDGET REQUEST.—In the budget justification*
21 *materials submitted to Congress in support of the budget*
22 *of the Department of Commerce for each fiscal year (as sub-*
23 *mitted with the budget of the President under section*
24 *1105(a) of title 31, United States Code), the Secretary of*

1988

1 *Commerce shall include a separate statement of the amount*
2 *for each outstanding unfunded fishery resource disasters.*

3 *(b) DRIFTNET ACT AMENDMENTS OF 1990 REPORT*
4 *AND BYCATCH REDUCTION AGREEMENTS.—*

5 *(1) IN GENERAL.—The Magnuson-Stevens Fish-*
6 *ery Conservation and Management Act (16 U.S.C.*
7 *1801 et seq.) is amended—*

8 *(A) in section 202(h), by striking para-*
9 *graph (3); and*

10 *(B) in section 206—*

11 *(i) by striking subsections (e) and (f);*

12 *and*

13 *(ii) by redesignating subsections (g)*
14 *and (h) as subsections (e) and (f), respec-*
15 *tively.*

16 *(2) BIENNIAL REPORT ON INTERNATIONAL COM-*
17 *PLIANCE.—Section 607 of the High Seas Driftnet*
18 *Fishing Moratorium Protection Act (16 U.S.C.*
19 *1826h) is amended—*

20 *(A) by inserting “(a) IN GENERAL.—” be-*
21 *fore “The Secretary” and indenting appro-*
22 *priately; and*

23 *(B) by adding at the end the following:*

1989

1 “(b) *ADDITIONAL INFORMATION.*—*In addition to the*
2 *information described in paragraphs (1) through (5) of sub-*
3 *section (a), the report shall include—*

4 “(1) *a description of the actions taken to carry*
5 *out the provisions of section 206 of the Magnuson-Ste-*
6 *vens Fishery Conservation and Management Act (16*
7 *U.S.C. 1826), including—*

8 “(A) *an evaluation of the progress of those*
9 *efforts, the impacts on living marine resources,*
10 *including available observer data, and specific*
11 *plans for further action;*

12 “(B) *a list and description of any new fish-*
13 *eries developed by nations that conduct, or au-*
14 *thorize their nationals to conduct, large-scale*
15 *driftnet fishing beyond the exclusive economic*
16 *zone of any nation; and*

17 “(C) *a list of the nations that conduct, or*
18 *authorize their nationals to conduct, large-scale*
19 *driftnet fishing beyond the exclusive economic*
20 *zone of any nation in a manner that diminishes*
21 *the effectiveness of or is inconsistent with any*
22 *international agreement governing large-scale*
23 *driftnet fishing to which the United States is a*
24 *party or otherwise subscribes; and*

1990

1 “(2) a description of the actions taken to carry
2 out the provisions of section 202(h) of the Magnuson-
3 Stevens Fishery Conservation and Management Act
4 (16 U.S.C. 1822(h)).

5 “(c) CERTIFICATION.—If, at any time, the Secretary,
6 in consultation with the Secretary of State and the Sec-
7 retary of the department in which the Coast Guard is oper-
8 ating, identifies any nation that warrants inclusion in the
9 list described under subsection (b)(1)(C), due to large scale
10 drift net fishing, the Secretary shall certify that fact to the
11 President. Such certification shall be deemed to be a certifi-
12 cation for the purposes of section 8(a) of the Fishermen’s
13 Protective Act of 1967 (22 U.S.C. 1978(a)).”.

14 **TITLE III—ALASKA SALMON**
15 **RESEARCH TASK FORCE**

16 **SEC. 301. SHORT TITLE.**

17 This title may be cited as the “Alaska Salmon Re-
18 search Task Force Act”.

19 **SEC. 302. PURPOSES.**

20 The purposes of this title are—

21 (1) to ensure that Pacific salmon trends in Alas-
22 ka regarding productivity and abundance are charac-
23 terized and that research needs are identified;

24 (2) to prioritize scientific research needs for Pa-
25 cific salmon in Alaska;

1991

1 (3) *to address the increased variability or decline*
2 *in Pacific salmon returns in Alaska by creating a co-*
3 *ordinated salmon research strategy; and*

4 (4) *to support collaboration and coordination for*
5 *Pacific salmon conservation efforts in Alaska.*

6 **SEC. 303. SENSE OF CONGRESS.**

7 *It is the sense of Congress that—*

8 (1) *salmon are an essential part of Alaska’s fish-*
9 *eries, including subsistence, commercial, and rec-*
10 *reational uses, and there is an urgent need to better*
11 *understand the freshwater and marine biology and*
12 *ecology of salmon, a migratory species that crosses*
13 *many borders, and for a coordinated salmon research*
14 *strategy to address salmon returns that are in decline*
15 *or experiencing increased variability;*

16 (2) *salmon are an essential element for the well-*
17 *being and health of Alaskans; and*

18 (3) *there is a unique relationship between people*
19 *of Indigenous heritage and the salmon they rely on*
20 *for subsistence and traditional and cultural practices.*

21 **SEC. 304. ALASKA SALMON RESEARCH TASK FORCE.**

22 (a) *IN GENERAL.—Not later than 90 days after the*
23 *date of enactment of this Act, the Secretary of Commerce,*
24 *in consultation with the Governor of Alaska, shall convene*

1992

1 *an Alaska Salmon Research Task Force (referred to in this*
2 *section as the “Research Task Force”) to—*

3 *(1) review existing Pacific salmon research in*
4 *Alaska;*

5 *(2) identify applied research needed to better un-*
6 *derstand the increased variability and declining*
7 *salmon returns in some regions of Alaska; and*

8 *(3) support sustainable salmon runs in Alaska.*

9 *(b) COMPOSITION AND APPOINTMENT.—*

10 *(1) IN GENERAL.—The Research Task Force shall*
11 *be composed of not fewer than 13 and not more than*
12 *19 members, who shall be appointed under para-*
13 *graphs (2) and (3).*

14 *(2) APPOINTMENT BY SECRETARY.—The Sec-*
15 *retary of Commerce shall appoint members to the Re-*
16 *search Task Force as follows:*

17 *(A) One representative from each of the fol-*
18 *lowing:*

19 *(i) The National Oceanic and Atmos-*
20 *pheric Administration who is knowledgeable*
21 *about salmon and salmon research efforts in*
22 *Alaska.*

23 *(ii) The North Pacific Fishery Man-*
24 *agement Council.*

1993

1 (iii) *The United States section of the*
2 *Pacific Salmon Commission.*

3 (B) *Not less than 2 and not more than 5*
4 *representatives from each of the following cat-*
5 *egories, at least 2 of whom shall represent Alaska*
6 *Natives who possess personal knowledge of, and*
7 *direct experience with, subsistence uses in rural*
8 *Alaska, to be appointed with due regard to dif-*
9 *ferences in regional perspectives and experience:*

10 (i) *Residents of Alaska who possess*
11 *personal knowledge of, and direct experience*
12 *with, subsistence uses in rural Alaska.*

13 (ii) *Alaska fishing industry representa-*
14 *tives throughout the salmon supply chain,*
15 *including from—*

16 (I) *directed commercial fishing;*

17 (II) *recreational fishing;*

18 (III) *charter fishing;*

19 (IV) *seafood processors;*

20 (V) *salmon prohibited species*
21 *catch (bycatch) users; or*

22 (VI) *hatcheries.*

23 (C) *5 representatives who are academic ex-*
24 *perts in salmon biology, salmon ecology (marine*
25 *and freshwater), salmon habitat restoration and*

1994

1 *conservation, or comprehensive marine research*
2 *planning in the North Pacific.*

3 (3) *APPOINTMENT BY THE GOVERNOR OF ALAS-*
4 *KA.—The Governor of Alaska shall appoint to the Re-*
5 *search Task Force one representative from the State*
6 *of Alaska who is knowledgeable about the State of*
7 *Alaska’s salmon research efforts.*

8 (c) *DUTIES.—*

9 (1) *REVIEW.—The Research Task Force shall—*

10 (A) *conduct a review of Pacific salmon*
11 *science relevant to understanding salmon returns*
12 *in Alaska, including an examination of—*

13 (i) *traditional ecological knowledge of*
14 *salmon populations and their ecosystems;*

15 (ii) *marine carrying capacity and*
16 *density dependent constraints, including an*
17 *examination of interactions with other*
18 *salmon species, and with forage base in ma-*
19 *rine ecosystems;*

20 (iii) *life-cycle and stage-specific mor-*
21 *tality;*

22 (iv) *genetic sampling and categoriza-*
23 *tion of population structure within salmon*
24 *species in Alaska;*

† **HR 2617 EAS2**

1995

1 (v) methods for predicting run-timing
2 and stock sizes;

3 (vi) oceanographic models that provide
4 insight into stock distribution, growth, and
5 survival;

6 (vii) freshwater, estuarine, and marine
7 processes that affect survival of smolts;

8 (viii) climate effects on freshwater and
9 marine habitats;

10 (ix) predator/prey interactions between
11 salmon and marine mammals or other
12 predators; and

13 (x) salmon productivity trends in other
14 regions, both domestic and international,
15 that put Alaska salmon populations in a
16 broader geographic context; and

17 (B) identify scientific research gaps in un-
18 derstanding the Pacific salmon life cycle in Alas-
19 ka.

20 (2) *REPORT.*—Not later than 1 year after the
21 date the Research Task Force is convened, the Re-
22 search Task Force shall submit to the Secretary of
23 Commerce, the Committee on Commerce, Science, and
24 Transportation of the Senate, the Committee on Envi-
25 ronment and Public Works of the Senate, the Sub-

1996

1 *committee on Commerce, Justice, Science, and Re-*
2 *lated Agencies of the Committee on Appropriations of*
3 *the Senate, the Committee on Natural Resources of the*
4 *House of Representatives, the Subcommittee on Com-*
5 *merce, Justice, Science, and Related Agencies of the*
6 *Committee on Appropriations of the House of Rep-*
7 *resentatives, and the Alaska State Legislature, and*
8 *make publicly available, a report—*

9 *(A) describing the review conducted under*
10 *paragraph (1); and*

11 *(B) that includes—*

12 *(i) recommendations on filling knowl-*
13 *edge gaps that warrant further scientific in-*
14 *quiry; and*

15 *(ii) findings from the reports of work*
16 *groups submitted under subsection*
17 *(d)(2)(C).*

18 *(d) ADMINISTRATIVE MATTERS.—*

19 *(1) CHAIRPERSON AND VICE CHAIRPERSON.—The*
20 *Research Task Force shall select a Chair and Vice*
21 *Chair by vote from among the members of the Re-*
22 *search Task Force.*

23 *(2) WORK GROUPS.—*

24 *(A) IN GENERAL.—The Research Task*
25 *Force—*

1997

1 (i) not later than 30 days after the
2 date of the establishment of the Research
3 Task Force, shall establish a work group fo-
4 cused specifically on the research needs asso-
5 ciated with salmon returns in the AYK
6 (Arctic-Yukon-Kuskokwim) regions of West-
7 ern Alaska; and

8 (ii) may establish additional region-
9 ally or stock focused work groups within the
10 Research Task Force, as members determine
11 appropriate.

12 (B) COMPOSITION.—Each work group estab-
13 lished under this subsection shall—

14 (i) consist of not less than 5 individ-
15 uals who—

16 (I) are knowledgeable about the
17 stock or region under consideration;
18 and

19 (II) need not be members of the
20 Research Task Force; and

21 (ii) be balanced in terms of stakeholder
22 representation, including commercial, rec-
23 reational, and subsistence fisheries, as well
24 as experts in statistical, biological, eco-

1998

1 *nomie, social, or other scientific informa-*
2 *tion as relevant to the work group’s focus.*

3 *(C) REPORTS.—Not later than 9 months*
4 *after the date the Research Task Force is con-*
5 *vened, each work group established under this*
6 *subsection shall submit a report with the work*
7 *group’s findings to the Research Task Force.*

8 *(3) COMPENSATION.—Each member of the Re-*
9 *search Task Force shall serve without compensation.*

10 *(4) ADMINISTRATIVE SUPPORT.—The Secretary*
11 *of Commerce shall provide such administrative sup-*
12 *port as is necessary for the Research Task Force and*
13 *its work groups to carry out their duties, which may*
14 *include support for virtual or in-person participation*
15 *and travel expenses.*

16 *(e) FEDERAL ADVISORY COMMITTEE ACT.—The Fed-*
17 *eral Advisory Committee Act (5 U.S.C. App.) shall not*
18 *apply to the Research Task Force.*

19 **SEC. 305. DEFINITION OF PACIFIC SALMON.**

20 *In this title, the term “Pacific salmon” means salmon*
21 *that originates in Alaskan waters.*

1999

1 ***TITLE IV—IUU TECHNICAL***
2 ***CORRECTIONS***

3 ***SEC. 401. IUU TECHNICAL CORRECTIONS.***

4 *The High Seas Driftnet Fishing Moratorium Protec-*
5 *tion Act (16 U.S.C. 1826d et seq.) is amended—*

6 *(1) in section 609—*

7 *(A) by striking subsection (e); and*

8 *(B) by redesignating subsections (f) and (g)*

9 *as subsections (e) and (f), respectively; and*

10 *(2) in section 610—*

11 *(A) in subsection (b)—*

12 *(i) in paragraph (2), by inserting*

13 *“and” after the semicolon;*

14 *(ii) by striking paragraph (3); and*

15 *(iii) by redesignating paragraph (4) as*

16 *paragraph (3); and*

17 *(B) in subsection (c)(4)—*

18 *(i) in subparagraph (A), by inserting*

19 *“and” after the semicolon;*

20 *(ii) in subparagraph (B), by striking*

21 *“; and” and inserting a period; and*

22 *(iii) by striking subparagraph (C).*

2000

1 ***DIVISION T—SECURE 2.0 ACT OF***
2 ***2022***

3 ***SEC. 1. SHORT TITLE; ETC.***

4 (a) *SHORT TITLE.*—*This division may be cited as the*
5 *“SECURE 2.0 Act of 2022”.*

6 (b) *AMENDMENT OF 1986 CODE.*—*Except as otherwise*
7 *expressly provided, whenever in this division an amend-*
8 *ment or repeal is expressed in terms of an amendment to,*
9 *or repeal of, a section or other provision, the reference shall*
10 *be considered to be made to a section or other provision*
11 *of the Internal Revenue Code of 1986.*

12 ***TITLE I—EXPANDING COVERAGE***
13 ***AND INCREASING RETIRE-***
14 ***MENT SAVINGS***

15 ***SEC. 101. EXPANDING AUTOMATIC ENROLLMENT IN RE-***
16 ***TIREMENT PLANS.***

17 (a) *IN GENERAL.*—*Subpart B of part I of subchapter*
18 *D of chapter 1 is amended by inserting after section 414*
19 *the following new section:*

20 ***“SEC. 414A. REQUIREMENTS RELATED TO AUTOMATIC EN-***
21 ***ROLLMENT.***

22 *“(a) IN GENERAL.*—*Except as otherwise provided in*
23 *this section—*

24 *“(1) an arrangement shall not be treated as a*
25 *qualified cash or deferred arrangement described in*

2001

1 *section 401(k) unless such arrangement meets the*
2 *automatic enrollment requirements of subsection (b),*
3 *and*

4 “(2) *an annuity contract otherwise described in*
5 *section 403(b) which is purchased under a salary re-*
6 *duction agreement shall not be treated as described in*
7 *such section unless such agreement meets the auto-*
8 *matic enrollment requirements of subsection (b).*

9 “(b) *AUTOMATIC ENROLLMENT REQUIREMENTS.—*

10 “(1) *IN GENERAL.—An arrangement or agree-*
11 *ment meets the requirements of this subsection if such*
12 *arrangement or agreement is an eligible automatic*
13 *contribution arrangement (as defined in section*
14 *414(w)(3)) which meets the requirements of para-*
15 *graphs (2) through (4).*

16 “(2) *ALLOWANCE OF PERMISSIBLE WITH-*
17 *DRAWALS.—An eligible automatic contribution ar-*
18 *rangement meets the requirements of this paragraph*
19 *if such arrangement allows employees to make per-*
20 *missible withdrawals (as defined in section*
21 *414(w)(2)).*

22 “(3) *MINIMUM CONTRIBUTION PERCENTAGE.—*

23 “(A) *IN GENERAL.—An eligible automatic*
24 *contribution arrangement meets the requirements*
25 *of this paragraph if—*

2002

1 “(i) the uniform percentage of com-
2 pensation contributed by the participant
3 under such arrangement during the first
4 year of participation is not less than 3 per-
5 cent and not more than 10 percent (unless
6 the participant specifically elects not to
7 have such contributions made or to have
8 such contributions made at a different per-
9 centage), and

10 “(ii) effective for the first day of each
11 plan year starting after each completed
12 year of participation under such arrange-
13 ment such uniform percentage is increased
14 by 1 percentage point (to at least 10 per-
15 cent, but not more than 15 percent) unless
16 the participant specifically elects not to
17 have such contributions made or to have
18 such contributions made at a different per-
19 centage.

20 “(B) INITIAL REDUCED CEILING FOR CER-
21 TAIN PLANS.—In the case of any eligible auto-
22 matic contribution arrangement (other than an
23 arrangement that meets the requirements of
24 paragraph (12) or (13) of section 401(k)), for
25 plan years ending before January 1, 2025, sub-

† HR 2617 EAS2

2003

1 *paragraph (A)(ii) shall be applied by sub-*
2 *stituting ‘10 percent’ for ‘15 percent’.*

3 “(4) *INVESTMENT REQUIREMENTS.*—*An eligible*
4 *automatic contribution arrangement meets the re-*
5 *quirements of this paragraph if amounts contributed*
6 *pursuant to such arrangement, and for which no in-*
7 *vestment is elected by the participant, are invested in*
8 *accordance with the requirements of section*
9 *2550.404c-5 of title 29, Code of Federal Regulations*
10 *(or any successor regulations).*

11 “(c) *EXCEPTIONS.*—*For purposes of this section—*

12 “(1) *SIMPLE PLANS.*—*Subsection (a) shall not*
13 *apply to any simple plan (within the meaning of sec-*
14 *tion 401(k)(11)).*

15 “(2) *EXCEPTION FOR PLANS OR ARRANGEMENTS*
16 *ESTABLISHED BEFORE ENACTMENT OF SECTION.*—

17 “(A) *IN GENERAL.*—*Subsection (a) shall not*
18 *apply to—*

19 “(i) *any qualified cash or deferred ar-*
20 *rangement established before the date of the*
21 *enactment of this section, or*

22 “(ii) *any annuity contract purchased*
23 *under a plan established before the date of*
24 *the enactment of this section.*

2004

1 “(B) *POST-ENACTMENT ADOPTION OF MUL-*
2 *TIPLE EMPLOYER PLAN.*—Subparagraph (A)
3 *shall not apply in the case of an employer adopt-*
4 *ing after such date of enactment a plan main-*
5 *tained by more than one employer, and sub-*
6 *section (a) shall apply with respect to such em-*
7 *ployer as if such plan were a single plan.*

8 “(3) *EXCEPTION FOR GOVERNMENTAL AND*
9 *CHURCH PLANS.*—Subsection (a) shall not apply to
10 *any governmental plan (within the meaning of sec-*
11 *tion 414(d)) or any church plan (within the meaning*
12 *of section 414(e)).*

13 “(4) *EXCEPTION FOR NEW AND SMALL BUSI-*
14 *NESSES.*—

15 “(A) *NEW BUSINESS.*—Subsection (a) shall
16 *not apply to any qualified cash or deferred ar-*
17 *rangement, or any annuity contract purchased*
18 *under a plan, while the employer maintaining*
19 *such plan (and any predecessor employer) has*
20 *been in existence for less than 3 years.*

21 “(B) *SMALL BUSINESSES.*—Subsection (a)
22 *shall not apply to any qualified cash or deferred*
23 *arrangement, or any annuity contract purchased*
24 *under a plan, earlier than the date that is 1*
25 *year after the close of the first taxable year with*

2005

1 *respect to which the employer maintaining the*
2 *plan normally employed more than 10 employ-*
3 *ees.*

4 “(C) *TREATMENT OF MULTIPLE EMPLOYER*
5 *PLANS.—In the case of a plan maintained by*
6 *more than 1 employer, subparagraphs (A) and*
7 *(B) shall be applied separately with respect to*
8 *each such employer, and all such employers to*
9 *which subsection (a) applies (after the applica-*
10 *tion of this paragraph) shall be treated as main-*
11 *taining a separate plan for purposes of this sec-*
12 *tion.”.*

13 (b) *CLERICAL AMENDMENT.—The table of sections for*
14 *subpart B of part I of subchapter D of chapter 1 is amended*
15 *by inserting after the item relating to section 414 the fol-*
16 *lowing new item:*

“Sec. 414A. Requirements related to automatic enrollment.”.

17 (c) *EFFECTIVE DATE.—The amendments made by this*
18 *section shall apply to plan years beginning after December*
19 *31, 2024.*

20 **SEC. 102. MODIFICATION OF CREDIT FOR SMALL EMPLOYER**
21 **PENSION PLAN STARTUP COSTS.**

22 (a) *INCREASE IN CREDIT PERCENTAGE FOR SMALLER*
23 *EMPLOYERS.—Section 45E(e) of is amended by adding at*
24 *the end the following new paragraph:*

2006

1 “(4) *INCREASED CREDIT FOR CERTAIN SMALL*
2 *EMPLOYERS.—In the case of an employer which*
3 *would be an eligible employer under subsection (c) if*
4 *section 408(p)(2)(C)(i) was applied by substituting*
5 *‘50 employees’ for ‘100 employees’, subsection (a) shall*
6 *be applied by substituting ‘100 percent’ for ‘50 per-*
7 *cent’.*”.

8 (b) *ADDITIONAL CREDIT FOR EMPLOYER CONTRIBU-*
9 *TIONS BY CERTAIN SMALL EMPLOYERS.—Section 45E, as*
10 *amended by subsection (a), is amended by adding at the*
11 *end the following new subsection:*

12 “(f) *ADDITIONAL CREDIT FOR EMPLOYER CONTRIBU-*
13 *TIONS BY CERTAIN ELIGIBLE EMPLOYERS.—*

14 “(1) *IN GENERAL.—In the case of an eligible em-*
15 *ployer, the credit allowed for the taxable year under*
16 *subsection (a) (determined without regard to this sub-*
17 *section) shall be increased by an amount equal to the*
18 *applicable percentage of employer contributions (other*
19 *than any elective deferrals (as defined in section*
20 *402(g)(3)) by the employer to an eligible employer*
21 *plan (other than a defined benefit plan (as defined in*
22 *section 414(j))).*

23 “(2) *LIMITATIONS.—*

24 “(A) *DOLLAR LIMITATION.—The amount*
25 *determined under paragraph (1) (before the ap-*

2007

1 *plication of subparagraph (B)) with respect to*
2 *any employee of the employer shall not exceed*
3 *\$1,000.*

4 *“(B) CREDIT PHASE-IN.—In the case of any*
5 *eligible employer which had for the preceding*
6 *taxable year more than 50 employees, the*
7 *amount determined under paragraph (1) (with-*
8 *out regard to this subparagraph) shall be reduced*
9 *by an amount equal to the product of—*

10 *“(i) the amount otherwise so deter-*
11 *mined under paragraph (1), multiplied by*

12 *“(ii) a percentage equal to 2 percent-*
13 *age points for each employee of the employer*
14 *for the preceding taxable year in excess of*
15 *50 employees.*

16 *“(C) WAGE LIMITATION.—*

17 *“(i) IN GENERAL.—No contributions*
18 *with respect to any employee who receives*
19 *wages from the employer for the taxable*
20 *year in excess of \$100,000 may be taken*
21 *into account for such taxable year under*
22 *subparagraph (A).*

23 *“(ii) WAGES.—For purposes of the pre-*
24 *ceding sentence, the term ‘wages’ has the*

2008

1 *meaning given such term by section*
2 *3121(a).*

3 “(iii) *INFLATION ADJUSTMENT.*—*In*
4 *the case of any taxable year beginning in a*
5 *calendar year after 2023, the \$100,000*
6 *amount under clause (i) shall be increased*
7 *by an amount equal to—*

8 *“(I) such dollar amount, multi-*
9 *plied by*

10 *“(II) the cost-of-living adjustment*
11 *determined under section 1(f)(3) for*
12 *the calendar year in which the taxable*
13 *year begins, determined by substituting*
14 *‘calendar year 2007’ for ‘calendar year*
15 *2016’ in subparagraph (A)(ii) thereof.*

16 *If any amount as adjusted under this clause*
17 *is not a multiple of \$5,000, such amount*
18 *shall be rounded to the next lowest multiple*
19 *of \$5,000.*

20 “(3) *APPLICABLE PERCENTAGE.*—*For purposes*
21 *of this section, the applicable percentage for the tax-*
22 *able year during which the eligible employer plan is*
23 *established with respect to the eligible employer shall*
24 *be 100 percent, and for taxable years thereafter shall*
25 *be determined under the following table:*

2009

“In the case of the following taxable year beginning after the taxable year during which plan is established with respect to the eligible employer: The applicable percentage shall be:

<i>1st</i>	<i>100%</i>
<i>2nd</i>	<i>75%</i>
<i>3rd</i>	<i>50%</i>
<i>4th</i>	<i>25%</i>
<i>Any taxable year thereafter</i>	<i>0%</i>

1 “(4) *DETERMINATION OF ELIGIBLE EMPLOYER;*
2 *NUMBER OF EMPLOYEES.*—*For purposes of this sub-*
3 *section, whether an employer is an eligible employer*
4 *and the number of employees of an employer shall be*
5 *determined under the rules of subsection (c), except*
6 *that paragraph (2) thereof shall only apply to the*
7 *taxable year during which the eligible employer plan*
8 *to which this section applies is established with re-*
9 *spect to the eligible employer.”.*

10 (c) *DISALLOWANCE OF DEDUCTION.*—*Section*
11 *45E(e)(2) is amended to read as follows:*

12 “(2) *DISALLOWANCE OF DEDUCTION.*—*No deduc-*
13 *tion shall be allowed—*

14 “(A) *for that portion of the qualified start-*
15 *up costs paid or incurred for the taxable year*
16 *which is equal to so much of the portion of the*
17 *credit determined under subsection (a) as is*
18 *properly allocable to such costs, and*

19 “(B) *for that portion of the employer con-*
20 *tributions by the employer for the taxable year*

2010

1 *which is equal to so much of the credit increase*
2 *determined under subsection (f) as is properly*
3 *allocable to such contributions.”.*

4 *(d) EFFECTIVE DATE.—The amendments made by this*
5 *section shall apply to taxable years beginning after Decem-*
6 *ber 31, 2022.*

7 **SEC. 103. SAVER’S MATCH.**

8 *(a) IN GENERAL.—Subchapter B of chapter 65 is*
9 *amended by adding at the end the following new section:*

10 **“SEC. 6433. SAVER’S MATCH.**

11 *“(a) IN GENERAL.—*

12 *“(1) ALLOWANCE OF MATCH.—Any eligible indi-*
13 *vidual who makes qualified retirement savings con-*
14 *tributions for the taxable year shall be allowed a*
15 *matching contribution for such taxable year in an*
16 *amount equal to the applicable percentage of so much*
17 *of the qualified retirement savings contributions made*
18 *by such eligible individual for the taxable year as*
19 *does not exceed \$2,000.*

20 *“(2) PAYMENT OF MATCH.—*

21 *“(A) IN GENERAL.—Except as provided in*
22 *subparagraph (B), the matching contribution*
23 *under this section shall be allowed as a credit*
24 *which shall be payable by the Secretary as a con-*
25 *tribution (as soon as practicable after the eligible*

2011

1 *individual has filed a tax return making a claim*
2 *for such matching contribution for the taxable*
3 *year) to the applicable retirement savings vehicle*
4 *of the eligible individual.*

5 “(B) *EXCEPTION.*—*In the case of an eligible*
6 *individual who elects the application of this sub-*
7 *paragraph and with respect to whom the match-*
8 *ing contribution determined under paragraph*
9 *(1) is greater than zero but less than \$100 for the*
10 *taxable year, subparagraph (A) shall not apply*
11 *and such matching contribution shall be treated*
12 *as a credit allowed by subpart C of part IV of*
13 *subchapter A of chapter 1.*

14 “(b) *APPLICABLE PERCENTAGE.*—*For purposes of this*
15 *section—*

16 “(1) *IN GENERAL.*—*Except as provided in para-*
17 *graph (2), the applicable percentage is 50 percent.*

18 “(2) *PHASEOUT.*—*The percentage under para-*
19 *graph (1) shall be reduced (but not below zero) by the*
20 *number of percentage points which bears the same*
21 *ratio to 50 percentage points as—*

22 “(A) *the excess of—*

23 “(i) *the taxpayer’s modified adjusted*
24 *gross income for such taxable year, over*

2012

1 “(ii) the applicable dollar amount,
2 bears to

3 “(B) the phaseout range.

4 *If any reduction determined under this paragraph is*
5 *not a whole percentage point, such reduction shall be*
6 *rounded to the next lowest whole percentage point.*

7 “(3) *APPLICABLE DOLLAR AMOUNT; PHASEOUT*
8 *RANGE.—*

9 “(A) *JOINT RETURNS AND SURVIVING*
10 *SPOUSES.—Except as provided in subparagraph*
11 *(B)—*

12 “(i) the applicable dollar amount is
13 \$41,000, and

14 “(ii) the phaseout range is \$30,000.

15 “(B) *OTHER RETURNS.—In the case of—*

16 “(i) a head of a household (as defined
17 in section 2(b)), the applicable dollar
18 amount and the phaseout range shall be $\frac{3}{4}$
19 of the amounts applicable under subpara-
20 graph (A) (as adjusted under subsection
21 (h)), and

22 “(ii) any taxpayer who is not filing a
23 joint return, who is not a head of a house-
24 hold (as so defined), and who is not a sur-
25 viving spouse (as defined in section 2(a)),

2013

1 *the applicable dollar amount and the phase-*
2 *out range shall be 1/2 of the amounts appli-*
3 *cable under subparagraph (A) (as so ad-*
4 *justed).*

5 “(c) *ELIGIBLE INDIVIDUAL.*—*For purposes of this sec-*
6 *tion—*

7 “(1) *IN GENERAL.*—*The term ‘eligible indi-*
8 *vidual’ means any individual if such individual has*
9 *attained the age of 18 as of the close of the taxable*
10 *year.*

11 “(2) *DEPENDENTS AND FULL-TIME STUDENTS*
12 *NOT ELIGIBLE.*—*The term ‘eligible individual’ shall*
13 *not include—*

14 “(A) *any individual with respect to whom*
15 *a deduction under section 151 is allowed to an-*
16 *other taxpayer for a taxable year beginning in*
17 *the calendar year in which such individual’s*
18 *taxable year begins, and*

19 “(B) *any individual who is a student (as*
20 *defined in section 152(f)(2)).*

21 “(3) *NONRESIDENT ALIENS NOT ELIGIBLE.*—*The*
22 *term ‘eligible individual’ shall not include any indi-*
23 *vidual who is a nonresident alien individual for any*
24 *portion of the taxable year unless such individual is*
25 *treated for such taxable year as a resident of the*

2014

1 *United States for purposes of chapter 1 by reason of*
2 *an election under subsection (g) or (h) of section*
3 *6013.*

4 “(d) *QUALIFIED RETIREMENT SAVINGS CONTRIBU-*
5 *TIONS.—For purposes of this section—*

6 “(1) *IN GENERAL.—The term ‘qualified retire-*
7 *ment savings contributions’ means, with respect to*
8 *any taxable year, the sum of—*

9 “(A) *the amount of the qualified retirement*
10 *contributions (as defined in section 219(e)) made*
11 *by the eligible individual,*

12 “(B) *the amount of—*

13 “(i) *any elective deferrals (as defined*
14 *in section 402(g)(3)) of such individual,*
15 *and*

16 “(ii) *any elective deferral of compensa-*
17 *tion by such individual under an eligible*
18 *deferred compensation plan (as defined in*
19 *section 457(b)) of an eligible employer de-*
20 *scribed in section 457(e)(1)(A), and*

21 “(C) *the amount of voluntary employee con-*
22 *tributions by such individual to any qualified*
23 *retirement plan (as defined in section 4974(c)).*

24 *Such term shall not include any amount attributable*
25 *to a payment under subsection (a)(2).*

2015

1 “(2) *REDUCTION FOR CERTAIN DISTRIBUTIONS.—*
2

3 “(A) *IN GENERAL.—The qualified retire-*
4 *ment savings contributions determined under*
5 *paragraph (1) for a taxable year shall be reduced*
6 *(but not below zero) by the aggregate distribu-*
7 *tions received by the individual during the test-*
8 *ing period from any entity of a type to which*
9 *contributions under paragraph (1) may be made.*

10 “(B) *TESTING PERIOD.—For purposes of*
11 *subparagraph (A), the testing period, with re-*
12 *spect to a taxable year, is the period which in-*
13 *cludes—*

14 “(i) *such taxable year,*

15 “(ii) *the 2 preceding taxable years,*
16 *and*

17 “(iii) *the period after such taxable*
18 *year and before the due date (including ex-*
19 *tensions) for filing the return of tax for such*
20 *taxable year.*

21 “(C) *EXCEPTED DISTRIBUTIONS.—There*
22 *shall not be taken into account under subpara-*
23 *graph (A)—*

2016

1 “(i) *any distribution referred to in sec-*
2 *tion 72(p), 401(k)(8), 401(m)(6), 402(g)(2),*
3 *404(k), or 408(d)(4),*

4 “(ii) *any distribution to which section*
5 *408(d)(3) or 408A(d)(3) applies, and*

6 “(iii) *any portion of a distribution if*
7 *such portion is transferred or paid in a*
8 *rollover contribution (as defined in section*
9 *402(c), 403(a)(4), 403(b)(8), 408A(e), or*
10 *457(e)(16)) to an account or plan to which*
11 *qualified retirement savings contributions*
12 *can be made.*

13 “(D) *TREATMENT OF DISTRIBUTIONS RE-*
14 *CEIVED BY SPOUSE OF INDIVIDUAL.—For pur-*
15 *poses of determining distributions received by an*
16 *individual under subparagraph (A) for any tax-*
17 *able year, any distribution received by the spouse*
18 *of such individual shall be treated as received by*
19 *such individual if such individual and spouse*
20 *file a joint return for such taxable year and for*
21 *the taxable year during which the spouse receives*
22 *the distribution.*

23 “(e) *APPLICABLE RETIREMENT SAVINGS VEHICLE.—*

2017

1 “(1) *IN GENERAL.*—*The term ‘applicable retire-*
2 *ment savings vehicle’ means an account or plan elect-*
3 *ed by the eligible individual under paragraph (2).*

4 “(2) *ELECTION.*—*Any such election to have con-*
5 *tributed the amount determined under subsection (a)*
6 *shall be to an account or plan which—*

7 “(A) *is—*

8 “(i) *the portion of a plan which—*

9 “(I) *is described in clause (v) of*
10 *section 402(c)(8)(B), is a qualified*
11 *cash or deferred arrangement (within*
12 *the meaning of section 401(k)), or is*
13 *an annuity contract described in sec-*
14 *tion 403(b) which is purchased under a*
15 *salary reduction agreement, and*

16 “(II) *does not consist of a quali-*
17 *fied Roth contribution program (as de-*
18 *finied in section 402A(b)), or*

19 “(ii) *an individual retirement plan*
20 *which is not a Roth IRA,*

21 “(B) *is for the benefit of the eligible indi-*
22 *vidual,*

23 “(C) *accepts contributions made under this*
24 *section, and*

2018

1 “(D) is designated by such individual (in
2 such form and manner as the Secretary may
3 provide).

4 “(f) *OTHER DEFINITIONS AND SPECIAL RULES.*—

5 “(1) *MODIFIED ADJUSTED GROSS INCOME.*—For
6 purposes of this section, the term ‘modified adjusted
7 gross income’ means adjusted gross income—

8 “(A) determined without regard to sections
9 911, 931, and 933, and

10 “(B) determined without regard to any ex-
11 clusion or deduction allowed for any qualified
12 retirement savings contribution made during the
13 taxable year.

14 “(2) *TREATMENT OF CONTRIBUTIONS.*—In the
15 case of any contribution under subsection (a)(2)—

16 “(A) except as otherwise provided in this
17 section or by the Secretary under regulations,
18 such contribution shall be treated as—

19 “(i) an elective deferral made by the
20 individual, if contributed to an applicable
21 retirement savings vehicle described in sub-
22 section (e)(2)(A)(i), or

23 “(ii) as an individual retirement plan
24 contribution made by such individual, if
25 contributed to such a plan,

2019

1 “(B) such contribution shall not be taken
2 into account with respect to any applicable limi-
3 tation under sections 402(g)(1), 403(b),
4 408(a)(1), 408(b)(2)(B), 408A(c)(2), 414(v)(2),
5 415(c), or 457(b)(2), and shall be disregarded for
6 purposes of sections 401(a)(4), 401(k)(3),
7 401(k)(11)(B)(i)(III), and 416, and

8 “(C) such contribution shall not be treated
9 as an amount that may be paid, made available,
10 or distributable to the participant under section
11 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(i)(V), or
12 457(d)(1)(A)(iii).

13 “(3) *TREATMENT OF QUALIFIED PLANS, ETC.*—A
14 plan or arrangement to which a contribution is made
15 under this section shall not be treated as violating
16 any requirement under section 401, 403, 408, or 457
17 solely by reason of accepting such contribution.

18 “(4) *ERRONEOUS MATCHING CONTRIBUTIONS.*—

19 “(A) *IN GENERAL.*—If any contribution is
20 erroneously paid under subsection (a)(2), includ-
21 ing a payment that is not made to an applicable
22 retirement savings vehicle, the amount of such
23 erroneous payment shall be treated as an under-
24 payment of tax (other than for purposes of part
25 II of subchapter A of chapter 68) for the taxable

2020

1 *year in which the Secretary determines the pay-*
2 *ment is erroneous.*

3 “(B) *DISTRIBUTION OF ERRONEOUS MATCH-*
4 *ING CONTRIBUTIONS.—In the case of a contribu-*
5 *tion to which subparagraph (A) applies—*

6 “(i) *section 402(a), 403(a)(1),*
7 *403(b)(1), 408(d)(1), or 457(a)(1), which-*
8 *ever is applicable, shall not apply to any*
9 *distribution of such contribution, and sec-*
10 *tion 72(t) shall not apply to the distribu-*
11 *tion of such contribution or any income at-*
12 *tributable thereto, if such distribution is re-*
13 *ceived not later than the day prescribed by*
14 *law (including extensions of time) for filing*
15 *the individual’s return for such taxable*
16 *year, and*

17 “(ii) *any plan or arrangement from*
18 *which such a distribution is made under*
19 *this subparagraph shall not be treated as*
20 *violating any requirement under section*
21 *401, 403, or 457 solely by reason of making*
22 *such distribution.*

23 “(5) *EXCEPTION FROM REDUCTION OR OFF-*
24 *SET.—Any payment made to any individual under*
25 *this section shall not be—*

† HR 2617 EAS2

2021

1 “(A) subject to reduction or offset pursuant
2 to subsection (c), (d), (e), or (f) of section 6402
3 or any similar authority permitting offset, or

4 “(B) reduced or offset by other assessed Fed-
5 eral taxes that would otherwise be subject to levy
6 or collection.

7 “(6) SAVER’S MATCH RECOVERY PAYMENTS.—

8 “(A) IN GENERAL.—In the case of an appli-
9 cable retirement savings vehicle to which con-
10 tributions have been made under subsection
11 (a)(2), and from which a specified early dis-
12 tribution has been made during the taxable year,
13 if the aggregate amount of such contributions ex-
14 ceeds the account balance of such savings vehicle
15 at the end of the such taxable year, the tax im-
16 posed by chapter 1 shall be increased by an
17 amount equal to such excess (reduced by the
18 amount by which the tax under such chapter was
19 increased under section 72(t)(1) with respect to
20 such distribution).

21 “(B) SPECIFIED EARLY DISTRIBUTION.—
22 For purposes of this paragraph, the term ‘speci-
23 fied early distribution’ means any portion of a
24 distribution—

2022

1 “(i) which is from such applicable re-
2 tirement savings vehicle to which a con-
3 tribution has been made under subsection
4 (a)(2),

5 “(ii) which is includible in gross in-
6 come, and

7 “(iii) to which 72(t)(1) applies.

8 “(C) *EXCESS MAY BE REPAID.*—

9 “(i) *IN GENERAL.*—*The increase in tax*
10 *for any taxable year under subparagraph*
11 *(A) shall be reduced (but not below zero) by*
12 *so much of such specified early distribution*
13 *as the individual elects to contribute to an*
14 *applicable retirement savings vehicle not*
15 *later than the day prescribed by law (in-*
16 *cluding extensions of time) for filing such*
17 *individual’s return for such taxable year.*

18 “(ii) *CONTRIBUTION OF EXCESS.*—*Any*
19 *individual who elects to contribute an*
20 *amount under clause (i) may make one or*
21 *more contributions in an aggregate amount*
22 *not to exceed the amount of the specified*
23 *early distribution to which the election re-*
24 *lates to an applicable retirement savings ve-*
25 *hicle and to which a rollover contribution of*

2023

1 *such distribution could be made under sec-*
2 *tion 402(c), 403(b)(8), 408(d)(3), or*
3 *457(e)(16), as the case may be.*

4 “(iii) *LIMITATION ON CONTRIBUTIONS*
5 *TO APPLICABLE RETIREMENT SAVINGS VEHI-*
6 *CLE OTHER THAN IRAS.—The aggregate*
7 *amount of contributions made by an indi-*
8 *vidual under clause (ii) to any applicable*
9 *savings retirement vehicle which is not an*
10 *individual retirement plan shall not exceed*
11 *the aggregate amount of specified early re-*
12 *tirement distributions which are made from*
13 *such savings retirement vehicle to such indi-*
14 *vidual. Clause (ii) shall not apply to con-*
15 *tributions to any applicable retirement sav-*
16 *ings vehicle which is not an individual re-*
17 *tirement plan unless the individual is eligi-*
18 *ble to make contributions (other than those*
19 *described in clause (ii)) to such retirement*
20 *savings vehicle.*

21 “(iv) *TREATMENT OF REPAYMENTS OF*
22 *DISTRIBUTIONS FROM APPLICABLE ELIGI-*
23 *BLE RETIREMENT PLANS OTHER THAN*
24 *IRAS.—If a contribution is made under*
25 *clause (ii) with respect to a specified early*

2024

1 *distribution from an applicable savings re-*
2 *irement vehicle other than an individual*
3 *retirement plan, then the taxpayer shall, to*
4 *the extent of the amount of the contribution,*
5 *be treated as having received such distribu-*
6 *tion in an eligible rollover distribution (as*
7 *defined in section 402(c)(4)) and as having*
8 *transferred the amount to the savings retire-*
9 *ment vehicle in a direct trustee to trustee*
10 *transfer within 60 days of the distribution.*

11 “(v) *TREATMENT OF REPAYMENTS FOR*
12 *DISTRIBUTIONS FROM IRAS.—If a contribu-*
13 *tion is made under clause (ii) with respect*
14 *to a specified early distribution from an in-*
15 *dividual retirement plan, then, to the extent*
16 *of the amount of the contribution, such dis-*
17 *tribution shall be treated as a distribution*
18 *described in section 408(d)(3) and as hav-*
19 *ing been transferred to the applicable retire-*
20 *ment savings vehicle in a direct trustee to*
21 *trustee transfer within 60 days of the dis-*
22 *tribution.*

23 “(D) *RULES TO ACCOUNT FOR INVESTMENT*
24 *LOSS.—The Secretary shall prescribe such rules*
25 *as may be appropriate to reduce any increase in*

2025

1 *tax otherwise made under subparagraph (A) to*
2 *properly account for the extent to which any*
3 *portion of the excess described in such subpara-*
4 *graph is allocable to investment loss in the re-*
5 *tirement savings vehicle.*

6 “(g) *PROVISION BY SECRETARY OF INFORMATION RE-*
7 *LATING TO CONTRIBUTIONS.—In the case of an amount*
8 *elected by an eligible individual to be contributed to an ac-*
9 *count or plan under subsection (e)(2), the Secretary shall*
10 *provide general guidance applicable to the custodian of the*
11 *account or the plan sponsor, as the case may be, detailing*
12 *the treatment of such contribution under subsection (f)(2)*
13 *and the reporting requirements with respect to such con-*
14 *tribution under section 6058, particularly as such require-*
15 *ments are modified pursuant to section 102(c)(2) of the SE-*
16 *CURE 2.0 Act of 2022.*

17 “(h) *INFLATION ADJUSTMENTS.—*

18 “(1) *IN GENERAL.—In the case of any taxable*
19 *year beginning in a calendar year after 2027, the*
20 *\$41,000 amount in subsection (b)(3)(A)(i) shall be in-*
21 *creased by an amount equal to—*

22 “(A) *such dollar amount, multiplied by*

23 “(B) *the cost-of-living adjustment deter-*
24 *mined under section 1(f)(3) for the calendar year*
25 *in which the taxable year begins, determined by*

2026

1 *substituting ‘calendar year 2026’ for ‘calendar*
2 *year 2016’ in subparagraph (A)(ii) thereof.*

3 *“(2) ROUNDING.—Any increase determined*
4 *under paragraph (1) shall be rounded to the nearest*
5 *multiple of \$1,000.”.*

6 *(b) TREATMENT OF CERTAIN POSSESSIONS.—*

7 *(1) PAYMENTS TO POSSESSIONS WITH MIRROR*
8 *CODE TAX SYSTEMS.—The Secretary of the Treasury*
9 *shall pay to each possession of the United States*
10 *which has a mirror code tax system amounts equal to*
11 *the loss (if any) to that possession by reason of the*
12 *amendments made by this section. Such amounts*
13 *shall be determined by the Secretary of the Treasury*
14 *based on information provided by the government of*
15 *the respective possession.*

16 *(2) PAYMENTS TO OTHER POSSESSIONS.—The*
17 *Secretary of the Treasury shall pay to each possession*
18 *of the United States which does not have a mirror*
19 *code tax system amounts estimated by the Secretary*
20 *of the Treasury as being equal to the aggregate bene-*
21 *fits (if any) that would have been provided to eligible*
22 *residents of such possession by reason of the amend-*
23 *ments made by this section if a mirror code tax sys-*
24 *tem had been in effect in such possession. The pre-*
25 *ceding sentence shall not apply unless the respective*

2027

1 *possession has a process, which has been approved by*
2 *the Secretary of the Treasury, under which such pos-*
3 *session promptly transfers the payments directly on*
4 *behalf of eligible residents to a retirement savings ve-*
5 *hicle established under the laws of such possession or*
6 *the United States that is substantially similar to a*
7 *plan, or is a plan, described in clause (iii), (iv), (v),*
8 *or (vi) of section 402(c)(8)(B) of the Internal Revenue*
9 *Code of 1986 or an individual retirement plan, and*
10 *the restrictions on distributions from such retirement*
11 *savings vehicle are substantially similar to the provi-*
12 *sions of section 6433(d)(2) of such Code (as added by*
13 *this section).*

14 (3) *COORDINATION WITH UNITED STATES*
15 *SAVER'S MATCH.—No matching contribution shall be*
16 *allowed under section 6433 of the Internal Revenue*
17 *Code of 1986 (as added by this section) to any per-*
18 *son—*

19 (A) *to whom a matching contribution is*
20 *paid by the possession by reason of the amend-*
21 *ments made by this section, or*

22 (B) *who is eligible for a payment under a*
23 *plan described in paragraph (2).*

24 (4) *MIRROR CODE TAX SYSTEM.—For purposes*
25 *of this subsection, the term “mirror code tax system”*

2028

1 *means, with respect to any possession of the United*
2 *States, the income tax system of such possession if the*
3 *income tax liability of the residents of such possession*
4 *under such system is determined by reference to the*
5 *income tax laws of the United States as if such pos-*
6 *session were the United States.*

7 (5) *TREATMENT OF PAYMENTS.*—*For purposes of*
8 *section 1324 of title 31, United States Code, the pay-*
9 *ments under this subsection shall be treated in the*
10 *same manner as a refund due from a credit provision*
11 *referred to in subsection (b)(2) of such section.*

12 (c) *ADMINISTRATIVE PROVISIONS.*—

13 (1) *DEFICIENCIES.*—*Section 6211(b)(4) is*
14 *amended by striking “and 7527A” and inserting*
15 *“7527A, and 6433”.*

16 (2) *REPORTING.*—*The Secretary of the Treasury*
17 *shall amend the forms relating to reports required*
18 *under section 6058 of the Internal Revenue Code of*
19 *1986 to require—*

20 (A) *separate reporting of the aggregate*
21 *amount of contributions received by the plan*
22 *during the year under section 6433 of the Inter-*
23 *nal Revenue Code of 1986 (as added by this sec-*
24 *tion), and*

2029

1 (B) similar reporting with respect to indi-
2 vidual retirement accounts (as defined in section
3 408 of such Code) and individual retirement an-
4 nuities (as defined in section 408(b) of such
5 Code).

6 (d) *PAYMENT AUTHORITY*.—Section 1324(b)(2) of title
7 31, United States Code, is amended by striking “or 7527A”
8 and inserting “7527A, or 6433”.

9 (e) *CONFORMING AMENDMENTS*.—

10 (1) Paragraph (1) of section 25B(d) is amended
11 by striking “the sum of—” and all that follows
12 through “the amount of contributions made before
13 January 1, 2026” and inserting “the amount of con-
14 tributions made before January 1, 2026”.

15 (2) The table of sections for subchapter B of
16 chapter 65 is amended by adding at the end the fol-
17 lowing new item:

“Sec. 6433. Saver’s Match.”.

18 (f) *EFFECTIVE DATE*.—The amendments made by this
19 section shall apply to taxable years beginning after Decem-
20 ber 31, 2026.

21 **SEC. 104. PROMOTION OF SAVER’S MATCH.**

22 (a) *IN GENERAL*.—The Secretary of the Treasury shall
23 take such steps as the Secretary determines are necessary
24 and appropriate to increase public awareness of the match-

2030

1 *ing contribution provided under section 6433 of the Inter-*
2 *nal Revenue Code of 1986.*

3 *(b) REPORT TO CONGRESS.—*

4 *(1) IN GENERAL.—Not later than July 1, 2026,*
5 *the Secretary shall provide a report to Congress to*
6 *summarize the anticipated promotion efforts of the*
7 *Treasury under subsection (a).*

8 *(2) CONTENTS.—Such report shall include—*

9 *(A) a description of plans for—*

10 *(i) the development and distribution of*
11 *digital and print materials, including the*
12 *distribution of such materials to States for*
13 *participants in State facilitated retirement*
14 *savings programs,*

15 *(ii) the translation of such materials*
16 *into the 10 most commonly spoken lan-*
17 *guages in the United States after English*
18 *(as determined by reference to the most re-*
19 *cent American Community Survey of the*
20 *Bureau of the Census), and*

21 *(iii) communicating the adverse con-*
22 *sequences of early withdrawal from an ap-*
23 *plicable retirement savings vehicle to which*
24 *a matching contribution has been paid*
25 *under section 6333(a)(2) of the Internal*

† HR 2617 EAS2

2031

1 *Revenue Code of 1986, including the oper-*
2 *ation of the Saver's Match Recovery Pay-*
3 *ment rules under section 6433(f)(6) of such*
4 *Code and associated early withdrawal pen-*
5 *alties, and*

6 *(B) such other information as the Secretary*
7 *determines is necessary.*

8 **SEC. 105. POOLED EMPLOYER PLANS MODIFICATION.**

9 *(a) IN GENERAL.—Section 3(43)(B)(ii) of the Em-*
10 *ployee Retirement Income Security Act of 1974 (29 U.S.C.*
11 *1002(43)(B)(ii)) is amended to read as follows:*

12 *“(ii) designate a named fiduciary*
13 *(other than an employer in the plan) to be*
14 *responsible for collecting contributions to*
15 *the plan and require such fiduciary to im-*
16 *plement written contribution collection pro-*
17 *cedures that are reasonable, diligent, and*
18 *systematic;”.*

19 *(b) EFFECTIVE DATE.—The amendments made by this*
20 *section shall apply to plan years beginning after December*
21 *31, 2022.*

22 **SEC. 106. MULTIPLE EMPLOYER 403(b) PLANS.**

23 *(a) IN GENERAL.—Section 403(b) is amended by add-*
24 *ing at the end the following new paragraph:*

25 *“(15) MULTIPLE EMPLOYER PLANS.—*

2032

1 “(A) *IN GENERAL.*—*Except in the case of a*
2 *church plan, this subsection shall not be treated*
3 *as failing to apply to an annuity contract solely*
4 *by reason of such contract being purchased under*
5 *a plan maintained by more than 1 employer.*

6 “(B) *TREATMENT OF EMPLOYERS FAILING*
7 *TO MEET REQUIREMENTS OF PLAN.*—

8 “(i) *IN GENERAL.*—*In the case of a*
9 *plan maintained by more than 1 employer,*
10 *this subsection shall not be treated as fail-*
11 *ing to apply to an annuity contract held*
12 *under such plan merely because of one or*
13 *more employers failing to meet the require-*
14 *ments of this subsection if such plan satis-*
15 *fies rules similar to the rules of section*
16 *413(e)(2) with respect to any such employer*
17 *failure.*

18 “(ii) *ADDITIONAL REQUIREMENTS IN*
19 *CASE OF NON-GOVERNMENTAL PLANS.*—*A*
20 *plan shall not be treated as meeting the re-*
21 *quirements of this subparagraph unless the*
22 *plan satisfies rules similar to the rules of*
23 *subparagraph (A) or (B) of section*
24 *413(e)(1), except in the case of a multiple*
25 *employer plan maintained solely by any of*

† HR 2617 EAS2

2033

1 *the following: A State, a political subdivi-*
2 *sion of a State, or an agency or instrumen-*
3 *tality of any one or more of the foregoing.”.*

4 **(b) ANNUAL REGISTRATION FOR 403(b) MULTIPLE**
5 **EMPLOYER PLAN.**—*Section 6057 is amended by redesignig-*
6 *ating subsection (g) as subsection (h) and by inserting*
7 *after subsection (f) the following new subsection:*

8 **“(g) 403(b) MULTIPLE EMPLOYER PLANS TREATED AS**
9 **ONE PLAN.**—*In the case of annuity contracts to which this*
10 *section applies and to which section 403(b) applies by rea-*
11 *son of the plan under which such contracts are purchased*
12 *meeting the requirements of paragraph (15) thereof, such*
13 *plan shall be treated as a single plan for purposes of this*
14 *section.”.*

15 **(c) ANNUAL INFORMATION RETURNS FOR 403(b) MUL-**
16 **TIPLE EMPLOYER PLAN.**—*Section 6058 is amended by re-*
17 *designating subsection (f) as subsection (g) and by inserting*
18 *after subsection (e) the following new subsection:*

19 **“(f) 403(b) MULTIPLE EMPLOYER PLANS TREATED AS**
20 **ONE PLAN.**—*In the case of annuity contracts to which this*
21 *section applies and to which section 403(b) applies by rea-*
22 *son of the plan under which such contracts are purchased*
23 *meeting the requirements of paragraph (15) thereof, such*
24 *plan shall be treated as a single plan for purposes of this*
25 *section.”.*

2034

1 (d) *AMENDMENTS TO EMPLOYEE RETIREMENT IN-*
2 *COME SECURITY ACT OF 1974.*—

3 (1) *IN GENERAL.*—Section 3(43)(A) of the *Em-*
4 *ployee Retirement Income Security Act of 1974* is
5 *amended*—

6 (A) *in clause (ii), by striking “section*
7 *501(a) of such Code or” and inserting “section*
8 *501(a) of such Code, a plan that consists of an-*
9 *nuity contracts described in section 403(b) of*
10 *such Code, or”;* and

11 (B) *in the flush text at the end following*
12 *clause (iii), by striking “the plan.” and inserting*
13 *“the plan, but such term shall include any plan*
14 *(other than a plan excepted from the application*
15 *of this title by section 4(b)(2)) maintained for*
16 *the benefit of the employees of more than 1 em-*
17 *ployer that consists of annuity contracts de-*
18 *scribed in section 403(b) of such Code and that*
19 *meets the requirements of subparagraph (B) of*
20 *section 413(e)(1) of such Code.”.*

21 (2) *CONFORMING AMENDMENTS.*—Sections
22 *3(43)(B)(v)(II) and 3(44)(A)(i)(I) of the Employee*
23 *Retirement Income Security Act of 1974* are each
24 *amended by striking “section 401(a) of such Code or”*
25 *and inserting “section 401(a) of such Code, a plan*

2035

1 *that consists of annuity contracts described in section*
2 *403(b) of such Code, or”.*

3 *(e) REGULATIONS RELATING TO EMPLOYER FAILURE*
4 *TO MEET MULTIPLE EMPLOYER PLAN REQUIREMENTS.—*
5 *The Secretary of the Treasury (or the Secretary’s delegate)*
6 *shall prescribe such regulations as may be necessary to clar-*
7 *ify, in the case of plans to which section 403(b)(15) of the*
8 *Internal Revenue Code of 1986 applies, the treatment of an*
9 *employer departing such plan in connection with such em-*
10 *ployer’s failure to meet multiple employer plan require-*
11 *ments.*

12 *(f) MODIFICATION OF MODEL PLAN LANGUAGE,*
13 *ETC.—*

14 *(1) PLAN NOTIFICATIONS.—The Secretary of the*
15 *Treasury (or the Secretary’s delegate), in consultation*
16 *with the Secretary of Labor, shall modify the model*
17 *plan language published under section 413(e)(5) of*
18 *the Internal Revenue Code of 1986 to include lan-*
19 *guage that requires participating employers be noti-*
20 *fied that the plan is subject to the Employee Retirement*
21 *Income Security Act of 1974 and that such em-*
22 *ployer is a plan sponsor with respect to its employees*
23 *participating in the multiple employer plan and, as*
24 *such, has certain fiduciary duties with respect to the*
25 *plan and to its employees.*

2036

1 (2) *MODEL PLANS FOR MULTIPLE EMPLOYER*
2 403(b) *PLANS.—For plans to which section*
3 403(b)(15)(A) *of the Internal Revenue Code of 1986*
4 *applies (other than a plan maintained for its employ-*
5 *ees by a State, a political subdivision of a State, or*
6 *an agency or instrumentality of any one or more of*
7 *the foregoing), the Secretary of the Treasury (or the*
8 *Secretary’s delegate), in consultation with the Sec-*
9 *retary of Labor, shall publish model plan language*
10 *similar to model plan language published under sec-*
11 *tion 413(e)(5) of such Code.*

12 (3) *EDUCATIONAL OUTREACH TO EMPLOYERS EX-*
13 *EMPT FROM TAX.—The Secretary of the Treasury (or*
14 *the Secretary’s delegate), in consultation with the Sec-*
15 *retary of Labor, shall provide education and outreach*
16 *to increase awareness to employers described in sec-*
17 *tion 501(c)(3) of the Internal Revenue Code of 1986,*
18 *and which are exempt from tax under section 501(a)*
19 *of such Code, that multiple employer plans are subject*
20 *to the Employee Retirement Income Security Act of*
21 *1974 and that such employer is a plan sponsor with*
22 *respect to its employees participating in the multiple*
23 *employer plan and, as such, has certain fiduciary du-*
24 *ties with respect to the plan and to its employees.*

2037

1 (g) *NO INFERENCE WITH RESPECT TO CHURCH*
2 *PLANS.*—*Regarding any application of section 403(b) of the*
3 *Internal Revenue Code of 1986 to an annuity contract pur-*
4 *chased under a church plan (as defined in section 414(e)*
5 *of such Code) maintained by more than 1 employer, or to*
6 *any application of rules similar to section 413(e) of such*
7 *Code to such a plan, no inference shall be made from section*
8 *403(b)(15)(A) of such Code (as added by this Act) not ap-*
9 *plying to such plans.*

10 (h) *EFFECTIVE DATE.*—

11 (1) *IN GENERAL.*—*The amendments made by*
12 *this section shall apply to plan years beginning after*
13 *December 31, 2022.*

14 (2) *RULE OF CONSTRUCTION.*—*Nothing in the*
15 *amendments made by subsection (a) shall be con-*
16 *strued as limiting the authority of the Secretary of*
17 *the Treasury or the Secretary’s delegate (determined*
18 *without regard to such amendment) to provide for the*
19 *proper treatment of a failure to meet any requirement*
20 *applicable under the Internal Revenue Code of 1986*
21 *with respect to one employer (and its employees) in*
22 *the case of a plan to which section 403(b)(15) of the*
23 *Internal Revenue Code of 1986 applies.*

2038

1 **SEC. 107. INCREASE IN AGE FOR REQUIRED BEGINNING**
2 **DATE FOR MANDATORY DISTRIBUTIONS.**

3 (a) *IN GENERAL.*—Section 401(a)(9)(C)(i)(I) is
4 amended by striking “age 72” and inserting “the applicable
5 age”.

6 (b) *SPOUSE BENEFICIARIES; SPECIAL RULE FOR*
7 *OWNERS.*—Subparagraphs (B)(iv)(I) and (C)(ii)(I) of sec-
8 tion 401(a)(9) are each amended by striking “age 72” and
9 inserting “the applicable age”.

10 (c) *APPLICABLE AGE.*—Section 401(a)(9)(C) is
11 amended by adding at the end the following new clause:

12 “(v) *APPLICABLE AGE.*—

13 “(I) *In the case of an individual*
14 *who attains age 72 after December 31,*
15 *2022, and age 73 before January 1,*
16 *2033, the applicable age is 73.*

17 “(II) *In the case of an individual*
18 *who attains age 74 after December 31,*
19 *2032, the applicable age is 75.”.*

20 (d) *CONFORMING AMENDMENTS.*—The last sentence of
21 section 408(b) is amended by striking “age 72” and insert-
22 ing “the applicable age (determined under section
23 401(a)(9)(C)(v) for the calendar year in which such taxable
24 year begins)”.

25 (e) *EFFECTIVE DATE.*—The amendments made by this
26 section shall apply to distributions required to be made

2039

1 *after December 31, 2022, with respect to individuals who*
2 *attain age 72 after such date.*

3 **SEC. 108. INDEXING IRA CATCH-UP LIMIT.**

4 (a) *IN GENERAL.*—Subparagraph (C) of section
5 219(b)(5) is amended by adding at the end the following
6 new clause:

7 “(iii) *INDEXING OF CATCH-UP LIMITA-*
8 *TION.*—In the case of any taxable year be-
9 ginning in a calendar year after 2023, the
10 \$1,000 amount under subparagraph (B)(ii)
11 shall be increased by an amount equal to—

12 “(I) such dollar amount, multi-
13 plied by

14 “(II) the cost-of-living adjustment
15 determined under section 1(f)(3) for
16 the calendar year in which the taxable
17 year begins, determined by substituting
18 ‘calendar year 2022’ for ‘calendar year
19 2016’ in subparagraph (A)(ii) thereof.

20 *If any amount after adjustment under the*
21 *preceding sentence is not a multiple of*
22 *\$100, such amount shall be rounded to the*
23 *next lower multiple of \$100.”.*

2040

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2023.*

4 **SEC. 109. HIGHER CATCH-UP LIMIT TO APPLY AT AGE 60, 61,**
5 **62, AND 63.**

6 (a) *IN GENERAL.*—

7 (1) *PLANS OTHER THAN SIMPLE PLANS.*—*Sec-*
8 *tion 414(v)(2)(B)(i) is amended by inserting the fol-*
9 *lowing before the period: “(the adjusted dollar*
10 *amount, in the case of an eligible participant who*
11 *would attain age 60 but would not attain age 64 be-*
12 *fore the close of the taxable year)”.*

13 (2) *SIMPLE PLANS.*—*Section 414(v)(2)(B)(ii) is*
14 *amended by inserting the following before the period:*
15 *“(the adjusted dollar amount, in the case of an eligi-*
16 *ble participant who would attain age 60 but would*
17 *not attain age 64 before the close of the taxable*
18 *year)”.*

19 (b) *ADJUSTED DOLLAR AMOUNT.*—*Section 414(v)(2)*
20 *is amended by adding at the end the following new subpara-*
21 *graph:*

22 “(E) *ADJUSTED DOLLAR AMOUNT.*—*For*
23 *purposes of subparagraph (B), the adjusted dol-*
24 *lar amount is—*

2041

1 “(i) in the case of clause (i) of sub-
2 paragraph (B), the greater of—

3 “(I) \$10,000, or

4 “(II) an amount equal to 150 per-
5 cent of the dollar amount which would
6 be in effect under such clause for 2024
7 for eligible participants not described
8 in the parenthetical in such clause, or

9 “(ii) in the case of clause (ii) of sub-
10 paragraph (B), the greater of—

11 “(I) \$5,000, or

12 “(II) an amount equal to equal to
13 150 percent of the dollar amount which
14 would be in effect under such clause for
15 2025 for eligible participants not de-
16 scribed in the parenthetical in such
17 clause.”.

18 (c) *COST-OF-LIVING ADJUSTMENTS*.—Subparagraph
19 (C) of section 414(v)(2) is amended by adding at the end
20 the following: “In the case of a year beginning after Decem-
21 ber 31, 2025, the Secretary shall adjust annually the ad-
22 justed dollar amounts applicable under clauses (i) and (ii)
23 of subparagraph (E) for increases in the cost-of-living at
24 the same time and in the same manner as adjustments
25 under the preceding sentence; except that the base period

2042

1 *taken into account shall be the calendar quarter beginning*
2 *July 1, 2024.”.*

3 *(d) EFFECTIVE DATE.—The amendments made by this*
4 *section shall apply to taxable years beginning after Decem-*
5 *ber 31, 2024.*

6 **SEC. 110. TREATMENT OF STUDENT LOAN PAYMENTS AS**
7 **ELECTIVE DEFERRALS FOR PURPOSES OF**
8 **MATCHING CONTRIBUTIONS.**

9 *(a) IN GENERAL.—Subparagraph (A) of section*
10 *401(m)(4) is amended by striking “and” at the end of*
11 *clause (i), by striking the period at the end of clause (ii)*
12 *and inserting “, and”, and by adding at the end the fol-*
13 *lowing new clause:*

14 *“(iii) subject to the requirements of*
15 *paragraph (14), any employer contribution*
16 *made to a defined contribution plan on be-*
17 *half of an employee on account of a quali-*
18 *fied student loan payment.”.*

19 *(b) QUALIFIED STUDENT LOAN PAYMENT.—Para-*
20 *graph (4) of section 401(m) is amended by adding at the*
21 *end the following new subparagraph:*

22 *“(D) QUALIFIED STUDENT LOAN PAY-*
23 *MENT.—The term ‘qualified student loan pay-*
24 *ment’ means a payment made by an employee in*
25 *repayment of a qualified education loan (as de-*

2043

1 *financed in section 221(d)(1)) incurred by the em-*
2 *ployee to pay qualified higher education ex-*
3 *penses, but only—*

4 *“(i) to the extent such payments in the*
5 *aggregate for the year do not exceed an*
6 *amount equal to—*

7 *“(I) the limitation applicable*
8 *under section 402(g) for the year (or, if*
9 *lesser, the employee’s compensation (as*
10 *defined in section 415(c)(3)) for the*
11 *year), reduced by*

12 *“(II) the elective deferrals made*
13 *by the employee for such year, and*

14 *“(ii) if the employee certifies annually*
15 *to the employer making the matching con-*
16 *tribution under this paragraph that such*
17 *payment has been made on such loan.*

18 *For purposes of this subparagraph, the term*
19 *‘qualified higher education expenses’ means the*
20 *cost of attendance (as defined in section 472 of*
21 *the Higher Education Act of 1965, as in effect on*
22 *the day before the date of the enactment of the*
23 *Taxpayer Relief Act of 1997) at an eligible edu-*
24 *cational institution (as defined in section*
25 *221(d)(2)).”.*

† HR 2617 EAS2

2044

1 (c) *MATCHING CONTRIBUTIONS FOR QUALIFIED STU-*
2 *DENT LOAN PAYMENTS.*—Section 401(m) is amended by re-
3 *designating paragraph (13) as paragraph (14), and by in-*
4 *serting after paragraph (12) the following new paragraph:*

5 “(13) *MATCHING CONTRIBUTIONS FOR QUALI-*
6 *FIED STUDENT LOAN PAYMENTS.*—

7 “(A) *IN GENERAL.*—For purposes of para-
8 *graph (4)(A)(iii), an employer contribution*
9 *made to a defined contribution plan on account*
10 *of a qualified student loan payment shall be*
11 *treated as a matching contribution for purposes*
12 *of this title if—*

13 “(i) *the plan provides matching con-*
14 *tributions on account of elective deferrals at*
15 *the same rate as contributions on account of*
16 *qualified student loan payments,*

17 “(ii) *the plan provides matching con-*
18 *tributions on account of qualified student*
19 *loan payments only on behalf of employees*
20 *otherwise eligible to receive matching con-*
21 *tributions on account of elective deferrals,*

22 “(iii) *under the plan, all employees eli-*
23 *gible to receive matching contributions on*
24 *account of elective deferrals are eligible to*

2045

1 *receive matching contributions on account*
2 *of qualified student loan payments, and*

3 “(iv) *the plan provides that matching*
4 *contributions on account of qualified stu-*
5 *dent loan payments vest in the same man-*
6 *ner as matching contributions on account of*
7 *elective deferrals.*

8 “(B) *TREATMENT FOR PURPOSES OF NON-*
9 *DISCRIMINATION RULES, ETC.—*

10 “(i) *NONDISCRIMINATION RULES.—For*
11 *purposes of subparagraph (A)(iii), sub-*
12 *section (a)(4), and section 410(b), matching*
13 *contributions described in paragraph*
14 *(4)(A)(iii) shall not fail to be treated as*
15 *available to an employee solely because such*
16 *employee does not have debt incurred under*
17 *a qualified education loan (as defined in*
18 *section 221(d)(1)).*

19 “(ii) *STUDENT LOAN PAYMENTS NOT*
20 *TREATED AS PLAN CONTRIBUTION.—Except*
21 *as provided in clause (iii), a qualified stu-*
22 *dent loan payment shall not be treated as a*
23 *contribution to a plan under this title.*

24 “(iii) *MATCHING CONTRIBUTION*
25 *RULES.—Solely for purposes of meeting the*

2046

1 *requirements of paragraph (11)(B), (12), or*
2 *(13) of this subsection, or paragraph*
3 *(11)(B)(i)(II), (12)(B), (13)(D), or (16)(D)*
4 *of subsection (k), a plan may treat a quali-*
5 *fied student loan payment as an elective de-*
6 *ferral or an elective contribution, whichever*
7 *is applicable.*

8 “(iv) *ACTUAL DEFERRAL PERCENTAGE*
9 *TESTING.—In determining whether a plan*
10 *meets the requirements of subsection*
11 *(k)(3)(A)(ii) for a plan year, the plan may*
12 *apply the requirements of such subsection*
13 *separately with respect to all employees who*
14 *receive matching contributions described in*
15 *paragraph (4)(A)(iii) for the plan year.*

16 “(C) *EMPLOYER MAY RELY ON EMPLOYEE*
17 *CERTIFICATION.—The employer may rely on an*
18 *employee certification of payment under para-*
19 *graph (4)(D)(ii).”.*

20 (d) *SIMPLE RETIREMENT ACCOUNTS.—Paragraph (2)*
21 *of section 408(p) is amended by adding at the end the fol-*
22 *lowing new subparagraph:*

23 “(F) *MATCHING CONTRIBUTIONS FOR*
24 *QUALIFIED STUDENT LOAN PAYMENTS.—*

2047

1 “(i) *IN GENERAL.*—*Subject to the rules*
2 *of clause (iii), an arrangement shall not fail*
3 *to be treated as meeting the requirements of*
4 *subparagraph (A)(iii) solely because under*
5 *the arrangement, solely for purposes of such*
6 *subparagraph, qualified student loan pay-*
7 *ments are treated as amounts elected by the*
8 *employee under subparagraph (A)(i)(I) to*
9 *the extent such payments do not exceed—*

10 “(I) *the applicable dollar amount*
11 *under subparagraph (E) (after appli-*
12 *cation of section 414(v)) for the year*
13 *(or, if lesser, the employee’s compensa-*
14 *tion (as defined in section 415(c)(3))*
15 *for the year), reduced by*

16 “(II) *any other amounts elected*
17 *by the employee under subparagraph*
18 *(A)(i)(I) for the year.*

19 “(ii) *QUALIFIED STUDENT LOAN PAY-*
20 *MENT.*—*For purposes of this subpara-*
21 *graph—*

22 “(I) *IN GENERAL.*—*The term*
23 *‘qualified student loan payment’ means*
24 *a payment made by an employee in re-*
25 *payment of a qualified education loan*

2048

1 *(as defined in section 221(d)(1)) in-*
2 *curred by the employee to pay quali-*
3 *fied higher education expenses, but*
4 *only if the employee certifies to the em-*
5 *ployer making the matching contribu-*
6 *tion that such payment has been made*
7 *on such a loan.*

8 “(II) *QUALIFIED HIGHER EDU-*
9 *CATION EXPENSES.*—*The term ‘quali-*
10 *fied higher education expenses’ has the*
11 *same meaning as when used in section*
12 *401(m)(4)(D).*

13 “(iii) *APPLICABLE RULES.*—*Clause (i)*
14 *shall apply to an arrangement only if,*
15 *under the arrangement—*

16 “(I) *matching contributions on*
17 *account of qualified student loan pay-*
18 *ments are provided only on behalf of*
19 *employees otherwise eligible to elect*
20 *contributions under subparagraph*
21 *(A)(i)(I), and*

22 “(II) *all employees otherwise eligi-*
23 *ble to participate in the arrangement*
24 *are eligible to receive matching con-*

2049

1 *tributions on account of qualified stu-*
2 *dent loan payments.”.*

3 (e) 403(b) PLANS.—Subparagraph (A) of section
4 403(b)(12) is amended by adding at the end the following:
5 “The fact that the employer offers matching contributions
6 on account of qualified student loan payments as described
7 in section 401(m)(13) shall not be taken into account in
8 determining whether the arrangement satisfies the require-
9 ments of clause (ii) (and any regulation thereunder).”.

10 (f) 457(b) PLANS.—Subsection (b) of section 457 is
11 amended by adding at the end the following: “A plan which
12 is established and maintained by an employer which is de-
13 scribed in subsection (e)(1)(A) shall not be treated as failing
14 to meet the requirements of this subsection solely because
15 the plan, or another plan maintained by the employer
16 which meets the requirements of section 401(a) or 403(b),
17 provides for matching contributions on account of qualified
18 student loan payments as described in section 401(m)(13).”.

19 (g) REGULATORY AUTHORITY.—The Secretary of the
20 Treasury (or such Secretary’s delegate) shall prescribe regu-
21 lations for purposes of implementing the amendments made
22 by this section, including regulations—

23 (1) permitting a plan to make matching con-
24 tributions for qualified student loan payments, as de-
25 fined in sections 401(m)(4)(D) and 408(p)(2)(F) of

2050

1 *the Internal Revenue Code of 1986, as added by this*
2 *section, at a different frequency than matching con-*
3 *tributions are otherwise made under the plan, pro-*
4 *vided that the frequency is not less than annually;*

5 *(2) permitting employers to establish reasonable*
6 *procedures to claim matching contributions for such*
7 *qualified student loan payments under the plan, in-*
8 *cluding an annual deadline (not earlier than 3*
9 *months after the close of each plan year) by which a*
10 *claim must be made; and*

11 *(3) promulgating model amendments which*
12 *plans may adopt to implement matching contribu-*
13 *tions on such qualified student loan payments for*
14 *purposes of sections 401(m), 408(p), 403(b), and*
15 *457(b) of the Internal Revenue Code of 1986.*

16 *(h) EFFECTIVE DATE.—The amendments made by this*
17 *section shall apply to contributions made for plan years*
18 *beginning after December 31, 2023.*

19 **SEC. 111. APPLICATION OF CREDIT FOR SMALL EMPLOYER**
20 **PENSION PLAN STARTUP COSTS TO EMPLOY-**
21 **ERS WHICH JOIN AN EXISTING PLAN.**

22 *(a) IN GENERAL.—Section 45E(d)(3)(A) is amended*
23 *by striking “effective” and inserting “effective with respect*
24 *to the eligible employer”.*

2051

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall take effect as if included in the enactment of*
3 *section 104 of the Setting Every Community Up for Retirement*
4 *Enhancement Act of 2019.*

5 **SEC. 112. MILITARY SPOUSE RETIREMENT PLAN ELIGI-**
6 **BILITY CREDIT FOR SMALL EMPLOYERS.**

7 (a) *IN GENERAL.*—*Subpart D of part IV of subchapter*
8 *A of chapter 1 is amended by adding at the end the fol-*
9 *lowing new section:*

10 **“SEC. 45AA. MILITARY SPOUSE RETIREMENT PLAN ELIGI-**
11 **BILITY CREDIT FOR SMALL EMPLOYERS.**

12 “(a) *IN GENERAL.*—*For purposes of section 38, in the*
13 *case of any eligible small employer, the military spouse re-*
14 *tirement plan eligibility credit determined under this sec-*
15 *tion for any taxable year is an amount equal to the sum*
16 *of—*

17 “(1) *\$200 with respect to each military spouse*
18 *who is an employee of such employer and who par-*
19 *ticipates in an eligible defined contribution plan of*
20 *such employer at any time during such taxable year,*
21 *plus*

22 “(2) *so much of the contributions made by such*
23 *employer (other than an elective deferral (as defined*
24 *in section 402(g)(3)) to all such plans with respect to*

2052

1 *such employee during such taxable year as do not ex-*
2 *ceed \$300.*

3 *“(b) LIMITATION.—An individual shall only be taken*
4 *into account as a military spouse under subsection (a) for*
5 *the taxable year which includes the date on which such indi-*
6 *vidual began participating in the eligible defined contribu-*
7 *tion plan of the employer and the 2 succeeding taxable*
8 *years.*

9 *“(c) ELIGIBLE SMALL EMPLOYER.—For purposes of*
10 *this section, the term ‘eligible small employer’ means an*
11 *eligible employer (as defined in section 408(p)(2)(C)(i)(I).*

12 *“(d) MILITARY SPOUSE.—For purposes of this sec-*
13 *tion—*

14 *“(1) IN GENERAL.—The term ‘military spouse’*
15 *means, with respect to any employer, any individual*
16 *who is married (within the meaning of section 7703*
17 *as of the first date that the employee is employed by*
18 *the employer) to an individual who is a member of*
19 *the uniformed services (as defined section 101(a)(5) of*
20 *title 10, United States Code) serving on active duty.*
21 *For purposes of this section, an employer may rely on*
22 *an employee’s certification that such employee’s*
23 *spouse is a member of the uniformed services if such*
24 *certification provides the name, rank, and service*
25 *branch of such spouse.*

2053

1 “(2) *EXCLUSION OF HIGHLY COMPENSATED EM-*
2 *PLOYEES.*—With respect to any employer, the term
3 ‘military spouse’ shall not include any individual if
4 such individual is a highly compensated employee of
5 such employer (within the meaning of section 414(q)).

6 “(e) *ELIGIBLE DEFINED CONTRIBUTION PLAN.*—For
7 purposes of this section, the term ‘eligible defined contribu-
8 tion plan’ means, with respect to any eligible small em-
9 ployer, any defined contribution plan (as defined in section
10 414(i)) of such employer if, under the terms of such plan—

11 “(1) *military spouses employed by such employer*
12 *are eligible to participate in such plan not later than*
13 *the date which is 2 months after the date on which*
14 *such individual begins employment with such em-*
15 *ployer, and*

16 “(2) *military spouses who are eligible to partici-*
17 *pate in such plan—*

18 “(A) *are immediately eligible to receive an*
19 *amount of employer contributions under such*
20 *plan which is not less the amount of such con-*
21 *tributions that a similarly situated participant*
22 *who is not a military spouse would be eligible to*
23 *receive under such plan after 2 years of service,*
24 *and*

2054

1 “(B) immediately have a nonforfeitable
2 right to the employee’s accrued benefit derived
3 from employer contributions under such plan.

4 “(f) AGGREGATION RULE.—All persons treated as a
5 single employer under subsection (b), (c), (m), or (o) of sec-
6 tion 414 shall be treated as one employer for purposes of
7 this section.”.

8 (b) CREDIT ALLOWED AS PART OF GENERAL BUSI-
9 NESS CREDIT.—Section 38(b) is amended by striking
10 “plus” at the end of paragraph (39), by striking the period
11 at the end of paragraph (40) and inserting “, plus”, and
12 by adding at the end the following new paragraph:

13 “(41) in the case of an eligible small employer
14 (as defined in section 45AA(c)), the military spouse
15 retirement plan eligibility credit determined under
16 section 45AA(a).”.

17 (c) SPECIFIED CREDIT FOR PURPOSES OF CERTIFIED
18 PROFESSIONAL EMPLOYER ORGANIZATIONS.—Section
19 3511(d)(2) is amended by redesignating subparagraphs (F),
20 (G), and (H) as subparagraphs (G), (H), and (I), respec-
21 tively, and by inserting after subparagraph (E) the fol-
22 lowing new subparagraph:

23 “(F) section 45AA (military spouse retire-
24 ment plan eligibility credit),”.

2055

1 (d) *CLERICAL AMENDMENT.*—*The table of sections for*
2 *subpart D of part IV of subchapter A of chapter 1 is amend-*
3 *ed by adding at the end the following new item:*

 “Sec. 45AA. *Military spouse retirement plan eligibility credit for small employ-*
 ers.”.

4 (e) *EFFECTIVE DATE.*—*The amendments made by this*
5 *section shall apply to taxable years beginning after the date*
6 *of the enactment of this Act.*

7 **SEC. 113. SMALL IMMEDIATE FINANCIAL INCENTIVES FOR**
8 **CONTRIBUTING TO A PLAN.**

9 (a) *IN GENERAL.*—*Subparagraph (A) of section*
10 *401(k)(4) is amended by inserting “(other than a de mini-*
11 *mis financial incentive (not paid for with plan assets) pro-*
12 *vided to employees who elect to have the employer make con-*
13 *tributions under the arrangement in lieu of receiving cash)”*
14 *after “any other benefit”.*

15 (b) *SECTION 403(b) PLANS.*—*Subparagraph (A) of sec-*
16 *tion 403(b)(12), as amended by the preceding provisions of*
17 *this Act, is further amended by adding at the end the fol-*
18 *lowing: “A plan shall not fail to satisfy clause (ii) solely*
19 *by reason of offering a de minimis financial incentive (not*
20 *derived from plan assets) to employees to elect to have the*
21 *employer make contributions pursuant to a salary reduc-*
22 *tion agreement.”.*

23 (c) *EXEMPTION FROM PROHIBITED TRANSACTION*
24 *RULES.*—*Subsection (d) of section 4975 is amended by*

2056

1 *striking “or” at the end of paragraph (22), by striking the*
2 *period at the end of paragraph (23) and inserting “, or”,*
3 *and by adding at the end the following new paragraph:*

4 “(24) *the provision of a de minimis financial in-*
5 *centive described in section 401(k)(4)(A).”.*

6 (d) *AMENDMENT OF EMPLOYEE RETIREMENT INCOME*
7 *SECURITY ACT OF 1974.—Subsection (b) of section 408 of*
8 *the Employee Retirement Income Security Act of 1974 (29*
9 *U.S.C. 1108(b)) is amended by adding at the end the fol-*
10 *lowing new paragraph:*

11 “(21) *The provision of a de minimis financial*
12 *incentive described in section 401(k)(4)(A) or section*
13 *403(b)(12)(A) of the Internal Revenue Code of 1986.”.*

14 (e) *EFFECTIVE DATE.—The amendments made by this*
15 *section shall apply with respect to plan years beginning*
16 *after the date of enactment of this Act.*

17 **SEC. 114. DEFERRAL OF TAX FOR CERTAIN SALES OF EM-**
18 **PLOYER STOCK TO EMPLOYEE STOCK OWNER-**
19 **SHIP PLAN SPONSORED BY S CORPORATION.**

20 (a) *IN GENERAL.—Section 1042(c)(1)(A) is amended*
21 *by striking “domestic C corporation” and inserting “domes-*
22 *tic corporation”.*

23 (b) *10 PERCENT LIMITATION ON APPLICATION OF GAIN*
24 *ON SALE OF S CORPORATION STOCK.—Section 1042 is*
25 *amended by adding at the end the following new subsection:*

2057

1 “(h) *APPLICATION OF SECTION TO SALE OF STOCK IN*
2 *S CORPORATION.*—*In the case of the sale of qualified securi-*
3 *ties of an S corporation, the election under subsection (a)*
4 *may be made with respect to not more than 10 percent of*
5 *the amount realized on such sale for purposes of deter-*
6 *mining the amount of gain not recognized and the extent*
7 *to which (if at all) the amount realized on such sale exceeds*
8 *the cost of qualified replacement property. The portion of*
9 *adjusted basis that is properly allocable to the portion of*
10 *the amount realized with respect to which the election is*
11 *made under this subsection shall be taken into account for*
12 *purposes of the preceding sentence.”.*

13 (c) *EFFECTIVE DATE.*—*The amendments made by this*
14 *section shall apply to sales after December 31, 2027.*

15 **SEC. 115. WITHDRAWALS FOR CERTAIN EMERGENCY EX-**
16 **PENSES.**

17 (a) *IN GENERAL.*—*Paragraph (2) of section 72(t) is*
18 *amended by adding at the end the following new subpara-*
19 *graph:*

20 “(I) *DISTRIBUTIONS FOR CERTAIN EMER-*
21 *GENCY EXPENSES.*—

22 “(i) *IN GENERAL.*—*Any emergency*
23 *personal expense distribution.*

24 “(ii) *ANNUAL LIMITATION.*—*Not more*
25 *than 1 distribution per calendar year may*

2058

1 *be treated as an emergency personal expense*
2 *distribution by any individual.*

3 “(iii) *DOLLAR LIMITATION.—The*
4 *amount which may be treated as an emer-*
5 *gency personal expense distribution by any*
6 *individual in any calendar year shall not*
7 *exceed the lesser of \$1,000 or an amount*
8 *equal to the excess of—*

9 *“(I) the individual’s total non-*
10 *forfeitable accrued benefit under the*
11 *plan (the individual’s total interest in*
12 *the plan in the case of an individual*
13 *retirement plan), determined as of the*
14 *date of each such distribution, over*

15 *“(II) \$1,000.*

16 “(iv) *EMERGENCY PERSONAL EXPENSE*
17 *DISTRIBUTION.—For purposes of this sub-*
18 *paragraph, the term ‘emergency personal*
19 *expense distribution’ means any distribu-*
20 *tion from an applicable eligible retirement*
21 *plan (as defined in subparagraph*
22 *(H)(vi)(I)) to an individual for purposes of*
23 *meeting unforeseeable or immediate finan-*
24 *cial needs relating to necessary personal or*
25 *family emergency expenses. The adminis-*

2059

1 *trator of an applicable eligible retirement*
2 *plan may rely on an employee’s written cer-*
3 *tification that the employee satisfies the*
4 *conditions of the preceding sentence in de-*
5 *termining whether any distribution is an*
6 *emergency personal expense distribution.*
7 *The Secretary may provide by regulations*
8 *for exceptions to the rule of the preceding*
9 *sentence in cases where the plan adminis-*
10 *trator has actual knowledge to the contrary*
11 *of the employee’s certification, and for pro-*
12 *cedures for addressing cases of employee*
13 *misrepresentation.*

14 “(v) *TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual*
15 *would (without regard to clause (ii) or (iii))*
16 *be an emergency personal expense distribu-*
17 *tion, a plan shall not be treated as failing*
18 *to meet any requirement of this title merely*
19 *because the plan treats the distribution as*
20 *an emergency personal expense distribution,*
21 *unless the number or the aggregate amount*
22 *of such distributions from all plans main-*
23 *tained by the employer (and any member of*
24 *any controlled group which includes the em-*
25

† HR 2617 EAS2

2060

1 *ployer, determined as provided in subpara-*
2 *graph (H)(iv)(II)) to such individual ex-*
3 *ceeds the limitation determined under*
4 *clause (ii) or (iii).*

5 *“(vi) AMOUNT DISTRIBUTED MAY BE*
6 *REPAID.—Rules similar to the rules of sub-*
7 *paragraph (H)(v) shall apply with respect*
8 *to an individual who receives a distribution*
9 *to which clause (i) applies.*

10 *“(vii) LIMITATION ON SUBSEQUENT*
11 *DISTRIBUTIONS.—If a distribution is treat-*
12 *ed as an emergency personal expense dis-*
13 *tribution in any calendar year with respect*
14 *to a plan of the employee, no amount may*
15 *be treated as such a distribution during the*
16 *immediately following 3 calendar years*
17 *with respect to such plan unless—*

18 *“(I) such previous distribution is*
19 *fully repaid to such plan pursuant to*
20 *clause (vi), or*

21 *“(II) the aggregate of the elective*
22 *deferrals and employee contributions to*
23 *the plan (the total amounts contributed*
24 *to the plan in the case of an individual*
25 *retirement plan) subsequent to such*

† HR 2617 EAS2

2061

1 *previous distribution is at least equal*
2 *to the amount of such previous dis-*
3 *tribution which has not been so repaid.*

4 “(viii) *SPECIAL RULES.—Rules simi-*
5 *lar to the rules of subclauses (II) and (IV)*
6 *of subparagraph (H)(vi) shall apply to any*
7 *emergency personal expense distribution.”.*

8 (b) *CROSS-REFERENCE.—See section 311 of this Act*
9 *for amendment to section 72(t)(2)(H)(v)(I) of the Internal*
10 *Revenue Code of 1986 limiting repayment of distribution*
11 *to 3 years.*

12 (c) *EFFECTIVE DATE.—The amendments made by this*
13 *section shall apply to distributions made after December 31,*
14 *2023.*

15 **SEC. 116. ALLOW ADDITIONAL NONELECTIVE CONTRIBU-**
16 **TIONS TO SIMPLE PLANS.**

17 (a) *IN GENERAL.—*

18 (1) *MODIFICATION TO DEFINITION.—Subpara-*
19 *graph (A) of section 408(p)(2) is amended by striking*
20 *“and” at the end of clause (iii), by redesignating*
21 *clause (iv) as clause (v), and by inserting after clause*
22 *(iii) the following new clause:*

23 *“(iv) the employer may make nonelec-*
24 *tive contributions of a uniform percentage*
25 *(up to 10 percent) of compensation for each*

2062

1 *employee who is eligible to participate in*
2 *the arrangement, and who has at least*
3 *\$5,000 of compensation from the employer*
4 *for the year, but such contributions with re-*
5 *spect to any employee shall not exceed*
6 *\$5,000 for the year, and”.*

7 (2) *LIMITATION.*—Subparagraph (A) of section
8 408(p)(2) is amended by adding at the end the fol-
9 lowing: “The compensation taken into account under
10 clause (iv) for any year shall not exceed the limita-
11 tion in effect for such year under section 401(a)(17).”.

12 (3) *OVERALL DOLLAR LIMIT ON CONTRIBU-*
13 *TIONS.*—Paragraph (8) of section 408(p) is amended
14 to read as follows:

15 “(8) *COORDINATION WITH MAXIMUM LIMITA-*
16 *TION.*—In the case of any simple retirement ac-
17 count—

18 “(A) subsection (a)(1) shall be applied by
19 substituting for ‘the amount in effect for such
20 taxable year under section 219(b)(1)(A)’ the fol-
21 lowing: ‘the sum of the dollar amount in effect
22 under subsection (p)(2)(A)(ii), the employer con-
23 tribution required under subsection (p)(2)(A)(iii)
24 or (p)(2)(B)(i), whichever is applicable, and a
25 contribution which meets the requirement of sub-

2063

1 *section (p)(2)(A)(iv) with respect to the em-*
2 *ployee’, and*

3 *“(B) subsection (b)(2)(B) shall be applied*
4 *by substituting for ‘the dollar amount in effect*
5 *under section 219(b)(1)(A)’ the following: ‘the*
6 *sum of the dollar amount in effect under sub-*
7 *section (p)(2)(A)(ii), the employer contribution*
8 *required under subsection (p)(2)(A)(iii) or*
9 *(p)(2)(B)(i), whichever is applicable, and a con-*
10 *tribution which meets the requirement of sub-*
11 *section (p)(2)(A)(iv) with respect to the em-*
12 *ployee’.”.*

13 *(4) ADJUSTMENT FOR INFLATION.—Paragraph*
14 *(2) of section 408(p), as amended by this Act, is fur-*
15 *ther amended by adding at the end the following new*
16 *subparagraph:*

17 *“(G) ADJUSTMENT FOR INFLATION.—In the*
18 *case of taxable years beginning after December*
19 *31, 2024, the \$5,000 amount in subparagraph*
20 *(A)(iv)(II) shall be increased by an amount*
21 *equal to—*

22 *“(i) such amount, multiplied by*

23 *“(ii) the cost-of-living adjustment de-*
24 *termined under section 1(f)(3) for the cal-*
25 *endar year in which the taxable year be-*

2064

1 *gins, determined by substituting ‘2023’ for*
2 *‘2016’ in subparagraph (A)(ii) thereof.*

3 *If any amount as adjusted under the preceding*
4 *sentence is not a multiple of \$100, such amount*
5 *shall be rounded to the nearest multiple of*
6 *\$100.”.*

7 *(b) CONFORMING AMENDMENTS.—*

8 *(1) Section 408(p)(2)(A)(v), as redesignated by*
9 *subsection (a), is amended by striking “or (iii)” and*
10 *inserting “, (iii), or (iv)”.*

11 *(2) Section 401(k)(11)(B)(i) is amended by strik-*
12 *ing “and” at the end of subclause (II), by redesign-*
13 *ating subclause (III) as subclause (IV), and by in-*
14 *serting after subclause (II) the following new sub-*
15 *clause:*

16 *“(III) the employer may make*
17 *nonelective contributions of a uniform*
18 *percentage (up to 10 percent) of com-*
19 *pensation, but not to exceed the*
20 *amount in effect under section*
21 *408(p)(2)(A)(iv) in any year, for each*
22 *employee who is eligible to participate*
23 *in the arrangement and who has at*
24 *least \$5,000 of compensation from the*
25 *employer for the year, and”.*

2065

1 (3) *Section 401(k)(11)(B)(i)(IV), as redesignated*
2 *by paragraph (2), is amended by striking “or (II)”*
3 *and inserting “, (II), or (III)”.*

4 (c) *EFFECTIVE DATE.*—*The amendments made by this*
5 *section shall apply to taxable years beginning after Decem-*
6 *ber 31, 2023.*

7 **SEC. 117. CONTRIBUTION LIMIT FOR SIMPLE PLANS.**

8 (a) *IN GENERAL.*—*Subparagraph (E) of section*
9 *408(p)(2) is amended—*

10 (1) *by striking “amount is” and all that follows*
11 *in clause (i) and inserting the following: “dollar*
12 *amount is—*

13 *“(I) the adjusted dollar amount in*
14 *the case of an eligible employer de-*
15 *scribed in clause (iii) which had not*
16 *more than 25 employees who received*
17 *at least \$5,000 of compensation from*
18 *the employer for the preceding year,*

19 *“(II) the adjusted dollar amount*
20 *in the case of an eligible employer de-*
21 *scribed in clause (iii) which is not de-*
22 *scribed in subclause (I) and which*
23 *elects, at such time and in such man-*
24 *ner as prescribed by the Secretary, the*

2066

1 *application of this subclause for the*
2 *year, and*

3 *“(III) \$10,000 in any other*
4 *case.”,*

5 *(2) by redesignating clause (ii) as clause (iii)*
6 *and by inserting after clause (i) the following new*
7 *clause:*

8 *“(ii) ADJUSTED DOLLAR AMOUNT.—*
9 *For purposes of clause (i), the adjusted dol-*
10 *lar amount is an amount equal to 110 per-*
11 *cent of the dollar amount in effect under*
12 *clause (i)(III) for calendar year 2024.”,*

13 *(3) by striking “ADJUSTMENT.—In the case of”*
14 *in clause (iii), as so redesignated, and inserting “AD-*
15 *JUSTMENT.—*

16 *“(I) CERTAIN LARGE EMPLOY-*
17 *ERS.—In the case of”,*

18 *(4) by striking “clause (i)” in such clause (iii)*
19 *and inserting “clause (i)(III)”, and*

20 *(5) by adding at the end of such clause (iii) the*
21 *following new subclause:*

22 *“(II) OTHER EMPLOYERS.—In the*
23 *case of a year beginning after Decem-*
24 *ber 31, 2024, the Secretary shall adjust*
25 *annually the adjusted dollar amount*

2067

1 *under clause (ii) in the manner pro-*
2 *vided under subclause (I) of this*
3 *clause, except that the base period*
4 *taken into account shall be the cal-*
5 *endar quarter beginning July 1,*
6 *2023.”.*

7 *(b) CATCH-UP CONTRIBUTIONS.—Paragraph (2) of sec-*
8 *tion 414(v) is amended—*

9 *(1) in subparagraph (B)—*

10 *(A) by striking “the applicable” in clause*
11 *(ii), as amended by this Act, and inserting “ex-*
12 *cept as provided in clause (iii), the applicable”;*
13 *and*

14 *(B) by adding at the end the following new*
15 *clause:*

16 *“(iii) In the case of an applicable em-*
17 *ployer plan—*

18 *“(I) which is maintained by an*
19 *eligible employer described in section*
20 *408(p)(2)(E)(i)(I), or*

21 *“(II) to which an election under*
22 *section 408(p)(2)(E)(i)(II) applies for*
23 *the year (including a plan described in*
24 *section 401(k)(11) which is maintained*
25 *by an eligible employer described in*

2068

1 *section 408(p)(2)(E)(i)(II) and to*
2 *which such election applies by reason*
3 *of subparagraphs (B)(i)(I) and (E) of*
4 *section 401(k)(11)),*
5 *the applicable dollar amount is an amount*
6 *equal to 110 percent of the dollar amount in*
7 *effect under clause (ii) for calendar year*
8 *2024.”, and*

9 *(2) in subparagraph (C), as amended by this*
10 *Act—*

11 *(A) by striking “ADJUSTMENT.—In the case*
12 *of” and inserting the following: “ADJUSTMENT.—*

13 *“(i) CERTAIN LARGE EMPLOYERS.—In*
14 *the case of”, and*

15 *(B) by adding at the end the following new*
16 *clause:*

17 *“(ii) OTHER EMPLOYERS.—In the case*
18 *of a year beginning after December 31,*
19 *2024, the Secretary shall adjust annually*
20 *the dollar amount described in subpara-*
21 *graph (B)(iii) in the manner provided*
22 *under clause (i) of this subparagraph, ex-*
23 *cept that the base period taken into account*
24 *shall be the calendar quarter beginning July*
25 *1, 2023.”.*

2069

1 (c) *EMPLOYER MATCH*.—Clause (ii) of section
2 408(p)(2)(C) is amended—

3 (1) by striking “The term” in subclause (I) and
4 inserting “Except as provided in subclause (IV), the
5 term”,

6 (2) by adding at the end the following new sub-
7 clause:

8 “(IV) *SPECIAL RULE FOR ELECT-*
9 *ING LARGER EMPLOYERS*.—In the case
10 of an employer which had more than
11 25 employees who received at least
12 \$5,000 of compensation from the em-
13 ployer for the preceding year, and
14 which makes the election under sub-
15 paragraph (E)(i)(II) for any year,
16 subclause (I) shall be applied for such
17 year by substituting ‘4 percent’ for ‘3
18 percent.’”, and

19 (3) by striking “3 percent” each place it appears
20 in subclauses (II) and (III) and inserting “the appli-
21 cable percentage”.

22 (d) *INCREASE IN NONELECTIVE EMPLOYER CONTRIBU-*
23 *TION FOR ELECTING LARGER EMPLOYERS*.—Subparagraph
24 (B) of section 408(p)(2) is amended by adding at the end
25 the following new clause:

2070

1 “(iii) *SPECIAL RULE FOR ELECTING*
2 *LARGER EMPLOYERS.*—*In the case of an*
3 *employer which had more than 25 employ-*
4 *ees who received at least \$5,000 of com-*
5 *ensation from the employer for the pre-*
6 *ceding year, and which makes the election*
7 *under subparagraph (E)(i)(II) for any*
8 *year, clause (i) shall be applied for such*
9 *year by substituting ‘3 percent’ for ‘2 per-*
10 *cent’.*”.

11 (e) *TRANSITION RULE.*—*Paragraph (2) of section*
12 *408(p), as amended by this Act, is further amended by add-*
13 *ing at the end the following new subparagraph:*

14 “(H) *2-YEAR GRACE PERIOD.*—*An eligible*
15 *employer which had not more than 25 employees*
16 *who received at least \$5,000 of compensation*
17 *from the employer for 1 or more years, and*
18 *which has more than 25 such employees for any*
19 *subsequent year, shall be treated for purposes of*
20 *subparagraph (E)(i) as having 25 such employ-*
21 *ees for the 2 years following the last year the em-*
22 *ployer had not more than 25 such employees,*
23 *and not as having made the election under sub-*
24 *paragraph (E)(i)(II) for such 2 years. Rules*
25 *similar to the second sentence of subparagraph*

2071

1 (C)(i)(II) shall apply for purposes of this sub-
2 paragraph.”.

3 (f) AMENDMENTS APPLY ONLY IF EMPLOYER HAS NOT
4 HAD ANOTHER PLAN WITHIN 3 YEARS.—Subparagraph
5 (E) of section 408(p)(2), as amended by subsection (a), is
6 further amended by adding at the end the following new
7 clause:

8 “(iv) EMPLOYER HAS NOT HAD AN-
9 OTHER PLAN WITHIN 3 YEARS.—An eligible
10 employer is described in this clause only if,
11 during the 3-taxable-year period imme-
12 diately preceding the 1st year the employer
13 maintains the qualified salary reduction ar-
14 rangement under this paragraph, neither
15 the employer nor any member of any con-
16 trolled group including the employer (or
17 any predecessor of either) established or
18 maintained any plan described in clause
19 (i), (ii), or (iv) of section 219(g)(5)(A) with
20 respect to which contributions were made,
21 or benefits were accrued, for substantially
22 the same employees as are eligible to par-
23 ticipate in such qualified salary reduction
24 arrangement.”.

2072

1 (g) *CONFORMING AMENDMENTS RELATING TO SIMPLE*
2 401(k)s.—

3 (1) *Subclause (I) of section 401(k)(11)(B)(i) is*
4 *amended by inserting “(after the application of any*
5 *election under section 408(p)(2)(E)(i)(II))” before the*
6 *comma.*

7 (2) *Paragraph (11) of section 401(k) is amended*
8 *by adding at the end the following new subparagraph:*

9 “(E) *EMPLOYERS ELECTING INCREASED*
10 *CONTRIBUTIONS.—In the case of an employer*
11 *which applies an election under section*
12 *408(p)(2)(E)(i)(II) for purposes of the contribu-*
13 *tion requirements of this paragraph under sub-*
14 *paragraph (B)(i)(I), rules similar to the rules of*
15 *subparagraphs (B)(iii), (C)(ii)(IV), and (G) of*
16 *section 408(p)(2) shall apply for purposes of sub-*
17 *paragraphs (B)(i)(II) and (B)(ii) of this para-*
18 *graph.”.*

19 (h) *EFFECTIVE DATE.—The amendments made by this*
20 *section shall apply to taxable years beginning after Decem-*
21 *ber 31, 2023.*

22 (i) *REPORTS BY SECRETARY.—*

23 (1) *IN GENERAL.—The Secretary of the Treasury*
24 *shall, not later than December 31, 2024, and annu-*
25 *ally thereafter, report to the Committees on Finance*

2073

1 *and Health, Education, Labor, and Pensions of the*
2 *Senate and the Committees on Ways and Means and*
3 *Education and Labor of the House of Representatives*
4 *on the data described in paragraph (2), together with*
5 *any recommendations the Secretary deems appro-*
6 *priate.*

7 (2) *DATA DESCRIBED.*—*For purposes of the re-*
8 *port required under paragraph (1), the Secretary of*
9 *the Treasury shall collect data and information on—*

10 (A) *the number of plans described in section*
11 *408(p) or 401(k)(11) of the Internal Revenue*
12 *Code of 1986 that are maintained or established*
13 *during a year;*

14 (B) *the number of participants eligible to*
15 *participate in such plans for such year;*

16 (C) *median contribution amounts for the*
17 *participants described in subparagraph (B);*

18 (D) *the types of investments that are most*
19 *common under such plans; and*

20 (E) *the fee levels charged in connection with*
21 *the maintenance of accounts under such plans.*

22 *Such data and information shall be collected sepa-*
23 *rately for each type of plan. For purposes of collecting*
24 *such data, the Secretary of the Treasury may use such*
25 *data as is otherwise available to the Secretary for*

2074

1 *publication and may use such approaches as are ap-*
2 *propriate under the circumstances, including the use*
3 *of voluntary surveys and collaboration on studies.*

4 **SEC. 118. TAX TREATMENT OF CERTAIN NONTRADE OR**
5 **BUSINESS SEP CONTRIBUTIONS.**

6 (a) *IN GENERAL.*—Subparagraph (B) of section
7 4972(c)(6) is amended—

8 (1) *by striking “408(p)) or” and inserting*
9 *“408(p)),”; and*

10 (2) *by inserting “, or a simplified employee pen-*
11 *sion (within the meaning of section 408(k))” after*
12 *“401(k)(11))”.*

13 (b) *EFFECTIVE DATE.*—

14 (1) *IN GENERAL.*—The amendments made by
15 *this section shall apply to taxable years beginning*
16 *after the date of the enactment of this Act.*

17 (2) *NO INFERENCE.*—Nothing in the amend-
18 *ments made by this section shall be construed to infer*
19 *the proper treatment under section 4972(c)(6) of the*
20 *Internal Revenue Code of 1986 of nondeductible con-*
21 *tributions to which the amendments made by this sec-*
22 *tion do not apply.*

2075

1 **SEC. 119. APPLICATION OF SECTION 415 LIMIT FOR CER-**
2 **TAIN EMPLOYEES OF RURAL ELECTRIC CO-**
3 **OPERATIVES.**

4 (a) *IN GENERAL.*—Section 415(b) is amended by add-
5 ing at the end the following new paragraph:

6 “(12) *SPECIAL RULE FOR CERTAIN EMPLOYEES*
7 *OF RURAL ELECTRIC COOPERATIVES.*—

8 “(A) *IN GENERAL.*—Subparagraph (B) of
9 paragraph (1) shall not apply to a participant
10 in an eligible rural electric cooperative plan, ex-
11 cept in the case of a participant who was a high-
12 ly compensated employee (as defined in section
13 414(q)) of an employer maintaining such plan
14 for the earlier of—

15 “(i) the plan year in which the partic-
16 ipant terminated employment with such
17 employer, or

18 “(ii) the plan year in which distribu-
19 tions commence under the plan with respect
20 to the participant, or
21 for any of the 5 plan years immediately pre-
22 ceding such earlier plan year.

23 “(B) *ELIGIBLE RURAL ELECTRIC COOPERA-*
24 *TIVE PLAN.*—For purposes of this paragraph—

25 “(i) *IN GENERAL.*—The term ‘eligible
26 rural electric cooperative plan’ means a

2076

1 *plan maintained by more than 1 employer,*
2 *with respect to which at least 85 percent of*
3 *the employers maintaining the plan are*
4 *rural cooperatives described in clause (i) or*
5 *(ii) of section 401(k)(7)(B) or are a na-*
6 *tional association of such a rural coopera-*
7 *tive.*

8 “(ii) *ELECTION.*—*An employer main-*
9 *taining an eligible rural cooperative plan*
10 *may elect not to have subparagraph (A)*
11 *apply to its employees.*

12 “(C) *REGULATIONS.*—*The Secretary shall*
13 *prescribe such regulations and other guidance as*
14 *are necessary to limit the application of sub-*
15 *paragraph (A) such that it does not result in in-*
16 *creased benefits for highly compensated employ-*
17 *ees.”.*

18 (b) *EFFECTIVE DATE.*—*The amendment made by this*
19 *section shall apply to limitation years ending after the date*
20 *of the enactment of this Act.*

21 **SEC. 120. EXEMPTION FOR CERTAIN AUTOMATIC PORT-**
22 **ABILITY TRANSACTIONS.**

23 (a) *IN GENERAL.*—*Section 4975(d), as amended by the*
24 *preceding provisions of this Act, is further amended by*
25 *striking “or” at the end of paragraph (23), by striking the*

2077

1 *period at the end of paragraph (24) and inserting “, or”,*
2 *and by adding at the end the following new paragraph:*

3 *“(25) the receipt of fees and compensation by the*
4 *automatic portability provider for services provided*
5 *in connection with an automatic portability trans-*
6 *action.”.*

7 *(b) OTHER DEFINITIONS AND SPECIAL RULES.—Sec-*
8 *tion 4975(f) is amended by adding at the end the following*
9 *new paragraph:*

10 *“(12) RULES RELATING TO AUTOMATIC PORT-*
11 *ABILITY TRANSACTIONS.—*

12 *“(A) IN GENERAL.—For purposes of sub-*
13 *section (d)(25)—*

14 *“(i) AUTOMATIC PORTABILITY TRANS-*
15 *ACTION.—An automatic portability trans-*
16 *action is a transfer of assets made—*

17 *“(I) from an individual retire-*
18 *ment plan which is established on be-*
19 *half of an individual and to which*
20 *amounts were transferred under section*
21 *401(a)(31)(B)(i),*

22 *“(II) to an employer-sponsored re-*
23 *tirement plan described in clause (iii),*
24 *(iv), (v), or (vi) of section 402(c)(8)(B)*
25 *(other than a defined benefit plan) in*

2078

1 *which such individual is an active*
2 *participant, and*

3 “(III) *after such individual has*
4 *been given advance notice of the trans-*
5 *fer and has not affirmatively opted out*
6 *of such transfer.*

7 “(ii) *AUTOMATIC PORTABILITY PRO-*
8 *VIDER.—An automatic portability provider*
9 *is a person, other than an individual, who*
10 *executes transfers described in clause (i).*

11 “(B) *CONDITIONS FOR AUTOMATIC PORT-*
12 *ABILITY TRANSACTIONS.—Subsection (d)(25)*
13 *shall not apply to an automatic portability*
14 *transaction unless the following requirements are*
15 *satisfied:*

16 “(i) *ACKNOWLEDGMENT OF FIDUCIARY*
17 *STATUS.—An automatic portability pro-*
18 *vider shall acknowledge in writing, at such*
19 *time and format as specified by the Sec-*
20 *retary of Labor, that the provider is a fidu-*
21 *ciary with respect to the individual retire-*
22 *ment plan described in subparagraph*
23 *(A)(i)(I).*

24 “(ii) *FEEES.—The fees and compensa-*
25 *tion received, directly or indirectly, by the*

† HR 2617 EAS2

2079

1 *automatic portability provider for services*
2 *provided in connection with the automatic*
3 *portability transaction (including any in-*
4 *crease in such fees or compensation and any*
5 *fees or compensation in connection with,*
6 *but received before, the transaction)—*

7 *“(I) shall not exceed reasonable*
8 *compensation, and*

9 *“(II) shall be fully disclosed to*
10 *and approved in writing in advance of*
11 *the transaction by a plan fiduciary of*
12 *the plan described in subparagraph*
13 *(A)(i)(II) which is independent of the*
14 *automatic portability provider.*

15 *An automatic portability provider shall not*
16 *receive any fees or compensation in connec-*
17 *tion with an automatic portability trans-*
18 *action involving a plan which is sponsored*
19 *or maintained by the automatic portability*
20 *provider.*

21 *“(iii) DATA USAGE.—The automatic*
22 *portability provider shall not market or sell*
23 *data relating to the individual retirement*
24 *plan described in subparagraph (A)(i)(I) or*

2080

1 *to the participants of the plan described in*
2 *subparagraph (A)(i)(II).*

3 “(iv) *OPEN PARTICIPATION.—The*
4 *automatic portability provider shall offer*
5 *automatic portability transactions on the*
6 *same terms to any plan described in sub-*
7 *paragraph (A)(i)(II).*

8 “(v) *PRE-TRANSACTION NOTICE.—At*
9 *least 60 days in advance of an automatic*
10 *portability transaction, the automatic port-*
11 *ability provider shall provide notice to the*
12 *individual on whose behalf the individual*
13 *retirement plan described in subparagraph*
14 *(A)(i)(I) is established which includes—*

15 “(I) *a description of the auto-*
16 *matic portability transaction and a*
17 *complete and accurate statement of all*
18 *fees which will be charged and all com-*
19 *pensation which will be received in*
20 *connection with the transaction,*

21 “(II) *a clear and prominent de-*
22 *scription of the individual’s right to*
23 *affirmatively elect not to participate in*
24 *the transaction as well as the other*
25 *available distribution options, the*

† HR 2617 EAS2

2081

1 *deadline by which the individual must*
2 *make an election, the procedures for*
3 *such an election, and a telephone num-*
4 *ber for the automatic portability pro-*
5 *vider that the individual may call to*
6 *make such election,*

7 *“(III) a description of the indi-*
8 *vidual’s right to designate a bene-*
9 *ficiary and the procedures to do so,*
10 *and*

11 *“(IV) such other disclosures as the*
12 *Secretary of Labor may require by reg-*
13 *ulation.*

14 *“(vi) POST-TRANSACTION NOTICE.—*
15 *Not later than 3 business days after an*
16 *automatic portability transaction, the auto-*
17 *matic portability provider shall provide no-*
18 *tice to the individual on whose behalf the*
19 *individual retirement plan described in sub-*
20 *paragraph (A)(i)(I) is established of—*

21 *“(I) the actions taken by the auto-*
22 *matic portability provider with respect*
23 *to the individual’s account,*

2082

1 “(II) all relevant information re-
2 garding the location and amount of
3 any transferred assets,

4 “(III) a statement of fees charged
5 against the account by the automatic
6 portability provider or its affiliates in
7 connection with the transfer,

8 “(IV) a telephone number at
9 which the individual can contact the
10 automatic portability provider, and

11 “(V) such other disclosures as the
12 Secretary of Labor may require by reg-
13 ulation.

14 “(vii) NOTICE REQUIREMENTS.—The
15 notices required under clauses (v) and (vi)
16 shall be written in a manner calculated to
17 be understood by the average person and
18 shall not include inaccurate or misleading
19 statements.

20 “(viii) FREQUENCY OF SEARCHES.—
21 The automatic portability provider shall
22 query on at least a monthly basis whether
23 any individual with an individual retire-
24 ment plan described in subparagraph

2083

1 (A)(i)(I) has an account in a plan described
2 in subparagraph (A)(i)(II).

3 “(ix) *TIMELINESS OF EXECUTION.*—
4 After liquidating the assets of an individual
5 retirement plan described in subparagraph
6 (A)(i)(I) to cash, an automatic portability
7 provider shall transfer the account balance
8 of such plan as soon as practicable to the
9 plan described in subparagraph (A)(i)(II).

10 “(x) *LIMITATION ON EXERCISE OF DIS-*
11 *CRETION.*—The automatic portability pro-
12 vider shall neither have nor exercise discre-
13 tion to affect the timing or amount of the
14 transfer pursuant to an automatic port-
15 ability transaction other than to deduct the
16 appropriate fees as described in clause (ii).

17 “(xi) *RECORD RETENTION AND AU-*
18 *DITS.*—

19 “(I) *IN GENERAL.*—An automatic
20 portability provider shall, for not less
21 than 6 years after the automatic port-
22 ability transaction has occurred, main-
23 tain the records sufficient to dem-
24 onstrate the terms of this subparagraph
25 have been met. The automatic port-

† HR 2617 EAS2

2084

1 ability provider shall make such
2 records available to any authorized em-
3 ployee of the Department of the Treas-
4 ury or the Department of Labor within
5 30 calendar days of the date of a writ-
6 ten request for such records.

7 “(II) AUDITS.—An automatic
8 portability provider shall conduct an
9 annual audit, in accordance with regu-
10 lations promulgated by the Secretary
11 of Labor, of automatic portability
12 transactions occurring during the cal-
13 endar year to demonstrate compliance
14 with this paragraph and any regula-
15 tions thereunder and identify any in-
16 stances of noncompliance therewith,
17 and shall submit such audit annually
18 to the Secretary of Labor, in such form
19 and manner as specified by such Sec-
20 retary.

21 “(xii) WEBSITE.—The automatic port-
22 ability provider shall maintain a website
23 which contains—

24 “(I) a list of recordkeepers for
25 each plan described in subparagraph

2085

1 (A)(i)(II) with respect to which the
2 provider carries out automatic port-
3 ability transactions, and

4 “(II) a list of all fees described in
5 clause (ii)(II) paid to the provider.”.

6 (c) *REGULATORY AUTHORITY.*—Not later than 12
7 months after the date of the enactment of this Act, the Sec-
8 retary of Labor shall issue such guidance as may be nec-
9 essary to carry out the purposes of the amendments made
10 by this section, including regulations or other guidance
11 which—

12 (1) require an automatic portability provider to
13 provide a notice to individuals on whose behalf the
14 individual retirement plan described in paragraph
15 (12)(A)(i)(I) of section 4975(f) of the Internal Rev-
16 enue Code of 1986, as added by this section, is estab-
17 lished in advance of the notices specified in para-
18 graph (12)(B)(v) of such section, as so added,

19 (2) require an automatic portability provider to
20 disclose to plans described in paragraph
21 (12)(A)(i)(II) of section 4975(f) of the Internal Rev-
22 enue Code of 1986, as added by this section, informa-
23 tion required to be provided by a covered service pro-
24 vider pursuant to section 2550.408b–2(c) of title 29,
25 Code of Federal Regulations,

2086

1 (3) *require a plan described in such paragraph*
2 *(12)(A)(i)(II), as so added, to fully disclose fees re-*
3 *lated to an automatic portability transaction in its*
4 *summary plan description or summary of material*
5 *modifications, as relevant,*

6 (4) *require a plan described in such paragraph,*
7 *as so added, to invest amounts received on behalf of*
8 *a participant pursuant to an automatic portability*
9 *transaction in the participant's current investment*
10 *election under the plan or, if no election is made or*
11 *permitted, in the plan's qualified default investment*
12 *alternative (within the meaning of section 2550.404c-*
13 *5 of title 29, Code of Federal Regulations) or another*
14 *investment selected by a fiduciary with respect to*
15 *such plan,*

16 (5) *prohibit or restrict the receipt or payment of*
17 *third party compensation (other than a direct fee*
18 *paid by a plan sponsor which is in lieu of a fee im-*
19 *posed on an individual retirement plan owner) by an*
20 *automatic portability provider in connection with an*
21 *automatic portability transaction,*

22 (6) *prohibit exculpatory provisions in an auto-*
23 *matic portability provider's contracts or communica-*
24 *tions with individuals disclaiming or limiting its li-*

2087

1 *ability in the event that an automatic portability*
2 *transaction results in an improper transfer,*

3 (7) *require an automatic portability provider to*
4 *take actions necessary to reasonably ensure that par-*
5 *ticipant and beneficiary data is current and accurate,*
6 (8) *limit the use of data related to automatic*
7 *portability transactions for any purpose other than*
8 *the execution of such transactions or locating missing*
9 *participants, except as permitted by the Secretary of*
10 *Labor,*

11 (9) *provide for corrections procedures in the*
12 *event an auditor determines the automatic portability*
13 *provider was not in compliance with this provision*
14 *and related regulations as specified in paragraph*
15 *(12)(B)(ix)(II) of section 4975(f) of such Code, as so*
16 *added, including deadlines, supplemental audits, and*
17 *corrective actions which may include a temporary*
18 *prohibition from relying on the exemption provided*
19 *by paragraph (25) of section 4975(d) of such Code, as*
20 *added by this section,*

21 (10) *ensure that the appropriate participants*
22 *and beneficiaries, in fact, receive all the required no-*
23 *tices and disclosures, and*

24 (11) *make clear that the exemption provided by*
25 *paragraph (25) of section 4975(d) of such Code, as*

2088

1 *added by this section, applies solely to the automatic*
2 *portability transactions described therein, and, to the*
3 *extent the Secretary deems necessary or advisable,*
4 *specify how the application of the exemption relates*
5 *to or coordinates with the application of other statu-*
6 *tory provisions, regulations, administrative guidance,*
7 *or exemptions.*

8 *Any term used in this subsection which is used in para-*
9 *graph (12) of section 4975(f) of such Code, as added by this*
10 *section, has the same meaning as when used in such para-*
11 *graph.*

12 *(d) REPORT TO CONGRESS.—*

13 *(1) IN GENERAL.—Not later than 2 years after*
14 *the date of the first audit report received by the Sec-*
15 *retary of Labor from any automatic portability pro-*
16 *vider, and every 3 years thereafter, the Secretary of*
17 *Labor shall report to the Committees on Health, Edu-*
18 *cation, Labor and Pensions and Finance of the Sen-*
19 *ate and the Committees on Education and Labor and*
20 *Ways and Means of the House of Representatives*
21 *on—*

22 *(A) the effectiveness of automatic portability*
23 *transactions under the exemption provided by*
24 *paragraph (25) of section 4975(d) of the Internal*

2089

1 *Revenue Code of 1986, as added by this section,*
2 *detailing—*

3 *(i) the number of automatic cash outs*
4 *from qualified plans to individual retire-*
5 *ment plans described in section*
6 *4975(f)(12)(A)(i)(I) of such Code,*

7 *(ii) the number of completed automatic*
8 *portability transactions to employer-spon-*
9 *sored retirement plans described in section*
10 *4975(f)(12)(A)(i)(II) of such Code,*

11 *(iii) the number of individual retire-*
12 *ment plans described in section*
13 *4975(f)(12)(A)(i)(I) of such Code which*
14 *have been transferred to designated bene-*
15 *ficiaries,*

16 *(iv) the number of individual retire-*
17 *ment plans described in section*
18 *4975(f)(12)(A)(i)(I) of such Code for which*
19 *the automatic portability provider is*
20 *searching for next of kin due to a deceased*
21 *account holder without a designated bene-*
22 *ficiary, and*

23 *(v) the number of accounts that were*
24 *reduced to a zero balance while in the auto-*
25 *matic portability provider's custody;*

2090

1 (B) a summary of any consumer com-
2 plaints submitted to the Employee Benefits Secu-
3 rity Administration regarding automatic port-
4 ability transactions;

5 (C) a summary of compliance issues found
6 in the annual audit described in section
7 4975(f)(12)(B)(xiii)(II) of such Code, if any, and
8 their corrections;

9 (D) a summary of the fees individuals are
10 charged in connection with automatic portability
11 transactions, including whether those fees have
12 increased since the last report;

13 (E) recommendations of any necessary stat-
14 utory changes to this exemption to improve the
15 effectiveness of automatic portability trans-
16 actions, including repeal of this provision in the
17 event of a pattern of noncompliance; and

18 (F) any other information the Secretary of
19 Labor deems important.

20 The report required by this subsection shall be made
21 publicly available.

22 (2) REPORT ON NOTICES RELATING TO AUTO-
23 MATIC TRANSFERS.—Not later than 2 years after the
24 date of the enactment of this Act, the Secretary of
25 Treasury shall report to the Committee on Finance of

2091

1 *the Senate and the Committee on Ways and Means on*
2 *the adequacy of the notices relating to transfers under*
3 *section 401(a)(31)(B)(i) of the Internal Revenue Code*
4 *of 1986.*

5 *(e) EFFECTIVE DATE.—The amendments made by this*
6 *section shall apply to transactions occurring on or after the*
7 *date which is 12 months after the date of the enactment*
8 *of this Act.*

9 **SEC. 121. STARTER 401(k) PLANS FOR EMPLOYERS WITH NO**
10 **RETIREMENT PLAN.**

11 *(a) IN GENERAL.—Section 401(k) is amended by add-*
12 *ing at the end the following new paragraph:*

13 “(16) *STARTER 401(k) DEFERRAL-ONLY PLANS*
14 *FOR EMPLOYERS WITH NO RETIREMENT PLAN.—*

15 “(A) *IN GENERAL.—A starter 401(k) defer-*
16 *ral-only arrangement maintained by an eligible*
17 *employer shall be treated as meeting the require-*
18 *ments of paragraph (3)(A)(ii).*

19 “(B) *STARTER 401(k) DEFERRAL-ONLY AR-*
20 *RANGEMENT.—For purposes of this paragraph,*
21 *the term ‘starter 401(k) deferral-only arrange-*
22 *ment’ means any cash or deferred arrangement*
23 *which meets—*

24 “(i) *the automatic deferral require-*
25 *ments of subparagraph (C),*

2092

1 “(ii) *the contribution limitations of*
2 *subparagraph (D), and*

3 “(iii) *the requirements of subpara-*
4 *graph (E) of paragraph (13).*

5 “(C) *AUTOMATIC DEFERRAL.—*

6 “(i) *IN GENERAL.—The requirements*
7 *of this subparagraph are met if, under the*
8 *arrangement, each eligible employee is*
9 *treated as having elected to have the em-*
10 *ployer make elective contributions in an*
11 *amount equal to a qualified percentage of*
12 *compensation.*

13 “(ii) *ELECTION OUT.—The election*
14 *treated as having been made under clause*
15 *(i) shall cease to apply with respect to any*
16 *employee if such employee makes an affirm-*
17 *ative election—*

18 “(I) *to not have such contribu-*
19 *tions made, or*

20 “(II) *to make elective contribu-*
21 *tions at a level specified in such af-*
22 *firmative election.*

23 “(iii) *QUALIFIED PERCENTAGE.—For*
24 *purposes of this subparagraph, the term*
25 *‘qualified percentage’ means, with respect to*

2093

1 *any employee, any percentage determined*
2 *under the arrangement if such percentage is*
3 *applied uniformly and is not less than 3 or*
4 *more than 15 percent.*

5 “(D) CONTRIBUTION LIMITATIONS.—

6 “(i) IN GENERAL.—*The requirements*
7 *of this subparagraph are met if, under the*
8 *arrangement—*

9 “(I) *the only contributions which*
10 *may be made are elective contributions*
11 *of employees described in subpara-*
12 *graph (C), and*

13 “(II) *the aggregate amount of*
14 *such elective contributions which may*
15 *be made with respect to any employee*
16 *for any calendar year shall not exceed*
17 *\$6,000.*

18 “(ii) COST-OF-LIVING ADJUSTMENT.—
19 *In the case of any calendar year beginning*
20 *after December 31, 2024, the \$6,000 amount*
21 *under clause (i) shall be adjusted in the*
22 *same manner as under section 402(g)(4),*
23 *except that ‘2023’ shall be substituted for*
24 *‘2005’.*

2094

1 “(iii) *CATCH-UP CONTRIBUTIONS FOR*
2 *INDIVIDUALS AGE 50 OR OVER.*—*In the case*
3 *of an individual who has attained the age*
4 *of 50 before the close of the taxable year, the*
5 *limitation under clause (i)(II) shall be in-*
6 *creased by the applicable amount deter-*
7 *mined under section 219(b)(5)(B)(ii) (after*
8 *the application of section 219(b)(5)(C)(iii)).*

9 “(E) *ELIGIBLE EMPLOYER.*—*For purposes*
10 *of this paragraph—*

11 “(i) *IN GENERAL.*—*The term ‘eligible*
12 *employer’ means any employer if the em-*
13 *ployer does not maintain a qualified plan*
14 *with respect to which contributions are*
15 *made, or benefits are accrued, for service in*
16 *the year for which the determination is*
17 *being made. If only individuals other than*
18 *employees described in subparagraph (A) of*
19 *section 410(b)(3) are eligible to participate*
20 *in such arrangement, then the preceding*
21 *sentence shall be applied without regard to*
22 *any qualified plan in which only employees*
23 *described in such subparagraph are eligible*
24 *to participate.*

2095

1 “(ii) *RELIEF FOR ACQUISITIONS,*
2 *ETC.—Rules similar to the rules of section*
3 *408(p)(10) shall apply for purposes of*
4 *clause (i).*

5 “(iii) *QUALIFIED PLAN.—The term*
6 *‘qualified plan’ means a plan, contract,*
7 *pension, account, or trust described in sub-*
8 *paragraph (A) or (B) of paragraph (5) of*
9 *section 219(g) (determined without regard*
10 *to the last sentence of such paragraph (5)).*

11 “(F) *ELIGIBLE EMPLOYEE.—For purposes*
12 *of this paragraph—*

13 “(i) *IN GENERAL.—The term ‘eligible*
14 *employee’ means any employee of the em-*
15 *ployer who meets the minimum age and*
16 *service conditions described in section*
17 *410(a)(1).*

18 “(ii) *EXCLUSIONS.—The employer may*
19 *elect to exclude from such definition any*
20 *employee described in paragraph (3) or (4)*
21 *of section 410(b).”.*

22 (b) *CERTAIN ANNUITY CONTRACTS.—Section 403(b),*
23 *as amended by the preceding provision of this Act, is further*
24 *amended by adding at the end the following new paragraph:*

2096

1 “(16) *SAFE HARBOR DEFERRAL-ONLY PLANS FOR*
2 *EMPLOYERS WITH NO RETIREMENT PLAN.*—

3 “(A) *IN GENERAL.*—*A safe harbor deferral-*
4 *only plan maintained by an eligible employer*
5 *shall be treated as meeting the requirements of*
6 *paragraph (12).*

7 “(B) *SAFE HARBOR DEFERRAL-ONLY*
8 *PLAN.*—*For purposes of this paragraph, the term*
9 *‘safe harbor deferral-only plan’ means any plan*
10 *which meets—*

11 “(i) *the automatic deferral require-*
12 *ments of subparagraph (C),*

13 “(ii) *the contribution limitations of*
14 *subparagraph (D), and*

15 “(iii) *the requirements of subpara-*
16 *graph (E) of section 401(k)(13).*

17 “(C) *AUTOMATIC DEFERRAL.*—

18 “(i) *IN GENERAL.*—*The requirements*
19 *of this subparagraph are met if, under the*
20 *plan, each eligible employee is treated as*
21 *having elected to have the employer make*
22 *elective contributions in an amount equal to*
23 *a qualified percentage of compensation.*

24 “(ii) *ELECTION OUT.*—*The election*
25 *treated as having been made under clause*

2097

1 *(i) shall cease to apply with respect to any*
2 *eligible employee if such eligible employee*
3 *makes an affirmative election—*

4 *“(I) to not have such contribu-*
5 *tions made, or*

6 *“(II) to make elective contribu-*
7 *tions at a level specified in such af-*
8 *firmative election.*

9 *“(iii) QUALIFIED PERCENTAGE.—For*
10 *purposes of this subparagraph, the term*
11 *‘qualified percentage’ means, with respect to*
12 *any employee, any percentage determined*
13 *under the plan if such percentage is applied*
14 *uniformly and is not less than 3 or more*
15 *than 15 percent.*

16 *“(D) CONTRIBUTION LIMITATIONS.—*

17 *“(i) IN GENERAL.—The requirements*
18 *of this subparagraph are met if, under the*
19 *plan—*

20 *“(I) the only contributions which*
21 *may be made are elective contributions*
22 *of eligible employees, and*

23 *“(II) the aggregate amount of*
24 *such elective contributions which may*
25 *be made with respect to any employee*

2098

1 *for any calendar year shall not exceed*
2 *\$6,000.*

3 “(ii) *COST-OF-LIVING ADJUSTMENT.*—
4 *In the case of any calendar year beginning*
5 *after December 31, 2024, the \$6,000 amount*
6 *under clause (i) shall be adjusted in the*
7 *same manner as under section 402(g)(4),*
8 *except that ‘2023’ shall be substituted for*
9 *‘2005’.*

10 “(iii) *CATCH-UP CONTRIBUTIONS FOR*
11 *INDIVIDUALS AGE 50 OR OVER.*—*In the case*
12 *of an individual who has attained the age*
13 *of 50 before the close of the taxable year, the*
14 *limitation under clause (i)(II) shall be in-*
15 *creased by the applicable amount deter-*
16 *mined under section 219(b)(5)(B)(ii) (after*
17 *the application of section 219(b)(5)(C)(iii)).*

18 “(E) *ELIGIBLE EMPLOYER.*—*For purposes*
19 *of this paragraph—*

20 “(i) *IN GENERAL.*—*The term ‘eligible*
21 *employer’ means any employer if the em-*
22 *ployer does not maintain a qualified plan*
23 *with respect to which contributions are*
24 *made, or benefits are accrued, for service in*
25 *the year for which the determination is*

2099

1 *being made. If only individuals other than*
2 *employees described in subparagraph (A) of*
3 *section 410(b)(3) are eligible to participate*
4 *in such arrangement, then the preceding*
5 *sentence shall be applied without regard to*
6 *any qualified plan in which only employees*
7 *described in such subparagraph are eligible*
8 *to participate.*

9 “(ii) *RELIEF FOR ACQUISITIONS,*
10 *ETC.—Rules similar to the rules of section*
11 *408(p)(10) shall apply for purposes of*
12 *clause (i).*

13 “(iii) *QUALIFIED PLAN.—The term*
14 *‘qualified plan’ means a plan, contract,*
15 *pension, account, or trust described in sub-*
16 *paragraph (A) or (B) of paragraph (5) of*
17 *section 219(g) (determined without regard*
18 *to the last sentence of such paragraph (5)).*

19 “(F) *ELIGIBLE EMPLOYEE.—For purposes*
20 *of this paragraph, the term ‘eligible employee’*
21 *means any employee of the employer other than*
22 *an employee who is permitted to be excluded*
23 *under paragraph (12)(A).”.*

2100

1 (c) *STARTER AND SAFE HARBOR PLANS NOT TREAT-*
2 *ED AS TOP-HEAVY PLANS.*—Subparagraph (H) of section
3 416(g)(4) is amended—

4 (1) by striking “ARRANGEMENTS” in the heading
5 and inserting “ARRANGEMENTS OR PLANS”,

6 (2) by striking “, and” at the end of clause (i)
7 and inserting “and matching contributions with re-
8 spect to which the requirements of paragraph (11),
9 (12), or (13) of section 401(m) are met, or”, and

10 (3) by striking clause (ii) and inserting after
11 clause (i) the following new clause:

12 “(ii) a starter 401(k) deferral-only ar-
13 rangement described in section
14 401(k)(16)(B) or a safe harbor deferral-only
15 plan described in section 403(b)(16).”.

16 (d) *EFFECTIVE DATE.*—The amendments made by this
17 section shall apply to plan years beginning after December
18 31, 2023.

19 **SEC. 122. ASSIST STATES IN LOCATING OWNERS OF APPLI-**
20 **CABLE SAVINGS BONDS.**

21 (a) *IN GENERAL.*—Section 3105 of title 31, United
22 States Code, is amended by adding at the end the following:

23 “(f)(1)(A) The Secretary shall provide each State, in
24 digital or other electronic form, with information describing

2101

1 *any applicable savings bond which has an applicable ad-*
2 *dress that is within such State, including—*

3 *“(i) the name and applicable address of the reg-*
4 *istered owner; and*

5 *“(ii) the name and applicable address of any*
6 *registered co-owner or beneficiary.*

7 *“(B) The information provided under subparagraph*
8 *(A) may include the serial number of any applicable sav-*
9 *ings bond.*

10 *“(C)(i) For purposes of this paragraph, the term ‘ap-*
11 *plicable address’ means, with respect to any applicable sav-*
12 *ings bond—*

13 *“(I) the registered address for the registered*
14 *owner, co-owner, or beneficiary (as applicable) of such*
15 *bond; or*

16 *“(II) if such information is available to the Sec-*
17 *retary, the last known address for the registered*
18 *owner, co-owner, or beneficiary (as applicable) of such*
19 *bond.*

20 *“(ii) For purposes of clause (i), if the information de-*
21 *scribed in subclause (II) of clause (i) with respect to any*
22 *individual is available to the Secretary, subclause (I) of*
23 *such clause shall not apply.*

24 *“(2)(A) Not later than 12 months after the date of en-*
25 *actment of this subsection, the Secretary shall prescribe such*

2102

1 *regulations or other guidance as may be necessary to carry*
2 *out the purposes of this subsection, including rules to—*

3 *“(i) protect the privacy of the owners of applica-*
4 *ble savings bonds;*

5 *“(ii) prevent fraud; and*

6 *“(iii) ensure that any information provided to a*
7 *State under this subsection shall be used solely to*
8 *carry out the purposes of this subsection.*

9 *“(B) Except as deemed necessary to protect privacy*
10 *or prevent fraud or misuse of savings bond information,*
11 *any regulations or guidance prescribed by the Secretary*
12 *pursuant to subparagraph (A) shall not have the effect of*
13 *prohibiting, restricting, or otherwise preventing a State*
14 *from obtaining all information described in paragraph*
15 *(1)(A).*

16 *“(3) Not later than 12 months after the date of enact-*
17 *ment of this subsection, and annually thereafter for each*
18 *year during the 5-year period beginning after the date of*
19 *enactment of this subsection, the Secretary shall submit to*
20 *the Committees on Appropriations of the House of Rep-*
21 *resentatives and the Senate, the Committee on Ways and*
22 *Means of the House of Representatives, and the Committee*
23 *on Finance of the Senate a report assessing all efforts to*
24 *satisfy the requirement under paragraph (1)(A).*

2103

1 “(4) *Any State that receives information described in*
2 *paragraph (1)(A) with respect to an applicable savings*
3 *bond may use such information to locate the owner of such*
4 *bond pursuant to the same standards and requirements as*
5 *are applicable under—*

6 “(A) *the abandoned property rules and regula-*
7 *tions of such State; and*

8 “(B) *any regulations or guidance promulgated*
9 *under this subsection.*

10 “(5) *For purposes of this subsection, the Secretary may*
11 *disclose to the public any information with respect to any*
12 *applicable savings bond which a State may disclose to the*
13 *public pursuant to paragraph (4).*

14 “(6) *For purposes of this subsection, the term ‘applica-*
15 *ble savings bond’ means a savings bond which—*

16 “(A) *is more than 3 years past its date of final*
17 *maturity;*

18 “(B)(i) *is in paper form; or*

19 “(ii) *is in paperless or electronic form and for*
20 *which—*

21 “(I) *there is no designated bank account or*
22 *routing information; or*

23 “(II) *the designated bank account or rout-*
24 *ing information is incorrect; and*

25 “(C) *has not been redeemed.”.*

1 (b) *EFFECTIVE DATE.*—*The amendment made by this*
2 *section shall take effect on the date of enactment of this Act.*

3 **SEC. 123. CERTAIN SECURITIES TREATED AS PUBLICLY**
4 **TRADED IN CASE OF EMPLOYEE STOCK OWN-**
5 **ERSHIP PLANS.**

6 (a) *IN GENERAL.*—*Section 401(a)(35) is amended by*
7 *adding at the end the following new subparagraph:*

8 “(I) *ESOP RULES RELATING TO PUBLICLY*
9 *TRADED SECURITIES.*—*In the case of an applica-*
10 *ble defined contribution plan which is an em-*
11 *ployee stock ownership plan, an employer secu-*
12 *rity shall be treated as described in subpara-*
13 *graph (G)(v) if—*

14 “(i) *the security is the subject of priced*
15 *quotations by at least 4 dealers, published*
16 *and made continuously available on an*
17 *interdealer quotation system (as such term*
18 *is used in section 13 of the Securities Ex-*
19 *change Act of 1934) which has made the re-*
20 *quest described in section 6(j) of such Act to*
21 *be treated as an alternative trading system,*

22 “(ii) *the security is not a penny stock*
23 *(as defined by section 3(a)(51) of such Act),*

24 “(iii) *the security is issued by a cor-*
25 *poration which is not a shell company (as*

2105

1 *such term is used in section 4(d)(6) of the*
2 *Securities Act of 1933), a blank check com-*
3 *pany (as defined in section 7(b)(3) of such*
4 *Act), or subject to bankruptcy proceedings,*
5 *“(iv) the security has a public float (as*
6 *such term is used in section 240.12b-2 of*
7 *title 17, Code of Federal Regulations) which*
8 *has a fair market value of at least*
9 *\$1,000,000 and constitutes at least 10 per-*
10 *cent of the total shares issued and out-*
11 *standing.*
12 *“(v) in the case of a security issued by*
13 *a domestic corporation, the issuer publishes,*
14 *not less frequently than annually, financial*
15 *statements audited by an independent audi-*
16 *tor registered with the Public Company Ac-*
17 *counting Oversight Board established under*
18 *the Sarbanes-Oxley Act of 2002, and*
19 *“(vi) in the case of a security issued by*
20 *a foreign corporation, the security is rep-*
21 *resented by a depositary share (as defined*
22 *under section 240.12b-2 of title 17, Code of*
23 *Federal Regulations), or is issued by a for-*
24 *foreign corporation incorporated in Canada*

2106

1 *and readily tradeable on an established se-*
2 *curities market in Canada, and the issuer—*

3 “(I) is subject to, and in compli-
4 *ance with, the reporting requirements*
5 *of section 13 or 15(d) of the Securities*
6 *Exchange Act of 1934 (15 U.S.C. 78m*
7 *or 78o(d)),*

8 “(II) is subject to, and in compli-
9 *ance with, the reporting requirements*
10 *of section 230.257 of title 17, Code of*
11 *Federal Regulations, or*

12 “(III) is exempt from such re-
13 *quirements under section 240.12g3–*
14 *2(b) of title 17, Code of Federal Regu-*
15 *lations.”.*

16 (b) *EFFECTIVE DATE.*—*The amendments made by this*
17 *section shall apply to plan years beginning after December*
18 *31, 2027.*

19 ~~**SEC 124. MODIFICATION OF AGE REQUIREMENT FOR**~~
20 ~~**QUALIFIED ABLE PROGRAMS.**~~

21 (a) *IN GENERAL.*—*Section 529A(e) is amended by*
22 *striking “age 26” each place it appears in paragraphs*
23 *(1)(A) and (2)(A)(i)(II) and inserting “age 46”.*

2107

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2025.*

4 **SEC. 125. IMPROVING COVERAGE FOR PART-TIME WORK-**
5 **ERS.**

6 (a) *IN GENERAL.*—

7 (1) *EMPLOYEE RETIREMENT INCOME SECURITY*
8 *ACT OF 1974.*—*Section 202 of the Employee Retire-*
9 *ment Income Security Act of 1974 (29 U.S.C. 1052)*
10 *is amended by adding at the end the following new*
11 *subsection:*

12 “(c) *SPECIAL RULE FOR CERTAIN PART-TIME EM-*
13 *PLOYEES.*—

14 “(1) *IN GENERAL.*—*A pension plan that includes*
15 *either a qualified cash or deferred arrangement (as*
16 *defined in section 401(k) of the Internal Revenue*
17 *Code of 1986) or a salary reduction agreement (as de-*
18 *scribed in section 403(b) of such Code) shall not re-*
19 *quire, as a condition of participation in the arrange-*
20 *ment or agreement, that an employee complete a pe-*
21 *riod of service with the employer (or employers)*
22 *maintaining the plan extending beyond the close of*
23 *the earlier of—*

2108

1 “(A) the period permitted under subsection
2 (a)(1) (determined without regard to subpara-
3 graph (B)(i) thereof); or

4 “(B) the first 24-month period—

5 “(i) consisting of 2 consecutive 12-
6 month periods during each of which the em-
7 ployee has at least 500 hours of service; and

8 “(ii) by the close of which the employee
9 has met the requirement of subsection
10 (a)(1)(A)(i).

11 “(2) *EXCEPTION.*—Paragraph (1)(B) shall not
12 apply to any employee described in section 410(b)(3)
13 of the Internal Revenue Code of 1986.

14 “(3) *COORDINATION WITH TIME OF PARTICIPA-*
15 *TION RULES.*—In the case of employees who are eligi-
16 ble to participate in the arrangement or agreement
17 solely by reason of paragraph (1)(B), or by reason of
18 such paragraph and section 401(k)(2)(D)(ii) of such
19 Code, the rules of subsection (a)(4) shall apply to such
20 employees.

21 “(4) *12-MONTH PERIOD.*—For purposes of this
22 subsection, 12-month periods shall be determined in
23 the same manner as under the last sentence of sub-
24 section (a)(3)(A), except that 12-month periods begin-

2109

1 *ning before January 1, 2023, shall not be taken into*
2 *account.”.*

3 *(2) INTERNAL REVENUE CODE OF 1986.—*

4 *(A) IN GENERAL.—Section 403(b)(12) is*
5 *amended by adding at the end the following new*
6 *subparagraph:*

7 *“(D) RULES RELATING TO CERTAIN PART-*
8 *TIME EMPLOYEES.—*

9 *“(i) IN GENERAL.—In the case of em-*
10 *ployees who are eligible to participate in the*
11 *agreement solely by reason of section*
12 *202(c)(1)(B) of the Employee Retirement*
13 *Income Security Act of 1974—*

14 *“(I) notwithstanding section*
15 *401(a)(4), an employer shall not be re-*
16 *quired to make nonelective or matching*
17 *contributions on behalf of such employ-*
18 *ees even if such contributions are made*
19 *on behalf of other employees eligible to*
20 *participate in the plan, and*

21 *“(II) the employer may elect to*
22 *exclude such employees from the appli-*
23 *cation of subsections (a)(4), (k)(3),*
24 *(k)(12), (k)(13), and (m)(2) of section*
25 *401 and section 410(b).”.*

2110

1 (B) *CONFORMING AMENDMENT.*—

2 (i) *The last sentence of section*
3 *403(b)(12)(A), as amended by this Act, is*
4 *further amended by inserting “and section*
5 *202(c) of the Employee Retirement Income*
6 *Security Act of 1974” after “under section*
7 *410(b)(4)”.*

8 (ii) *Section 401(k)(15)(B)(i) is amend-*
9 *ed by inserting “, or by reason of such*
10 *paragraph and section 202(c)(1)(B) of the*
11 *Employee Retirement Income Security Act*
12 *of 1974” after “paragraph (2)(D)(ii)”.*

13 (b) *VESTING.*—*Section 203(b) of the Employee Retire-*
14 *ment Income Security Act of 1974 (29 U.S.C. 1053(b)) is*
15 *amended by redesignating paragraph (4) as paragraph (5)*
16 *and by inserting after paragraph (3) the following new*
17 *paragraph:*

18 “(4) *PART-TIME EMPLOYEES.*—*For purposes of*
19 *determining whether an employee who became eligible*
20 *to participate in a qualified cash or deferred arrange-*
21 *ment or a salary reduction agreement under a plan*
22 *solely by reason of section 202(c)(1)(B) has a non-*
23 *forfeitable right to employer contributions—*

24 “(A) *except as provided in subparagraph*
25 *(B), each 12-month period for which the em-*

2111

1 *ployee has at least 500 hours of service shall be*
2 *treated as a year of service; and*

3 *“(B) paragraph (3) shall be applied by sub-*
4 *stituting ‘at least 500 hours of service’ for ‘more*
5 *than 500 hours of service’ in subparagraph (A)*
6 *thereof.*

7 *For purposes of this paragraph, 12-month periods*
8 *shall be determined in the same manner as under the*
9 *last sentence of section 202(a)(3)(A), except that 12-*
10 *month periods beginning before January 1, 2023,*
11 *shall not be taken into account.”.*

12 *(c) REDUCTION IN PERIOD SERVICE REQUIREMENT*
13 *FOR QUALIFIED CASH AND DEFERRED ARRANGEMENTS.—*
14 *Section 401(k)(2)(D)(ii) is amended by striking “3” and*
15 *inserting “2”.*

16 *(d) PRE-2021 SERVICE.—Section 112(b) of the Setting*
17 *Every Community Up for Retirement Enhancement Act of*
18 *2019 (26 U.S.C. 401 note) is amended by striking “section*
19 *401(k)(2)(D)(ii)” and inserting “paragraphs (2)(D)(ii)*
20 *and (15)(B)(iii) of section 401(k)”.*

21 *(e) COORDINATION WITH RULES FOR TOP-HEAVY*
22 *PLANS.—Subparagraph (H) of section 416(g)(4), as*
23 *amended by this Act, is further amended by inserting before*
24 *“If, but” the following: “Such term shall not include a plan*
25 *solely because such plan does not provide nonelective or*

2112

1 *matching contributions to employees described in section*
2 *401(k)(15)(B)(i).”.*

3 *(f) EFFECTIVE DATES.—*

4 *(1) IN GENERAL.—Except as provided in para-*
5 *graph (2), the amendments made by this section shall*
6 *apply to plan years beginning after December 31,*
7 *2024.*

8 *(2) SUBSECTION (d) AND (e).—The amendments*
9 *made by subsections (d) and (e) shall take effect as if*
10 *included in the enactment of section 112 of the Set-*
11 *ting Every Community Up for Retirement Enhance-*
12 *ment Act of 2019.*

13 **SEC. 126. SPECIAL RULES FOR CERTAIN DISTRIBUTIONS**
14 **FROM LONG-TERM QUALIFIED TUITION PRO-**
15 **GRAMS TO ROTH IRAS.**

16 *(a) IN GENERAL.—Paragraph (3) of section 529(c) is*
17 *amended by adding at the end the following new subpara-*
18 *graph:*

19 *“(E) SPECIAL ROLLOVER TO ROTH IRAS*
20 *FROM LONG-TERM QUALIFIED TUITION PRO-*
21 *GRAMS.—*

22 *“(i) IN GENERAL.—In the case of a*
23 *distribution from a qualified tuition pro-*
24 *gram of a designated beneficiary which has*
25 *been maintained for the 15-year period end-*

2113

1 *ing on the date of such distribution, sub-*
2 *paragraph (A) shall not apply to so much*
3 *the portion of such distribution which—*

4 *“(I) does not exceed the aggregate*
5 *amount contributed to the program*
6 *(and earnings attributable thereto) be-*
7 *fore the 5-year period ending on the*
8 *date of the distribution, and*

9 *“(II) is paid in a direct trustee-*
10 *to-trustee transfer to a Roth IRA*
11 *maintained for the benefit of such des-*
12 *ignated beneficiary.*

13 *“(ii) LIMITATIONS.—*

14 *“(I) ANNUAL LIMITATION.—*
15 *Clause (i) shall only apply to so much*
16 *of any distribution as does not exceed*
17 *the amount applicable to the des-*
18 *ignated beneficiary under section*
19 *408A(c)(2) for the taxable year (re-*
20 *duced by the amount of aggregate con-*
21 *tributions made during the taxable*
22 *year to all individual retirement plans*
23 *maintained for the benefit of the des-*
24 *ignated beneficiary).*

2114

1 “(II) *AGGREGATE LIMITATION.*—

2 *This subparagraph shall not apply to*
3 *any distribution described in clause (i)*
4 *to the extent that the aggregate amount*
5 *of such distributions with respect to the*
6 *designated beneficiary for such taxable*
7 *year and all prior taxable years ex-*
8 *ceeds \$35,000.”.*

9 (b) *TREATMENT UNDER ROTH IRA RULES.*—

10 (1) *IN GENERAL.*—Paragraph (1) of section
11 408A(e) is amended—

12 (A) *by striking the period at the end of sub-*
13 *paragraph (B) and inserting “, and”,*

14 (B) *by inserting after subparagraph (B) the*
15 *following new subparagraph:*

16 “(C) *from a qualified tuition program to*
17 *the extent provided in section 529(c)(3)(E).”,*
18 *and*

19 (C) *by adding at the end the following new*
20 *sentence: “The earnings and contributions of any*
21 *qualified tuition program from which a qualified*
22 *rollover contribution is made under subpara-*
23 *graph (C) shall be treated in the same manner*
24 *as the earnings and contributions of a Roth IRA*

2115

1 *from which a qualified rollover contribution is*
2 *made under subparagraph (A).”.*

3 (2) *APPLICATION OF CONTRIBUTION LIMITA-*
4 *TIONS.—*

5 *(A) IN GENERAL.—Section 408A(c)(5)(B) is*
6 *amended—*

7 *(i) by striking “A qualified rollover*
8 *contribution” and inserting the following:*

9 *“(i) IN GENERAL.—A qualified rollover*
10 *contribution”, and*

11 *(ii) by adding at the end the following:*

12 *“(ii) EXCEPTION FOR ROLLOVERS*
13 *FROM QUALIFIED TUITION PROGRAMS.—*
14 *Clause (i) shall not apply to any qualified*
15 *rollover contribution described in subsection*
16 *(e)(1)(C).”.*

17 *(B) WAIVER OF ROTH IRA INCOME LIMITA-*
18 *TION.—Section 408A(c)(3) is amended by adding*
19 *at the end the following new subparagraph:*

20 *“(E) SPECIAL RULE FOR CERTAIN TRANS-*
21 *FERS FROM QUALIFIED TUITION PROGRAMS.—*
22 *The amount determined under subparagraph (A)*
23 *shall be increased by the lesser of—*

2116

1 “(i) the amount of contributions de-
2 scribed in section 529(c)(3)(E) for the tax-
3 able year, or

4 “(ii) the amount of the reduction deter-
5 mined under such subparagraph (deter-
6 mined without regard to this subpara-
7 graph).”.

8 (c) *REPORTING.*—Section 529(d) is amended—

9 (1) by striking “Each officer” and inserting the
10 following:

11 “(1) *IN GENERAL.*—Each officer”,

12 (2) by striking “by this subsection” and insert-
13 ing “by this paragraph”, and

14 (3) by adding at the end the following new para-
15 graph:

16 “(2) *ROLLOVER DISTRIBUTIONS.*—In the case of
17 any distribution described in subsection (c)(3)(E), the
18 officer or employee having control of the qualified tui-
19 tion program (or their designee) shall provide a re-
20 port to the trustee of the Roth IRA to which the dis-
21 tribution is made. Such report shall be filed at such
22 time and in such manner as the Secretary may re-
23 quire and shall include information with respect to
24 the contributions, distributions, and earnings of the
25 qualified tuition program as of the date of the dis-

2117

1 *tribution described in subsection (c)(3)(A), together*
2 *with such other matters as the Secretary may re-*
3 *quire.”.*

4 *(d) EFFECTIVE DATE.—The amendments made by this*
5 *section shall apply with respect to distributions after De-*
6 *cember 31, 2023.*

7 **SEC. 127. EMERGENCY SAVINGS ACCOUNTS LINKED TO IN-**
8 **DIVIDUAL ACCOUNT PLANS.**

9 *(a) EMPLOYEE PENSION BENEFIT PLANS.—Section 3*
10 *of the Employee Retirement Income Security Act of 1974*
11 *(29 U.S.C. 1002) is amended by adding at the end the fol-*
12 *lowing:*

13 *“(45) PENSION-LINKED EMERGENCY SAVINGS AC-*
14 *COUNT.—The term ‘pension-linked emergency savings*
15 *account’ means a short-term savings account estab-*
16 *lished and maintained as part of an individual ac-*
17 *count plan, in accordance with section 801, on behalf*
18 *of an eligible participant (as such term is defined in*
19 *section 801(b)) that—*

20 *“(A) is a designated Roth account (within*
21 *the meaning of section 402A of the Internal Rev-*
22 *enue Code of 1986) and accepts only participant*
23 *contributions, as described in section*
24 *801(d)(1)(A), which are designated Roth con-*

2118

1 *tributions subject to the rules of section 402A(e)*
2 *of such Code; and*
3 *“(B) meets the requirements of part 8 of*
4 *subtitle B.”.*

5 ***(b) PENSION-LINKED EMERGENCY SAVINGS AC-***
6 ***COUNTS.—***

7 ***(1) IN GENERAL.—****Subtitle B of title I of the*
8 *Employee Retirement Income Security Act of 1974*
9 *(29 U.S.C. 1021 et seq.) is amended by adding at the*
10 *end the following:*

11 ***“PART 8—PENSION-LINKED EMERGENCY SAVINGS***
12 ***ACCOUNTS***

13 ***“SEC. 801. PENSION-LINKED EMERGENCY SAVINGS AC-***
14 ***COUNTS.***

15 ***“(a) IN GENERAL.—****A plan sponsor of an individual*
16 *account plan may—*

17 ***“(1) include in such individual account plan a***
18 *pension-linked emergency savings account meeting the*
19 *requirements of subsection (c); and*

20 ***“(2)(A) offer to enroll an eligible participant in***
21 *such pension-linked emergency savings account; or*

22 ***“(B) automatically enroll an eligible participant***
23 *in such account pursuant to an automatic contribu-*
24 *tion arrangement described in paragraph (2) of sub-*
25 *section (c).*

2119

1 “(b) *ELIGIBLE PARTICIPANT.*—

2 “(1) *IN GENERAL.*—For purposes of this part,
3 the term ‘eligible participant’, with regard to an indi-
4 vidual account plan, means an individual who—

5 “(A) meets any age, service, and other eligi-
6 bility requirements of the plan; and

7 “(B) is not a highly compensated employee.

8 “(2) *ELIGIBLE PARTICIPANT WHO BECOMES A*
9 *HIGHLY COMPENSATED EMPLOYEE.*—Notwithstanding
10 paragraph (1)(B), an individual who is enrolled in a
11 pension-linked emergency savings account and there-
12 after becomes a highly compensated employee may not
13 make further contributions to such account, but re-
14 tains the right to withdraw any account balance of
15 such account in accordance with subsection
16 (c)(1)(A)(ii).

17 “(3) *DEFINITION.*—For purposes of this sub-
18 section, the term ‘highly compensated employee’ has
19 the meaning given the term in section 414(q) of the
20 Internal Revenue Code of 1986.

21 “(c) *ACCOUNT REQUIREMENTS.*—

22 “(1) *IN GENERAL.*—A pension-linked emergency
23 savings account—

24 “(A) shall—

2120

1 “(i) not have a minimum contribution
2 or account balance requirement;

3 “(ii) allow for withdrawal by the par-
4 ticipant of the account balance, in whole or
5 in part at the discretion of the participant,
6 at least once per calendar month and for
7 distribution of such withdrawal to the par-
8 ticipant as soon as practicable from the
9 date on which the participant elects to make
10 such withdrawal; and

11 “(iii) be, as selected by the plan spon-
12 sor, held as cash, in an interest-bearing de-
13 posit account, or in an investment prod-
14 uct—

15 “(I) designed to—

16 “(aa) maintain over the term
17 of the investment, the dollar value
18 that is equal to the amount in-
19 vested in the product; and

20 “(bb) preserve principal and
21 provide a reasonable rate of re-
22 turn, whether or not such return
23 is guaranteed, consistent with the
24 need for liquidity; and

2121

1 “(II) offered by a State- or feder-
2 ally-regulated financial institution;

3 “(B) may be subject to, as permitted by the
4 Secretary, reasonable restrictions; and

5 “(C)(i) may not, for not less than the first
6 4 withdrawals of funds from the account in a
7 plan year, be subject to any fees or charges solely
8 on the basis of such a withdrawal; and

9 “(ii) may, for any subsequent withdrawal
10 in a plan year, be subject to reasonable fees or
11 charges in connection with such a withdrawal,
12 including reasonable reimbursement fees imposed
13 for the incidental costs of handling of paper
14 checks.

15 “(2) ESTABLISHMENT AND TERMINATION OF AC-
16 COUNT.—

17 “(A) ESTABLISHMENT OF ACCOUNT.—The
18 pension-linked emergency savings account fea-
19 ture shall be included in the plan document of
20 the individual account plan. Such individual ac-
21 count plan shall—

22 “(i) separately account for contribu-
23 tions to the pension-linked emergency sav-
24 ings account of the individual account plan

2122

1 *and any earnings properly allocable to the*
2 *contributions;*

3 “(ii) *maintain separate recordkeeping*
4 *with respect to each such pension-linked*
5 *emergency savings account; and*

6 “(iii) *allow withdrawals from such ac-*
7 *count in accordance with section 402A(e)(7)*
8 *of the Internal Revenue Code of 1986.*

9 “(B) *TERMINATION OF ACCOUNT.—A plan*
10 *sponsor may terminate the pension-linked emer-*
11 *gency savings account feature of an individual*
12 *account plan at any time.*

13 “(d) *ACCOUNT CONTRIBUTIONS.—*

14 “(1) *LIMITATION.—*

15 “(A) *IN GENERAL.—Subject to subpara-*
16 *graph (B), no contribution shall be accepted to*
17 *a pension-linked emergency savings account to*
18 *the extent such contribution would cause the por-*
19 *tion of the account balance attributable to par-*
20 *ticipant contributions to exceed the lesser of—*

21 “(i) *\$2,500; or*

22 “(ii) *an amount determined by the*
23 *plan sponsor of the pension-linked emer-*
24 *gency savings account.*

2123

1 *In the case of contributions made in taxable*
2 *years beginning after December 31, 2024, the*
3 *Secretary shall adjust the amount under clause*
4 *(i) at the same time and in the same manner as*
5 *the adjustment made by the Secretary of the*
6 *Treasury under section 415(d) of the Internal*
7 *Revenue Code of 1986, except that the base pe-*
8 *riod shall be the calendar quarter beginning July*
9 *1, 2023. Any increase under the preceding sen-*
10 *tence which is not a multiple of \$100 shall be*
11 *rounded to the next lowest multiple of \$100.*

12 “(B) *EXCESS CONTRIBUTIONS.*—*To the ex-*
13 *tent any contribution to the pension-linked emer-*
14 *gency savings account of a participant for a tax-*
15 *able year would exceed the limitation of subpara-*
16 *graph (A)—*

17 “(i) *in the case of a participant with*
18 *another designated Roth account under the*
19 *individual account plan, such plan may*
20 *provide that—*

21 “(I) *the participant may elect to*
22 *increase the participant’s contribution*
23 *to such other account; and*

24 “(II) *in the absence of such a par-*
25 *ticipant election, the participant is*

2124

1 *deemed to have elected to increase the*
2 *participant's contributions to such*
3 *other account at the rate at which con-*
4 *tributions were being made to the pen-*
5 *sion-linked emergency savings account;*
6 *and*

7 *“(ii) in any other case, such plan shall*
8 *provide that such excess contributions will*
9 *not be accepted.*

10 “(2) *AUTOMATIC CONTRIBUTION ARRANGE-*
11 *MENT.—For purposes of this section—*

12 “(A) *IN GENERAL.—An automatic contribu-*
13 *tion arrangement described in this paragraph is*
14 *an arrangement under which an eligible partici-*
15 *pant is treated as having elected to have the plan*
16 *sponsor make elective contributions to a pension-*
17 *linked emergency savings account at a partici-*
18 *pant contribution rate that is not more than 3*
19 *percent of the compensation of the eligible partici-*
20 *ipant, unless the eligible participant, at any*
21 *time (subject to such reasonable advance notice*
22 *as is required by the plan administrator), af-*
23 *firmatively elects to—*

24 “(i) *make contributions at a different*
25 *rate or amount; or*

2125

1 “(ii) opt out of such contributions.

2 “(B) *PARTICIPANT CONTRIBUTION RATE.*—

3 *For purposes of an automatic contribution ar-*
4 *range ment described in subparagraph (A), the*
5 *plan sponsor—*

6 “(i) *shall select a participant contribu-*
7 *tion rate under such automatic contribution*
8 *arrangement that meets the requirements of*
9 *subparagraph (A); and*

10 “(ii) *may amend (prior to the plan*
11 *year in which an amendment would take ef-*
12 *fect) such rate not more than once annually.*

13 “(3) *DISCLOSURE BY PLAN ADMINISTRATOR OF*
14 *CONTRIBUTIONS.*—

15 “(A) *IN GENERAL.*—*With respect to an in-*
16 *dividual account plan with a pension-linked*
17 *emergency savings account feature, the adminis-*
18 *trator of the plan shall, not less than 30 days*
19 *and not more than 90 days prior to date of the*
20 *first contribution to the pension-linked emer-*
21 *gency savings account, including any contribu-*
22 *tion under an automatic contribution arrange-*
23 *ment described in subsection (d)(2), or the date*
24 *of any adjustment to the participant contribu-*
25 *tion rate under subsection (d)(2)(B)(ii), and not*

2126

1 *less than annually thereafter, shall furnish to the*
2 *participant a notice describing—*

3 *“(i) the purpose of the account, which*
4 *is for short-term, emergency savings;*

5 *“(ii) the limits on, and tax treatment*
6 *of, contributions to the pension-linked emer-*
7 *gency savings account of the participant;*

8 *“(iii) any fees, expenses, restrictions,*
9 *or charges associated with such pension-*
10 *linked emergency savings account;*

11 *“(iv) procedures for electing to make*
12 *contributions to or opting out of the pen-*
13 *sion-linked emergency savings account, for*
14 *changing participant contribution rates for*
15 *such pension-linked emergency savings ac-*
16 *count, and for making participant with-*
17 *drawals from such pension-linked emer-*
18 *gency savings account, including any limits*
19 *on frequency;*

20 *“(v) as applicable, the amount of the*
21 *intended contribution to such pension-*
22 *linked emergency savings account or the*
23 *change in the percentage of the compensa-*
24 *tion of the participant of such contribution;*

2127

1 “(vi) the amount in the emergency sav-
2 ings account and the amount or percentage
3 of compensation that a participant has con-
4 tributed to the pension-linked emergency
5 savings account;

6 “(vii) the designated investment option
7 under subsection (c)(1)(A)(iii) for amounts
8 contributed to the pension-linked emergency
9 savings account;

10 “(viii) the options under subsection (e)
11 for the account balance of the pension-linked
12 emergency savings account after termi-
13 nation of the employment of the participant
14 or termination by the plan sponsor of the
15 pension-linked emergency savings account;
16 and

17 “(ix) the ability of a participant who
18 becomes a highly compensated employee (as
19 such term is defined in paragraph (3) of
20 subsection (b)) to, as described in para-
21 graph (2) of such subsection, withdraw any
22 account balance from a pension-linked
23 emergency savings account and the restric-
24 tion on the ability of such a participant to

2128

1 *make further contributions to the pension-*
2 *linked emergency savings account.*

3 “(B) *NOTICE REQUIREMENTS.*—*A notice*
4 *furnished to a participant under subparagraph*
5 *(A) shall be—*

6 “(i) *sufficiently accurate and com-*
7 *prehensive to apprise the participant of the*
8 *rights and obligations of the participant*
9 *with regard to the pension-linked emergency*
10 *savings account of the participant; and*

11 “(ii) *written in a manner calculated to*
12 *be understood by the average participant.*

13 “(C) *CONSOLIDATED NOTICES.*—*The re-*
14 *quired notices under subparagraph (A) may be*
15 *included with any other notice under this Act,*
16 *including under section 404(c)(5)(B) or*
17 *514(e)(3), or under section 401(k)(13)(E) or*
18 *414(w)(4) of the Internal Revenue Code of 1986,*
19 *if such other notice is provided to the partici-*
20 *part at the time required for such notice.*

21 “(4) *EMPLOYER MATCHING CONTRIBUTIONS TO*
22 *AN INDIVIDUAL ACCOUNT PLAN FOR EMPLOYEE CON-*
23 *TRIBUTIONS TO A PENSION-LINKED EMERGENCY SAV-*
24 *INGS ACCOUNT.*—

2129

1 “(A) *IN GENERAL.*—If an employer makes
2 any matching contributions to an individual ac-
3 count plan of which a pension-linked emergency
4 savings account is part, subject to the limitations
5 of paragraph (1)(A), the employer shall make
6 matching contributions on behalf of a partici-
7 pant on account of the contributions by the par-
8 ticipant to the pension-linked emergency savings
9 account at the same rate as any other matching
10 contribution on account of an elective contribu-
11 tion by such participant. The matching con-
12 tributions shall be made to the participant’s ac-
13 count under the individual account plan that is
14 not the pension-linked emergency savings ac-
15 count. Such matching contributions on account
16 of contributions under paragraph (1)(A) shall
17 not exceed the maximum account balance under
18 paragraph (1)(A) for such plan year.

19 “(B) *COORDINATION RULE.*—For purposes
20 of any applicable limitation on matching con-
21 tributions, any matching contributions made
22 under the plan shall be treated first as attrib-
23 utable to the elective deferrals of the participant
24 other than contributions to a pension-linked
25 emergency savings account.

2130

1 “(C) *MATCHING CONTRIBUTIONS.*—*For pur-*
2 *poses of subparagraph (A), the term ‘matching*
3 *contribution’ has the meaning given such term*
4 *in section 401(m)(4) of the Internal Revenue*
5 *Code of 1986.*

6 “(e) *ACCOUNT BALANCE AFTER TERMINATION.*—*Upon*
7 *termination of employment of the participant, or termi-*
8 *nation by the plan sponsor of the pension-linked emergency*
9 *savings account, the pension-linked emergency savings ac-*
10 *count of such participant in an individual account plan*
11 *shall—*

12 “(1) *allow, at the election of the participant, for*
13 *transfer by the participant of the account balance of*
14 *such account, in whole or in part, into another des-*
15 *ignated Roth account of the participant under the in-*
16 *dividual account plan; and*

17 “(2) *for any amounts in such account not trans-*
18 *ferred under paragraph (1), make such amounts*
19 *available within a reasonable time to the participant.*

20 “(f) *ANTI-ABUSE RULES.*—

21 “(1) *IN GENERAL.*—*A plan of which a pension-*
22 *linked emergency savings account is part—*

23 “(A) *may employ reasonable procedures to*
24 *limit the frequency or amount of matching con-*
25 *tributions with respect to contributions to such*

2131

1 *account, solely to the extent necessary to prevent*
2 *manipulation of the rules of the plan to cause*
3 *matching contributions to exceed the intended*
4 *amounts or frequency; and*

5 *“(B) shall not be required to suspend*
6 *matching contributions following any partici-*
7 *pant withdrawal of contributions, including elec-*
8 *tive deferrals and employee contributions, wheth-*
9 *er or not matched and whether or not made pur-*
10 *suant to an automatic contribution arrangement*
11 *described in section 402A(e)(4) of the Internal*
12 *Revenue Code of 1986.*

13 *“(2) REGULATIONS OR OTHER GUIDANCE.—The*
14 *Secretary of the Treasury, in consultation with the*
15 *Secretary of Labor, shall issue regulations or other*
16 *guidance not later than 12 months after the date of*
17 *the enactment of the SECURE 2.0 Act of 2022 with*
18 *respect to the anti-abuse rules described in paragraph*
19 *(1).*

20 **“SEC. 802. PREEMPTION OF STATE ANTI-GARNISHMENT**
21 **LAWS.**

22 *“Notwithstanding any other provision of law, this part*
23 *shall supersede any law of a State which would directly*
24 *or indirectly prohibit or restrict the use of an automatic*
25 *contribution arrangement, described in section 801(d)(2),*

1 *for a pension-linked emergency savings account. The Sec-*
2 *retary may promulgate regulations to establish minimum*
3 *standards that such an arrangement would be required to*
4 *satisfy in order for this subsection to apply with respect*
5 *to such an account.*

6 **“SEC. 803. REPORTING AND DISCLOSURE REQUIREMENTS.**

7 *“The Secretary shall—*

8 *“(1) prescribe such regulations as may be nec-*
9 *essary to address reporting and disclosure require-*
10 *ments for pension-linked emergency savings accounts;*
11 *and*

12 *“(2) seek to prevent unnecessary reporting and*
13 *disclosure for such accounts under this Act, including*
14 *for purposes of any reporting or disclosure related to*
15 *pension plans required by this title or under the In-*
16 *ternal Revenue Code of 1986.*

17 **“SEC. 804. REPORT TO CONGRESS ON EMERGENCY SAVINGS**
18 **ACCOUNTS.**

19 *“The Secretary of Labor and the Secretary of the*
20 *Treasury shall—*

21 *“(1) conduct a study on the use of emergency*
22 *savings from individual account plan accounts, in-*
23 *cluding emergency savings from a pension-linked*
24 *emergency savings account regarding—*

2133

1 “(A) whether the amount of the dollar limi-
2 tation under section 801(d)(1)(A) is sufficient;

3 “(B) whether the limitation on the contribu-
4 tion rate under section 801(d)(2)(A) is appro-
5 priate; and

6 “(C) the extent to which plan sponsors offer
7 such accounts and participants participate in
8 such accounts and the resulting impact on par-
9 ticipant retirement savings, including the im-
10 pact on retirement savings leakage and the effect
11 of such accounts on retirement plan participa-
12 tion by low- and moderate-income households;
13 and

14 “(2) not later than 7 years after the date of en-
15 actment of the SECURE 2.0 Act of 2022, submit to
16 Congress a report on the findings of the study under
17 paragraph (1).”.

18 (2) CLERICAL AMENDMENT.—The table of con-
19 tents in section 1 of the Employee Retirement Income
20 Security Act of 1974 (29 U.S.C. 1001 note) is amend-
21 ed by inserting after the item relating to section 734
22 the following new items:

“PART 8. PENSION-LINKED EMERGENCY SAVINGS ACCOUNTS

“801. Pension-linked emergency savings accounts.

“802. Preemption of State anti-garnishment laws.

“803. Reporting and disclosure requirements.

“804. Report to Congress on emergency savings accounts.”.

2134

1 (c) *REPORTING FOR A PENSION-LINKED EMERGENCY*
2 *SAVINGS ACCOUNT.*—

3 (1) *ALTERNATIVE METHODS OF COMPLIANCE.*—

4 *Section 110(a) of the Employee Retirement Income*
5 *Security Act of 1974 (29 U.S.C. 1030(a)) is amended*
6 *by inserting “(including pension-linked emergency*
7 *savings account features within a pension plan)”*
8 *after “class of pension plans”.*

9 (2) *MINIMIZED REPORTING BURDEN FOR PEN-*
10 *SION-LINKED EMERGENCY SAVINGS ACCOUNTS.*—*Sec-*
11 *tion 101 of such Act (29 U.S.C. 1021) is amended—*

12 (A) *by redesignating subsection (n) as sub-*
13 *section (o); and*

14 (B) *by inserting after subsection (m) the fol-*
15 *lowing:*

16 “*(n) PENSION-LINKED EMERGENCY SAVINGS AC-*
17 *COUNTS.—Nothing in this section shall preclude the Sec-*
18 *retary from providing, by regulations or otherwise, sim-*
19 *plified reporting procedures or requirements regarding such*
20 *a pension-linked emergency savings account.*”.

21 (d) *FIDUCIARY DUTY.*—*Section 404(c) of the Employee*
22 *Retirement Income Security Act of 1974 (29 U.S.C.*
23 *1104(c)) is amended by adding at the end the following:*

24 “*(6) DEFAULT INVESTMENT ARRANGEMENTS FOR*
25 *A PENSION-LINKED EMERGENCY SAVINGS ACCOUNT.*—

2135

1 *For purposes of paragraph (1), a participant in a*
2 *pension-linked emergency savings account shall be*
3 *treated as exercising control over the assets in the ac-*
4 *count with respect to the amount of contributions and*
5 *earnings which are invested in accordance with sec-*
6 *tion 801(c)(1)(A)(iii).”.*

7 *(e) TAX TREATMENT OF PENSION-LINKED EMERGENCY*
8 *SAVINGS ACCOUNTS.—*

9 *(1) IN GENERAL.—Section 402A is amended by*
10 *redesignating subsection (e) as subsection (f) and by*
11 *inserting after subsection (d) the following new sub-*
12 *section:*

13 *“(e) PENSION-LINKED EMERGENCY SAVINGS AC-*
14 *COUNTS.—*

15 *“(1) IN GENERAL.—An applicable retirement*
16 *plan—*

17 *“(A) may—*

18 *“(i) include a pension-linked emer-*
19 *gency savings account established pursuant*
20 *to section 801 of the Employee Retirement*
21 *Income Security Act of 1974, which, except*
22 *as otherwise provided in this subsection,*
23 *shall be treated for purposes of this title as*
24 *a designated Roth account, and*

25 *“(ii) either—*

2136

1 “(I) offer to enroll an eligible par-
2 ticipant in such pension-linked emer-
3 gency savings account, or

4 “(II) automatically enroll an eli-
5 gible participant in such account pur-
6 suant to an automatic contribution ar-
7 rangement described in paragraph (4),
8 and

9 “(B) shall—

10 “(i) separately account for contribu-
11 tions to such account and any earnings
12 properly allocable to the contributions,

13 “(ii) maintain separate recordkeeping
14 with respect to each such account, and

15 “(iii) allow withdrawals from such ac-
16 count in accordance with paragraph (7).

17 “(2) *ELIGIBLE PARTICIPANT.*—

18 “(A) *IN GENERAL.*—For purposes of this
19 subsection, the term ‘eligible participant’, with
20 regard to a defined contribution plan, means an
21 individual, without regard to whether the indi-
22 vidual is otherwise a participant in such plan,
23 who—

24 “(i) meets any age, service, and other
25 eligibility requirements of the plan, and

2137

1 “(ii) is not a highly compensated em-
2 ployee (as defined in section 414(q)).

3 “(B) *ELIGIBLE PARTICIPANT WHO BECOMES*
4 *A HIGHLY COMPENSATED EMPLOYEE.*—*Notwith-*
5 *standing subparagraph (A)(ii), an individual on*
6 *whose behalf a pension-linked emergency savings*
7 *account is established who thereafter becomes a*
8 *highly compensated employee (as so defined)*
9 *may not make further contributions to such ac-*
10 *count, but retains the right to withdraw any ac-*
11 *count balance of such account in accordance with*
12 *paragraphs (7) and (8).*

13 “(3) *CONTRIBUTION LIMITATION.*—

14 “(A) *IN GENERAL.*—*Subject to subpara-*
15 *graph (B), no contribution shall be accepted to*
16 *a pension-linked emergency savings account to*
17 *the extent such contribution would cause the por-*
18 *tion of the account balance attributable to par-*
19 *ticipant contributions to exceed the lesser of—*

20 “(i) \$2,500; or

21 “(ii) an amount determined by the
22 plan sponsor of the pension-linked emer-
23 gency savings account.

24 *In the case of contributions made in taxable*
25 *years beginning after December 31, 2024, the*

2138

1 *Secretary shall adjust the amount under clause*
2 *(i) at the same time and in the same manner as*
3 *the adjustment made under section 415(d), ex-*
4 *cept that the base period shall be the calendar*
5 *quarter beginning July 1, 2023. Any increase*
6 *under the preceding sentence which is not a mul-*
7 *tiple of \$100 shall be rounded to the next lowest*
8 *multiple of \$100.*

9 *“(B) EXCESS CONTRIBUTIONS.—To the ex-*
10 *tent any contribution to the pension-linked emer-*
11 *gency savings account of a participant for a tax-*
12 *able year would exceed the limitation of subpara-*
13 *graph (A)—*

14 *“(i) in the case of an eligible partici-*
15 *pant with another designated Roth account*
16 *under the defined contribution plan, the*
17 *plan may provide that—*

18 *“(I) the participant may elect to*
19 *increase the participant’s contribution*
20 *to such other account, and*

21 *“(II) in the absence of such a par-*
22 *ticipant election, the participant is*
23 *deemed to have elected to increase the*
24 *participant’s contributions to such ac-*
25 *count at the rate at which contribu-*

2139

1 *tions were being made to the pension-*
2 *linked emergency savings account, and*
3 *“(ii) in any other case, such plan shall*
4 *provide that such excess contributions will*
5 *not be accepted.*

6 *“(4) AUTOMATIC CONTRIBUTION ARRANGE-*
7 *MENT.—For purposes of this section—*

8 *“(A) IN GENERAL.—An automatic contribu-*
9 *tion arrangement described in this paragraph is*
10 *an arrangement under which an eligible partici-*
11 *pant is treated as having elected to have the plan*
12 *sponsor make elective contributions to a pension-*
13 *linked emergency savings account at a partici-*
14 *pant contribution rate that is not more than 3*
15 *percent of the compensation of the eligible partic-*
16 *ipant, unless the eligible participant, at any*
17 *time (subject to such reasonable advance notice*
18 *as is required by the plan administrator), af-*
19 *firmatively elects to—*

20 *“(i) make contributions at a different*
21 *rate, or*

22 *“(ii) opt out of such contributions.*

23 *“(B) PARTICIPANT CONTRIBUTION RATE.—*
24 *For purposes of an automatic contribution ar-*

2140

1 *rangement described in subparagraph (A), the*
2 *plan sponsor—*

3 “(i) *shall select a participant contribu-*
4 *tion rate under such automatic contribution*
5 *arrangement which meets the requirements*
6 *of subparagraph (A), and*

7 “(ii) *may amend such rate (prior to*
8 *the plan year for which such amendment*
9 *would take effect) not more than once annu-*
10 *ally.*

11 “(5) *DISCLOSURE BY PLAN SPONSOR.—*

12 “(A) *IN GENERAL.—With respect to a de-*
13 *finied contribution plan which includes a pen-*
14 *sion-linked emergency savings account, the ad-*
15 *ministrator of the plan shall, not less than 30*
16 *days and not more than 90 days prior to the*
17 *date of the first contribution to the pension-*
18 *linked emergency savings account, including any*
19 *contribution under an automatic contribution*
20 *arrangement described in section 801(d)(2) of the*
21 *Employee Retirement Income Security Act of*
22 *1974, or the date of any adjustment to the par-*
23 *ticipant contribution rate under section*
24 *801(d)(2)(B)(ii) of such Act, and not less than*

2141

1 *annually thereafter, shall furnish to the partici-*
2 *pant a notice describing—*

3 *“(i) the purpose of the account, which*
4 *is for short-term, emergency savings;*

5 *“(ii) the limits on, and tax treatment*
6 *of, contributions to the pension-linked emer-*
7 *gency savings account of the participant;*

8 *“(iii) any fees, expenses, restrictions,*
9 *or charges associated with such pension-*
10 *linked emergency savings account;*

11 *“(iv) procedures for electing to make*
12 *contributions or opting out of the pension-*
13 *linked emergency savings account, changing*
14 *participant contribution rates for such ac-*
15 *count, and making participant withdrawals*
16 *from such pension-linked emergency savings*
17 *account, including any limits on frequency;*

18 *“(v) the amount of the intended con-*
19 *tribution or the change in the percentage of*
20 *the compensation of the participant of such*
21 *contribution, if applicable;*

22 *“(vi) the amount in the pension-linked*
23 *emergency savings account and the amount*
24 *or percentage of compensation that a par-*
25 *ticipant has contributed to such account;*

2142

1 “(vii) the designated investment option
2 under section 801(c)(1)(A)(iii) of the Em-
3 ployee Retirement Income Security Act of
4 1974 for amounts contributed to the pen-
5 sion-linked emergency savings account;

6 “(viii) the options under section 801(e)
7 of such Act for the account balance of the
8 pension-linked emergency savings account
9 after termination of the employment of the
10 participant; and

11 “(ix) the ability of a participant who
12 becomes a highly compensated employee (as
13 such term is defined in section 414(q)) to,
14 as described in section 801(b)(2) of the Em-
15 ployee Retirement Income Security Act of
16 1974, withdraw any account balance from a
17 pension-linked emergency savings account
18 and the restriction on the ability of such a
19 participant to make further contributions to
20 the pension-linked emergency savings ac-
21 count.

22 “(B) NOTICE REQUIREMENTS.—A notice
23 furnished to a participant under subparagraph
24 (A) shall be—

2143

1 “(i) sufficiently accurate and com-
2 prehensive to apprise the participant of the
3 rights and obligations of the participant
4 with regard to the pension-linked emergency
5 savings account of the participant; and

6 “(ii) written in a manner calculated to
7 be understood by the average participant.

8 “(C) CONSOLIDATED NOTICES.—The re-
9 quired notices under subparagraph (A) may be
10 included with any other notice under the Em-
11 ployee Retirement Income Security Act of 1974,
12 including under section 404(c)(5)(B) or
13 514(e)(3) of such Act, or under section
14 401(k)(13)(E) or 414(w)(4), if such other notice
15 is provided to the participant at the time re-
16 quired for such notice.

17 “(6) EMPLOYER MATCHING CONTRIBUTIONS TO A
18 DEFINED CONTRIBUTION PLAN FOR EMPLOYEE CON-
19 TRIBUTIONS TO A PENSION-LINKED EMERGENCY SAV-
20 INGS ACCOUNT.—

21 “(A) IN GENERAL.—If an employer makes
22 any matching contributions to a defined con-
23 tribution plan of which a pension-linked emer-
24 gency savings account is part, subject to the lim-
25 itations of paragraph (3), the employer shall

2144

1 *make matching contributions on behalf of an eli-*
2 *gible participant on account of the participant's*
3 *contributions to the pension-linked emergency*
4 *savings account at the same rate as any other*
5 *matching contribution on account of an elective*
6 *contribution by such participant. The matching*
7 *contributions shall be made to the participant's*
8 *account under the defined contribution plan*
9 *which is not the pension-linked emergency sav-*
10 *ings account. Such matching contributions on*
11 *account of contributions to the pension-linked*
12 *emergency savings account shall not exceed the*
13 *maximum account balance under paragraph*
14 *(3)(A) for such plan year.*

15 “(B) *COORDINATION RULE.*—*For purposes*
16 *of any applicable limitation on matching con-*
17 *tributions, any matching contributions made*
18 *under the plan shall be treated first as attrib-*
19 *utable to the elective deferrals of the participant*
20 *other than contributions to a pension-linked*
21 *emergency savings account.*

22 “(C) *MATCHING CONTRIBUTIONS.*—*For pur-*
23 *poses of subparagraph (A), the term ‘matching*
24 *contribution’ has the meaning given such term*
25 *in section 401(m)(4).*

2145

1 “(7) *DISTRIBUTIONS*.—

2 “(A) *IN GENERAL*.—*A pension-linked emer-*
3 *gency savings account shall allow for withdrawal*
4 *by the participant on whose behalf the account*
5 *is established of the account balance, in whole or*
6 *in part at the discretion of the participant, at*
7 *least once per calendar month and for distribu-*
8 *tion of such withdrawal to the participant as*
9 *soon as practicable after the date on which the*
10 *participant elects to make such withdrawal.*

11 “(B) *TREATMENT OF DISTRIBUTIONS*.—*Any*
12 *distribution from a pension-linked emergency*
13 *savings account in accordance with subpara-*
14 *graph (A)—*

15 “(i) *shall be treated as a qualified dis-*
16 *tribution for purposes of subsection (d), and*

17 “(ii) *shall be treated as meeting the re-*
18 *quirements of sections 401(k)(2)(B)(i),*
19 *403(b)(7)(A)(i), 403(b)(11), and*
20 *457(d)(1)(A).*

21 “(8) *ACCOUNT BALANCE AFTER TERMINATION*.—

22 “(A) *IN GENERAL*.—*Upon termination of*
23 *employment of the participant, or termination*
24 *by the plan sponsor of the pension-linked emer-*
25 *gency savings account, the pension-linked emer-*

2146

1 *gency savings account of such participant in a*
2 *defined contribution plan shall—*

3 *“(i) allow, at the election of the partic-*
4 *ipant, for transfer by the participant of the*
5 *account balance of such account, in whole or*
6 *in part, into another designated Roth ac-*
7 *count of the participant under the defined*
8 *contribution plan; and*

9 *“(ii) for any amounts in such account*
10 *not transferred under paragraph (1), make*
11 *such amounts available within a reasonable*
12 *time to the participant.*

13 *“(B) PROHIBITION OF CERTAIN TRANS-*
14 *FERS.—No amounts shall be transferred by the*
15 *participant from another account of the partici-*
16 *pant under any plan of the employer into the*
17 *pension-linked emergency savings account of the*
18 *participant.*

19 *“(C) COORDINATION WITH SECTION 72.—*
20 *Subparagraph (F) of section 408A(d)(3) shall*
21 *not apply (including by reason of subsection*
22 *(c)(4)(D) of this section) to any rollover con-*
23 *tribution of amounts in a pension-linked emer-*
24 *gency savings account under subparagraph (A).*

2147

1 “(9) *COORDINATION WITH DISTRIBUTION OF EX-*
2 *CESS DEFERRALS.—If any excess deferrals are dis-*
3 *tributed under section 402(g)(2)(A) to a participant,*
4 *such amounts shall be distributed first from any pen-*
5 *sion-linked emergency savings account of the partici-*
6 *phant to the extent contributions were made to such*
7 *account for the taxable year.*

8 “(10) *TREATMENT OF ACCOUNT BALANCES.—*

9 “(A) *IN GENERAL.—Except as provided in*
10 *subparagraph (B), a distribution from a pen-*
11 *sion-linked emergency savings account shall not*
12 *be treated as an eligible rollover distribution for*
13 *purposes of sections 401(a)(31), 402(f), and*
14 *3405.*

15 “(B) *TERMINATION.—In the case of termi-*
16 *nation of employment of the participant, or ter-*
17 *mination by the plan sponsor of the pension-*
18 *linked emergency savings account, except for*
19 *purposes of 401(a)(31)(B), a distribution from a*
20 *pension-linked emergency savings account which*
21 *is contributed as provided in paragraph*
22 *(8)(A)(i) shall be treated as an eligible rollover*
23 *distribution.*

24 “(11) *EXCEPTION TO PLAN AMENDMENT*
25 *RULES.—Notwithstanding section 411(d)(6), a plan*

2148

1 *which includes a pension-linked emergency savings*
2 *account may cease to offer such accounts at any time.*

3 “(12) *ANTI-ABUSE RULES.—A plan of which a*
4 *pension-linked emergency savings account is part—*

5 “(A) *may employ reasonable procedures to*
6 *limit the frequency or amount of matching con-*
7 *tributions with respect to contributions to such*
8 *account, solely to the extent necessary to prevent*
9 *manipulation of the rules of the plan to cause*
10 *matching contributions to exceed the intended*
11 *amounts or frequency, and*

12 “(B) *shall not be required to suspend*
13 *matching contributions following any partici-*
14 *pant withdrawal of contributions, including elec-*
15 *tive deferrals and employee contributions, wheth-*
16 *er or not matched and whether or not made pur-*
17 *suant to an automatic contribution arrangement*
18 *described in paragraph (4).*

19 *The Secretary, in consultation with the Secretary of*
20 *Labor, shall issue regulations or other guidance not*
21 *later than 12 months after the date of the enactment*
22 *of the SECURE 2.0 Act of 2022 with respect to the*
23 *anti-abuse rules described in the preceding sentence.”.*

24 (2) *TREATMENT FOR PURPOSES OF ADDITIONAL*
25 *TAX ON EARLY DISTRIBUTIONS.—Section 72(t)(2), as*

2149

1 *amended by the preceding provisions of this Act, is*
2 *further amended by adding at the end the following*
3 *new subparagraph:*

4 “(J) *DISTRIBUTIONS FROM PENSION-LINKED*
5 *EMERGENCY SAVINGS ACCOUNT.—Distributions*
6 *from a pension-linked emergency savings account*
7 *pursuant to section 402A(e).”.*

8 (3) *BASIS RECOVERY.—Section 72(d) is amended*
9 *by adding at the end the following new paragraph:*

10 “(3) *TREATMENT OF CONTRIBUTIONS TO A PEN-*
11 *SION-LINKED EMERGENCY SAVINGS ACCOUNT.—For*
12 *purposes of this section, contributions to a pension-*
13 *linked emergency savings account to which section*
14 *402A(e) applies (and any income allocable thereto)*
15 *may be treated as a separate contract.”.*

16 (f) *REGULATORY AUTHORITY.—The Secretary of*
17 *Labor and the Secretary of the Treasury (or a delegate of*
18 *either such Secretary) shall have authority to issue regula-*
19 *tions or other guidance, and to coordinate in developing*
20 *regulations or other guidance, to carry out the purposes of*
21 *this Act, including—*

22 (1) *adjustment of the limitation under section*
23 *801(d)(1) of the Employee Retirement Income Secu-*
24 *rity Act of 1974 and section 402A(e)(3) of the Inter-*

2150

1 *nal Revenue Code of 1986, as added by this Act, to*
2 *account for inflation;*

3 *(2) expansion of corrections programs, if nec-*
4 *essary;*

5 *(3) model plan language and notices relating to*
6 *pension-linked emergency savings accounts; and*

7 *(4) with regard to interactions with section*
8 *401(k)(13) of the Internal Revenue Code of 1986.*

9 *(g) EFFECTIVE DATE.—The amendments made by this*
10 *section shall apply to plan years beginning after December*
11 *31, 2023.*

12 **SEC. 128. ENHANCEMENT OF 403(b) PLANS.**

13 *(a) IN GENERAL.—Subparagraph (A) of section*
14 *403(b)(7) is amended by striking “if the amounts are to*
15 *be invested in regulated investment company stock to be*
16 *held in that custodial account” and inserting “if the*
17 *amounts are to be held in that custodial account and are*
18 *invested in regulated investment company stock or a group*
19 *trust intended to satisfy the requirements of Internal Rev-*
20 *enue Service Revenue Ruling 81–100 (or any successor*
21 *guidance)”.*

22 *(b) CONFORMING AMENDMENT.—The heading of para-*
23 *graph (7) of section 403(b) is amended by striking “FOR*
24 *REGULATED INVESTMENT COMPANY STOCK”.*

2151

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to amounts invested after the date of*
3 *the enactment of this Act.*

4 ***TITLE II—PRESERVATION OF***
5 ***INCOME***

6 ***SEC. 201. REMOVE REQUIRED MINIMUM DISTRIBUTION***
7 ***BARRIERS FOR LIFE ANNUITIES.***

8 (a) *IN GENERAL.*—*Section 401(a)(9) is amended by*
9 *adding at the end the following new subparagraph:*

10 “(J) *CERTAIN INCREASES IN PAYMENTS*
11 *UNDER A COMMERCIAL ANNUITY.*—*Nothing in*
12 *this section shall prohibit a commercial annuity*
13 *(within the meaning of section 3405(e)(6)) that*
14 *is issued in connection with any eligible retire-*
15 *ment plan (within the meaning of section*
16 *402(c)(8)(B), other than a defined benefit plan)*
17 *from providing one or more of the following*
18 *types of payments on or after the annuity start-*
19 *ing date:*

20 “(i) *annuity payments that increase*
21 *by a constant percentage, applied not less*
22 *frequently than annually, at a rate that is*
23 *less than 5 percent per year,*

24 “(ii) *a lump sum payment that—*

2152

1 “(I) results in a shortening of the
2 payment period with respect to an an-
3 nuity or a full or partial commutation
4 of the future annuity payments, pro-
5 vided that such lump sum is deter-
6 mined using reasonable actuarial
7 methods and assumptions, as deter-
8 mined in good faith by the issuer of the
9 contract, or

10 “(II) accelerates the receipt of an-
11 nuity payments that are scheduled to
12 be received within the ensuing 12
13 months, regardless of whether such ac-
14 celeration shortens the payment period
15 with respect to the annuity, reduces the
16 dollar amount of benefits to be paid
17 under the contract, or results in a sus-
18 pension of annuity payments during
19 the period being accelerated,

20 “(iii) an amount which is in the na-
21 ture of a dividend or similar distribution,
22 provided that the issuer of the contract de-
23 termines such amount using reasonable ac-
24 tuarial methods and assumptions, as deter-
25 mined in good faith by the issuer of the con-

2153

1 *tract, when calculating the initial annuity*
2 *payments and the issuer’s experience with*
3 *respect to those factors, or*

4 “(iv) a final payment upon death that
5 *does not exceed the excess of the total*
6 *amount of the consideration paid for the*
7 *annuity payments, less the aggregate*
8 *amount of prior distributions or payments*
9 *from or under the contract.”.*

10 *(b) EFFECTIVE DATE.—This section shall apply to cal-*
11 *endar years ending after the date of the enactment of this*
12 *Act.*

13 **SEC. 202. QUALIFYING LONGEVITY ANNUITY CONTRACTS.**

14 *(a) IN GENERAL.—Not later than the date which is*
15 *18 months after the date of the enactment of this Act, the*
16 *Secretary of the Treasury (or the Secretary’s delegate) shall*
17 *amend the regulation issued by the Department of the*
18 *Treasury relating to “Longevity Annuity Contracts” (79*
19 *Fed. Reg. 37633 (July 2, 2014)), as follows:*

20 *(1) REPEAL 25-PERCENT PREMIUM LIMIT.—The*
21 *Secretary (or delegate) shall amend Q&A–17(b)(3) of*
22 *Treas. Reg. section 1.401(a)(9)–6 and Q&A–12(b)(3)*
23 *of Treas. Reg. section 1.408–8 to eliminate the re-*
24 *quirement that premiums for qualifying longevity an-*
25 *nuity contracts be limited to 25 percent of an indi-*

2154

1 *vidual's account balance, and to make such cor-*
2 *responding changes to the regulations and related*
3 *forms as are necessary to reflect the elimination of*
4 *this requirement.*

5 (2) *INCREASE DOLLAR LIMITATION.—*

6 (A) *IN GENERAL.—The Secretary (or dele-*
7 *gate) shall amend Q&A–17(b)(2)(i) of Treas.*
8 *Reg. section 1.401(a)(9)–6 and Q&A–12(b)(2)(i)*
9 *of Treas. Reg. section 1.408–8 to increase the*
10 *dollar limitation on premiums for qualifying*
11 *longevity annuity contracts from \$125,000 to*
12 *\$200,000, and to make such corresponding*
13 *changes to the regulations and related forms as*
14 *are necessary to reflect this increase in the dollar*
15 *limitation.*

16 (B) *ADJUSTMENTS FOR INFLATION.—The*
17 *Secretary (or delegate) shall amend Q&A–*
18 *17(d)(2)(i) of Treas. Reg. section 1.401(a)(9)–6*
19 *to provide that, in the case of calendar years be-*
20 *ginning on or after January 1 of the second year*
21 *following the year of enactment of this Act, the*
22 *\$200,000 dollar limitation (as increased by sub-*
23 *paragraph (A)) will be adjusted at the same time*
24 *and in the same manner as the limits are ad-*
25 *justed under section 415(d) of the Internal Rev-*

2155

1 *enue Code of 1986, except that the base period*
2 *shall be the calendar quarter beginning July 1 of*
3 *the year of enactment of this Act, and any in-*
4 *crease to such dollar limitation which is not a*
5 *multiple of \$10,000 will be rounded to the next*
6 *lowest multiple of \$10,000.*

7 (3) *FACILITATE JOINT AND SURVIVOR BENE-*
8 *FITS.—The Secretary (or delegate) shall amend Q&A–*
9 *17(c) of Treas. Reg. section 1.401(a)(9)–6, and make*
10 *such corresponding changes to the regulations and re-*
11 *lated forms as are necessary, to provide that, in the*
12 *case of a qualifying longevity annuity contract which*
13 *was purchased with joint and survivor annuity bene-*
14 *fits for the individual and the individual’s spouse*
15 *which were permissible under the regulations at the*
16 *time the contract was originally purchased, a divorce*
17 *occurring after the original purchase and before the*
18 *annuity payments commence under the contract will*
19 *not affect the permissibility of the joint and survivor*
20 *annuity benefits or other benefits under the contract,*
21 *or require any adjustment to the amount or duration*
22 *of benefits payable under the contract, provided that*
23 *any qualified domestic relations order (within the*
24 *meaning of section 414(p) of the Internal Revenue*
25 *Code of 1986) or, in the case of an arrangement not*

2156

1 *subject to section 414(p) of such Code or section*
2 *206(d) of the Employee Retirement Income Security*
3 *Act of 1974, any divorce or separation instrument (as*
4 *defined in subsection (b))—*

5 *(A) provides that the former spouse is enti-*
6 *tled to the survivor benefits under the contract;*

7 *(B) provides that the former spouse is treat-*
8 *ed as a surviving spouse for purposes of the con-*
9 *tract;*

10 *(C) does not modify the treatment of the*
11 *former spouse as the beneficiary under the con-*
12 *tract who is entitled to the survivor benefits; or*

13 *(D) does not modify the treatment of the*
14 *former spouse as the measuring life for the sur-*
15 *vivor benefits under the contract.*

16 *(4) PERMIT SHORT FREE LOOK PERIOD.—The*
17 *Secretary (or delegate) shall amend Q&A–17(a)(4) of*
18 *Treas. Reg. section 1.401(a)(9)–6 to ensure that such*
19 *Q&A does not preclude a contract from including a*
20 *provision under which an employee may rescind the*
21 *purchase of the contract within a period not exceeding*
22 *90 days from the date of purchase.*

23 *(b) DIVORCE OR SEPARATION INSTRUMENT.—For pur-*
24 *poses of subsection (a)(3), the term “divorce or separation*
25 *instrument” means—*

2157

1 (1) *a decree of divorce or separate maintenance*
2 *or a written instrument incident to such a decree;*

3 (2) *a written separation agreement; or*

4 (3) *a decree (not described in paragraph (1)) re-*
5 *quiring a spouse to make payments for the support or*
6 *maintenance of the other spouse.*

7 (c) *EFFECTIVE DATES, ENFORCEMENT, AND INTER-*
8 *PRETATIONS.—*

9 (1) *EFFECTIVE DATES.—*

10 (A) *Paragraphs (1) and (2) of subsection*
11 *(a) shall be effective with respect to contracts*
12 *purchased or received in an exchange on or after*
13 *the date of the enactment of this Act.*

14 (B) *Paragraphs (3) and (4) of subsection*
15 *(a) shall be effective with respect to contracts*
16 *purchased or received in an exchange on or after*
17 *July 2, 2014.*

18 (2) *ENFORCEMENT AND INTERPRETATIONS.—*
19 *Prior to the date on which the Secretary of the Treas-*
20 *ury issues final regulations pursuant to subsection*
21 *(a)—*

22 (A) *the Secretary (or delegate) shall admin-*
23 *ister and enforce the law in accordance with sub-*
24 *section (a) and the effective dates in paragraph*
25 *(1) of this subsection; and*

2158

1 (B) taxpayers may rely upon their reason-
2 able good faith interpretations of subsection (a).

3 (d) *REGULATORY SUCCESSOR PROVISION.*—Any ref-
4 erence to a regulation under this section shall be treated
5 as including a reference to any successor regulation thereto.

6 **SEC. 203. INSURANCE-DEDICATED EXCHANGE-TRADED**
7 **FUNDS.**

8 (a) *IN GENERAL.*—Not later than the date which is
9 7 years after the date of the enactment of this Act, the Sec-
10 retary of the Treasury (or the Secretary’s delegate) shall
11 amend the regulation issued by the Department of the
12 Treasury relating to “Income Tax; Diversification Require-
13 ments for Variable Annuity, Endowment, and Life Insur-
14 ance Contracts”, 54 Fed. Reg. 8728 (March 2, 1989), and
15 make any necessary corresponding amendments to other
16 regulations, in order to facilitate the use of exchange-traded
17 funds as investment options under variable contracts within
18 the meaning of section 817(d) of the Internal Revenue Code
19 of 1986, in accordance with subsections (b) and (c) of this
20 section.

21 (b) *DESIGNATE CERTAIN AUTHORIZED PARTICIPANTS*
22 *AND MARKET MAKERS AS ELIGIBLE INVESTORS.*—The Sec-
23 retary of the Treasury (or the Secretary’s delegate) shall
24 amend Treas. Reg. section 1.817–5(f)(3) to provide that sat-
25 isfaction of the requirements in Treas. Reg. section 1.817–

2159

1 5(f)(2)(i) with respect to an exchange-traded fund shall not
2 be prevented by reason of beneficial interests in such a fund
3 being held by 1 or more authorized participants or market
4 makers.

5 (c) *DEFINE RELEVANT TERMS.*—In amending *Treas.*
6 *Reg. section 1.817–5(f)(3)* in accordance with subsection
7 (b), the Secretary of the Treasury (or the Secretary’s dele-
8 gate) shall provide definitions consistent with the following:

9 (1) *EXCHANGE-TRADED FUND.*—The term “ex-
10 change-traded fund” means a regulated investment
11 company, partnership, or trust—

12 (A) that is registered with the Securities
13 and Exchange Commission as an open-end in-
14 vestment company or a unit investment trust;

15 (B) the shares of which can be purchased or
16 redeemed directly from the fund only by an au-
17 thorized participant; and

18 (C) the shares of which are traded through-
19 out the day on a national stock exchange at mar-
20 ket prices that may or may not be the same as
21 the net asset value of the shares.

22 (2) *AUTHORIZED PARTICIPANT.*—The term “au-
23 thorized participant” means a financial institution
24 that is a member or participant of a clearing agency
25 registered under section 17A(b) of the Securities Ex-

2160

1 *change Act of 1934 that enters into a contractual re-*
2 *lationship with an exchange-traded fund pursuant to*
3 *which the financial institution is permitted to pur-*
4 *chase and redeem shares directly from the fund and*
5 *to sell such shares to third parties, but only if the*
6 *contractual arrangement or applicable law precludes*
7 *the financial institution from—*

8 *(A) purchasing the shares for its own in-*
9 *vestment purposes rather than for the exclusive*
10 *purpose of creating and redeeming such shares*
11 *on behalf of third parties; and*

12 *(B) selling the shares to third parties who*
13 *are not market makers or otherwise described in*
14 *Treas. Reg. section 1.817–5(f) (1) and (3).*

15 *(3) MARKET MAKER.—The term “market maker”*
16 *means a financial institution that is a registered*
17 *broker or dealer under section 15(b) of the Securities*
18 *Exchange Act of 1934 that maintains liquidity for an*
19 *exchange-traded fund on a national stock exchange by*
20 *being always ready to buy and sell shares of such*
21 *fund on the market, but only if the financial institu-*
22 *tion is contractually or legally precluded from selling*
23 *or buying such shares to or from persons who are not*
24 *authorized participants or otherwise described in*
25 *Treas. Reg. section 1.817–5(f) (2) and (3).*

2161

1 (d) *EFFECTIVE DATE.*—*This section shall apply to seg-*
2 *regated asset account investments made on or after the date*
3 *which is 7 years after the date of the enactment of this Act.*

4 **SEC. 204. ELIMINATING A PENALTY ON PARTIAL**
5 **ANNUITIZATION.**

6 (a) *ELIMINATING A PENALTY ON PARTIAL*
7 *ANNUITIZATION.*—*The Secretary of the Treasury (or the*
8 *Secretary’s delegate) shall amend the regulations under sec-*
9 *tion 401(a)(9) of the Internal Revenue Code of 1986 to pro-*
10 *vide that if an employee’s benefit is in the form of an indi-*
11 *vidual account under a defined contribution plan, the plan*
12 *may allow the employee to elect to have the amount required*
13 *to be distributed from such account under such section for*
14 *a year to be calculated as the excess of the total required*
15 *amount for such year over the annuity amount for such*
16 *year.*

17 (b) *DEFINITIONS.*—*For purposes of this section—*

18 (1) *TOTAL REQUIRED AMOUNT.*—*The term “total*
19 *required amount”, with respect to a year, means the*
20 *amount which would be required to be distributed*
21 *under Treas. Reg. section 1.401(a)(9)–5 (or any suc-*
22 *cessor regulation) for the year, determined by treating*
23 *the account balance as of the last valuation date in*
24 *the immediately preceding calendar year as including*
25 *the value on that date of all annuity contracts which*

2162

1 *were purchased with a portion of the account and*
2 *from which payments are made in accordance with*
3 *Treas. Reg. section 1.401(a)(9)–6.*

4 (2) *ANNUITY AMOUNT.—The term “annuity*
5 *amount”, with respect to a year, is the total amount*
6 *distributed in the year from all annuity contracts de-*
7 *scribed in paragraph (1).*

8 (c) *CONFORMING REGULATORY AMENDMENTS.—The*
9 *Secretary of the Treasury (or the Secretary’s delegate) shall*
10 *amend the regulations under sections 403(b)(10), 408(a)(6),*
11 *408(b)(3), and 457(d)(2) of the Internal Revenue Code of*
12 *1986 to conform to the amendments described in subsection*
13 *(a). Such conforming amendments shall treat all individual*
14 *retirement plans (as defined in section 7701(a)(37) of such*
15 *Code) which an individual holds as the owner, or which*
16 *an individual holds as a beneficiary of the same decedent,*
17 *as one such plan for purposes of the amendments described*
18 *in subsection (a). Such conforming amendments shall also*
19 *treat all contracts described in section 403(b) of such Code*
20 *which an individual holds as an employee, or which an in-*
21 *dividual holds as a beneficiary of the same decedent, as one*
22 *such contract for such purposes.*

23 (d) *EFFECTIVE DATE.—The modifications and amend-*
24 *ments required under subsections (a) and (c) shall be*

2163

1 *deemed to have been made as of the date of the enactment*
2 *of this Act, and as of such date—*

3 *(1) all applicable laws shall be applied in all re-*
4 *spects as though the actions which the Secretary of the*
5 *Treasury (or the Secretary’s delegate) is required to*
6 *take under such subsections had been taken, and*

7 *(2) until such time as such actions are taken,*
8 *taxpayers may rely upon their reasonable good faith*
9 *interpretations of this section.*

10 ***TITLE III—SIMPLIFICATION AND***
11 ***CLARIFICATION OF RETIRE-***
12 ***MENT PLAN RULES***

13 ***SEC. 301. RECOVERY OF RETIREMENT PLAN OVERPAY-***
14 ***MENTS.***

15 *(a) OVERPAYMENTS UNDER ERISA.—Section 206 of*
16 *the Employee Retirement Income Security Act of 1974 (29*
17 *U.S.C. 1056) is amended by adding at the end the following*
18 *new subsection:*

19 *“(h) SPECIAL RULES APPLICABLE TO BENEFIT OVER-*
20 *PAYMENTS.—*

21 *“(1) GENERAL RULE.—In the case of an inad-*
22 *vertent benefit overpayment by any pension plan, the*
23 *responsible plan fiduciary shall not be considered to*
24 *have failed to comply with the requirements of this*
25 *title merely because such fiduciary determines, in the*

2164

1 *exercise of its discretion, not to seek recovery of all or*
2 *part of such overpayment from—*

3 “(A) *any participant or beneficiary,*

4 “(B) *any plan sponsor of, or contributing*
5 *employer to—*

6 “(i) *an individual account plan, pro-*
7 *vided that the amount needed to prevent or*
8 *restore any impermissible forfeiture from*
9 *any participant’s or beneficiary’s account*
10 *arising in connection with the overpayment*
11 *is, separately from and independently of the*
12 *overpayment, allocated to such account pur-*
13 *suant to the nonforfeitability requirements*
14 *of section 203 (for example, out of the plan’s*
15 *forfeiture account, additional employer con-*
16 *tributions, or recoveries from those respon-*
17 *sible for the overpayment), or*

18 “(ii) *a defined benefit pension plan*
19 *subject to the funding rules in part 3 of this*
20 *subtitle B, unless the responsible plan fidu-*
21 *ciary determines, in the exercise of its fidu-*
22 *ciary discretion, that failure to recover all*
23 *or part of the overpayment faster than re-*
24 *quired under such funding rules would ma-*
25 *terially affect the plan’s ability to pay bene-*

2165

1 *fits due to other participants and bene-*
2 *ficiaries, or*

3 “(C) *any fiduciary of the plan, other than*
4 *a fiduciary (including a plan sponsor or contrib-*
5 *uting employer acting in a fiduciary capacity)*
6 *whose breach of its fiduciary duties resulted in*
7 *such overpayment, provided that if the plan has*
8 *established prudent procedures to prevent and*
9 *minimize overpayment of benefits and the rel-*
10 *evant plan fiduciaries have followed such proce-*
11 *dures, an inadvertent benefit overpayment will*
12 *not give rise to a breach of fiduciary duty.*

13 “(2) *REDUCTION IN FUTURE BENEFIT PAYMENTS*
14 *AND RECOVERY FROM RESPONSIBLE PARTY.—Para-*
15 *graph (1) shall not fail to apply with respect to any*
16 *inadvertent benefit overpayment merely because, after*
17 *discovering such overpayment, the responsible plan fi-*
18 *ducuary—*

19 “(A) *reduces future benefit payments to the*
20 *correct amount provided for under the terms of*
21 *the plan, or*

22 “(B) *seeks recovery from the person or per-*
23 *sons responsible for the overpayment.*

24 “(3) *EMPLOYER FUNDING OBLIGATIONS.—Noth-*
25 *ing in this subsection shall relieve an employer of any*

2166

1 *obligation imposed on it to make contributions to a*
2 *plan to meet the minimum funding standards under*
3 *part 3 of this subtitle B or to prevent or restore an*
4 *impermissible forfeiture in accordance with section*
5 *203.*

6 “(4) *RECOUPMENT FROM PARTICIPANTS AND*
7 *BENEFICIARIES.—If the responsible plan fiduciary, in*
8 *the exercise of its fiduciary discretion, decides to seek*
9 *recoupment from a participant or beneficiary of all*
10 *or part of an inadvertent benefit overpayment made*
11 *by the plan to such participant or beneficiary, it may*
12 *do so, subject to the following conditions:*

13 “(A) *No interest or other additional*
14 *amounts (such as collection costs or fees) are*
15 *sought on overpaid amounts for any period.*

16 “(B) *If the plan seeks to recoup past over-*
17 *payments of a non-decreasing annuity by reduc-*
18 *ing future benefit payments—*

19 “(i) *the reduction ceases after the plan*
20 *has recovered the full dollar amount of the*
21 *overpayment,*

22 “(ii) *the amount recouped each cal-*
23 *endar year does not exceed 10 percent of the*
24 *full dollar amount of the overpayment, and*

2167

1 “(iii) future benefit payments are not
2 reduced to below 90 percent of the periodic
3 amount otherwise payable under the terms
4 of the plan.

5 Alternatively, if the plan seeks to recoup past
6 overpayments of a non-decreasing annuity
7 through one or more installment payments, the
8 sum of such installment payments in any cal-
9 endar year does not exceed the sum of the reduc-
10 tions that would be permitted in such year under
11 the preceding sentence.

12 “(C) If the plan seeks to recoup past over-
13 payments of a benefit other than a non-decreas-
14 ing annuity, the plan satisfies requirements de-
15 veloped by the Secretary of Labor for purposes of
16 this subparagraph.

17 “(D) Efforts to recoup overpayments are—

18 “(i) not accompanied by threats of liti-
19 gation, unless the responsible plan fiduciary
20 makes a determination that there is a rea-
21 sonable likelihood of success to recover an
22 amount greater than the cost of recovery,
23 and

24 “(ii) not made through a collection
25 agency or similar third party, unless the

2168

1 *participant or beneficiary ignores or rejects*
2 *efforts to recoup the overpayment following*
3 *either a final judgment in Federal or State*
4 *court or a settlement between the partici-*
5 *pant or beneficiary and the plan, in either*
6 *case authorizing such recoupment.*

7 *“(E) Recoupment of past overpayments to a*
8 *participant is not sought from any beneficiary of*
9 *the participant, including a spouse, surviving*
10 *spouse, former spouse, or other beneficiary.*

11 *“(F) Recoupment may not be sought if the*
12 *first overpayment occurred more than 3 years be-*
13 *fore the participant or beneficiary is first noti-*
14 *fied in writing of the error, except in the case of*
15 *fraud or misrepresentation by the participant.*

16 *“(G) A participant or beneficiary from*
17 *whom recoupment is sought is entitled to contest*
18 *all or part of the recoupment pursuant to the*
19 *claims procedures of the plan that made the*
20 *overpayment to the extent such procedures are*
21 *consistent with section 503 of this title and in*
22 *the case of an inadvertent benefit overpayment*
23 *from a plan to which paragraph (1) applies that*
24 *is transferred to an eligible retirement plan (as*
25 *defined in section 402(c)(8)(B) of the Internal*

2169

1 *Revenue Code of 1986) by or on behalf of a par-*
2 *ticipant or beneficiary—*

3 “(i) *such plan shall notify the plan re-*
4 *ceiving the rollover of such dispute,*

5 “(ii) *the plan receiving the rollover*
6 *shall retain such overpayment on behalf of*
7 *the participant or beneficiary (and shall be*
8 *entitled to treat such overpayment as plan*
9 *assets) pending the outcome of such proce-*
10 *dures, and*

11 “(iii) *the portion of such overpayment*
12 *with respect to which recoupment is sought*
13 *on behalf of the plan shall be permitted to*
14 *be returned to such plan if it is determined*
15 *to be an overpayment (and the plans mak-*
16 *ing and receiving such transfer shall be*
17 *treated as permitting such transfer).*

18 “(H) *In determining the amount of*
19 *recoupment to seek, the responsible plan fidu-*
20 *ciary may take into account the hardship that*
21 *recoupment likely would impose on the partici-*
22 *pant or beneficiary.*

23 “(5) *EFFECT OF CULPABILITY.—Subparagraphs*
24 *(A) through (F) of paragraph (4) shall not apply to*
25 *protect a participant or beneficiary who is culpable.*

2170

1 *For purposes of this paragraph, a participant or ben-*
2 *eficiary is culpable if the individual bears responsi-*
3 *bility for the overpayment (such as through misrepre-*
4 *sentations or omissions that led to the overpayment),*
5 *or if the individual knew that the benefit payment or*
6 *payments were materially in excess of the correct*
7 *amount. Notwithstanding the preceding sentence, an*
8 *individual is not culpable merely because the indi-*
9 *vidual believed the benefit payment or payments were*
10 *or might be in excess of the correct amount, if the in-*
11 *dividual raised that question with an authorized plan*
12 *representative and was told the payment or payments*
13 *were not in excess of the correct amount.”.*

14 ***(b) OVERPAYMENTS UNDER INTERNAL REVENUE CODE***
15 ***OF 1986.—***

16 ***(1) QUALIFICATION REQUIREMENTS.—****Section*
17 *414 is amended by adding at the end the following*
18 *new subsection:*

19 ***“(aa) SPECIAL RULES APPLICABLE TO BENEFIT***
20 ***OVERPAYMENTS.—***

21 ***“(1) IN GENERAL.—****A plan shall not fail to be*
22 *treated as described in clause (i), (ii), (iii), or (iv) of*
23 *section 219(g)(5)(A) (and shall not fail to be treated*
24 *as satisfying the requirements of section 401(a) or*
25 *403) merely because—*

2171

1 “(A) the plan fails to obtain payment from
2 any participant, beneficiary, employer, plan
3 sponsor, fiduciary, or other party on account of
4 any inadvertent benefit overpayment made by
5 the plan, or

6 “(B) the plan sponsor amends the plan to
7 increase past, or decrease future, benefit pay-
8 ments to affected participants and beneficiaries
9 in order to adjust for prior inadvertent benefit
10 overpayments.

11 “(2) *REDUCTION IN FUTURE BENEFIT PAYMENTS*
12 *AND RECOVERY FROM RESPONSIBLE PARTY.*—Para-
13 graph (1) shall not fail to apply to a plan merely be-
14 cause, after discovering a benefit overpayment, such
15 plan—

16 “(A) reduces future benefit payments to the
17 correct amount provided for under the terms of
18 the plan, or

19 “(B) seeks recovery from the person or per-
20 sons responsible for such overpayment.

21 “(3) *EMPLOYER FUNDING OBLIGATIONS.*—Noth-
22 ing in this subsection shall relieve an employer of any
23 obligation imposed on it to make contributions to a
24 plan to meet the minimum funding standards under

2172

1 *sections 412 and 430 or to prevent or restore an im-*
2 *permissible forfeiture in accordance with section 411.*

3 “(4) *OBSERVANCE OF BENEFIT LIMITATIONS.—*
4 *Notwithstanding paragraph (1), a plan to which*
5 *paragraph (1) applies shall observe any limitations*
6 *imposed on it by section 401(a)(17) or 415. The plan*
7 *may enforce such limitations using any method ap-*
8 *proved by the Secretary for recouping benefits pre-*
9 *viously paid or allocations previously made in excess*
10 *of such limitations.*

11 “(5) *COORDINATION WITH OTHER QUALIFICATION*
12 *REQUIREMENTS.—The Secretary may issue regula-*
13 *tions or other guidance of general applicability speci-*
14 *fying how benefit overpayments and their recoupment*
15 *or non-recoupment from a participant or beneficiary*
16 *shall be taken into account for purposes of satisfying*
17 *any requirement applicable to a plan to which para-*
18 *graph (1) applies.”.*

19 (2) *ROLLOVERS.—Section 402(c) is amended by*
20 *adding at the end the following new paragraph:*

21 “(12) *In the case of an inadvertent benefit over-*
22 *payment from a plan to which section 414(aa)(1) ap-*
23 *plies that is transferred to an eligible retirement plan*
24 *by or on behalf of a participant or beneficiary—*

2173

1 “(A) the portion of such overpayment with
2 respect to which recoupment is not sought on be-
3 half of the plan shall be treated as having been
4 paid in an eligible rollover distribution if the
5 payment would have been an eligible rollover
6 distribution but for being an overpayment, and

7 “(B) the portion of such overpayment with
8 respect to which recoupment is sought on behalf
9 of the plan shall be permitted to be returned to
10 such plan and in such case shall be treated as
11 an eligible rollover distribution transferred to
12 such plan by the participant or beneficiary who
13 received such overpayment (and the plans mak-
14 ing and receiving such transfer shall be treated
15 as permitting such transfer).”.

16 (c) *EFFECTIVE DATE.*—The amendments made by this
17 section shall apply as of the date of the enactment of this
18 Act.

19 (d) *CERTAIN ACTIONS BEFORE DATE OF ENACT-*
20 *MENT.*—Plans, fiduciaries, employers, and plan sponsors
21 are entitled to rely on—

22 (1) a reasonable good faith interpretation of then
23 existing administrative guidance for inadvertent ben-
24 efit overpayment recoupments and recoveries that

2174

1 *commenced before the date of enactment of this Act,*
2 *and*

3 *(2) determinations made before the date of enact-*
4 *ment of this Act by the responsible plan fiduciary, in*
5 *the exercise of its fiduciary discretion, not to seek*
6 *recoupment or recovery of all or part of an inad-*
7 *vertent benefit overpayment.*

8 *In the case of a benefit overpayment that occurred prior*
9 *to the date of enactment of this Act, any installment pay-*
10 *ments by the participant or beneficiary to the plan or any*
11 *reduction in periodic benefit payments to the participant*
12 *or beneficiary, which were made in recoupment of such*
13 *overpayment and which commenced prior to such date, may*
14 *continue after such date. Nothing in this subsection shall*
15 *relieve a fiduciary from responsibility for an overpayment*
16 *that resulted from a breach of its fiduciary duties.*

17 **SEC. 302. REDUCTION IN EXCISE TAX ON CERTAIN ACCUMU-**
18 **LATIONS IN QUALIFIED RETIREMENT PLANS.**

19 *(a) IN GENERAL.—Section 4974(a) is amended by*
20 *striking “50 percent” and inserting “25 percent”.*

21 *(b) REDUCTION IN EXCISE TAX ON FAILURES TO TAKE*
22 *REQUIRED MINIMUM DISTRIBUTIONS.—Section 4974 is*
23 *amended by adding at the end the following new subsection:*

24 *“(e) REDUCTION OF TAX IN CERTAIN CASES.—*

2175

1 “(1) *REDUCTION.*—*In the case of a taxpayer*
2 *who—*

3 “(A) *receives a distribution, during the cor-*
4 *rection window, of the amount which resulted in*
5 *imposition of a tax under subsection (a) from the*
6 *same plan to which such tax relates, and*

7 “(B) *submits a return, during the correc-*
8 *tion window, reflecting such tax (as modified by*
9 *this subsection),*
10 *the first sentence of subsection (a) shall be applied by*
11 *substituting ‘10 percent’ for ‘25 percent’.*

12 “(2) *CORRECTION WINDOW.*—*For purposes of*
13 *this subsection, the term ‘correction window’ means*
14 *the period of time beginning on the date on which the*
15 *tax under subsection (a) is imposed with respect to a*
16 *shortfall of distributions from a plan described in*
17 *subsection (a), and ending on the earliest of—*

18 “(A) *the date of mailing a notice of defi-*
19 *ciency with respect to the tax imposed by sub-*
20 *section (a) under section 6212,*

21 “(B) *the date on which the tax imposed by*
22 *subsection (a) is assessed, or*

23 “(C) *the last day of the second taxable year*
24 *that begins after the end of the taxable year in*
25 *which the tax under subsection (a) is imposed.”.*

2176

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to taxable years beginning after the date*
3 *of the enactment of this Act.*

4 **SEC. 303. RETIREMENT SAVINGS LOST AND FOUND.**

5 (a) *IN GENERAL.*—*Part 5 of subtitle B of title I of*
6 *the Employee Retirement Income Security Act of 1974 (29*
7 *U.S.C. 1131 et seq.) is amended by adding at the end the*
8 *following:*

9 **“SEC. 523. RETIREMENT SAVINGS LOST AND FOUND.**

10 “(a) *ESTABLISHMENT.*—

11 “(1) *IN GENERAL.*—*Not later than 2 years after*
12 *the date of the enactment of this section, the Sec-*
13 *retary, in consultation with the Secretary of the*
14 *Treasury, shall establish an online searchable data-*
15 *base (to be managed by the Secretary in accordance*
16 *with this section) to be known as the ‘Retirement Sav-*
17 *ings Lost and Found’. The Retirement Savings Lost*
18 *and Found shall—*

19 “(A) *allow an individual to search for in-*
20 *formation that enables the individual to locate*
21 *the administrator of any plan described in para-*
22 *graph (2) with respect to which the individual is*
23 *or was a participant or beneficiary, and provide*
24 *contact information for the administrator of any*
25 *such plan;*

2177

1 “(B) allow the Secretary to assist such an
2 individual in locating any such plan of the indi-
3 vidual; and

4 “(C) allow the Secretary to make any nec-
5 essary changes to contact information on record
6 for the administrator based on any changes to
7 the plan due to merger or consolidation of the
8 plan with any other plan, division of the plan
9 into two or more plans, bankruptcy, termi-
10 nation, change in name of the plan, change in
11 name or address of the administrator, or other
12 causes.

13 “(2) *PLANS DESCRIBED.*—A plan described in
14 this paragraph is a plan to which the vesting stand-
15 ards of section 203 apply.

16 “(b) *ADMINISTRATION.*—The Retirement Savings Lost
17 and Found established under subsection (a) shall provide
18 individuals described in subsection (a)(1) only with the
19 ability to search for information that enables the individual
20 to locate the administrator and contact information for the
21 administrator of any plan with respect to which the indi-
22 vidual is or was a participant or beneficiary, sufficient to
23 allow the individual to locate the individual’s plan in order
24 to make a claim for benefits owing to the individual under
25 the plan.

2178

1 “(c) *SAFEGUARDING PARTICIPANT PRIVACY AND SE-*
2 *CURITY.—In establishing the Retirement Savings Lost and*
3 *Found under subsection (a), the Secretary, in consultation*
4 *with the Secretary of the Treasury, shall take all necessary*
5 *and proper precautions to—*

6 “(1) *ensure that individuals’ plan and personal*
7 *information maintained by the Retirement Savings*
8 *Lost and Found is protected; and*

9 “(2) *allow any individual to contact the Sec-*
10 *retary to opt out of inclusion in the Retirement Sav-*
11 *ings Lost and Found.*

12 “(d) *DEFINITION OF ADMINISTRATOR.—For purposes*
13 *of this section, the term ‘administrator’ has the meaning*
14 *given such term in section 3(16)(A).*

15 “(e) *INFORMATION COLLECTION FROM PLANS.—Effec-*
16 *tive with respect to plan years beginning after the second*
17 *December 31 occurring after the date of the enactment of*
18 *this subsection, the administrator of a plan to which the*
19 *vesting standards of section 203 apply shall submit to the*
20 *Secretary, at such time and in such form and manner as*
21 *is prescribed in regulations—*

22 “(1) *the information described in paragraphs (1)*
23 *through (4) of section 6057(b) of the Internal Revenue*
24 *Code of 1986;*

2179

1 “(2) the information described in subparagraphs
2 (A) and (B) of section 6057(a)(2) of such Code;

3 “(3) the name and taxpayer identifying number
4 of each participant or former participant in the
5 plan—

6 “(A) who, during the current plan year or
7 any previous plan year, was reported under sec-
8 tion 6057(a)(2)(C) of such Code, and with re-
9 spect to whom the benefits described in clause
10 (ii) thereof were fully paid during the plan year;

11 “(B) with respect to whom any amount was
12 distributed under section 401(a)(31)(B) of such
13 Code during the plan year; or

14 “(C) with respect to whom a deferred annu-
15 ity contract was distributed during the plan
16 year; and

17 “(4) in the case of a participant or former par-
18 ticipant to whom paragraph (3) applies—

19 “(A) in the case of a participant described
20 in subparagraph (B) thereof, the name and ad-
21 dress of the designated trustee or issuer described
22 in section 401(a)(31)(B)(i) of such Code and the
23 account number of the individual retirement
24 plan to which the amount was distributed; and

2180

1 “(B) in the case of a participant described
2 in subparagraph (C) thereof, the name and ad-
3 dress of the issuer of such annuity contract and
4 the contract or certificate number.

5 “(f) *USE OF INFORMATION COLLECTED.*—The Sec-
6 retary—

7 “(1) may use or disclose information collected
8 under this section only for the purpose described in
9 subsection (a)(1)(B), and

10 “(2) may disclose such information only to such
11 employees of the Department of Labor whose official
12 duties relate to the purpose described in such sub-
13 section.

14 “(g) *PROGRAM INTEGRITY AUDIT.*—On an annual
15 basis for each of the first 5 years beginning one year after
16 the establishment of the database in subsection (a)(1) and
17 every 5 years thereafter, the Inspector General of the De-
18 partment of Labor shall—

19 “(1) conduct an audit of the administration of
20 the Retirement Savings Lost and Found; and

21 “(2) submit a report on such audit to the Com-
22 mittee on Health, Education, Labor, and Pensions
23 and the Committee on Finance of the Senate and the
24 Committee on Ways and Means and the Committee

2181

1 *on Education and Labor of the House of Representa-*
2 *tives.”.*

3 (b) *CONFORMING AMENDMENT.*—*The table of contents*
4 *for the Employee Retirement Income Security Act of 1974*
5 *(29 U.S.C. 1001 et seq.) is amended by inserting after the*
6 *item relating to section 522 the following:*

“Sec. 523. Retirement Savings Lost and Found.”.

7 **SEC. 304. UPDATING DOLLAR LIMIT FOR MANDATORY DIS-**
8 **TRIBUTIONS.**

9 (a) *IN GENERAL.*—*Section 203(e)(1) of the Employee*
10 *Retirement Income Security Act of 1974 (29 U.S.C.*
11 *1053(e)(1)) and sections 401(a)(31)(B)(ii) and*
12 *411(a)(11)(A) are each amended by striking “\$5,000” and*
13 *inserting “\$7,000”.*

14 (b) *EFFECTIVE DATE.*—*The amendments made by this*
15 *section shall apply to distributions made after December 31,*
16 *2023.*

17 **SEC. 305. EXPANSION OF EMPLOYEE PLANS COMPLIANCE**
18 **RESOLUTION SYSTEM.**

19 (a) *IN GENERAL.*—*Except as otherwise provided in the*
20 *Internal Revenue Code of 1986, regulations, or other guid-*
21 *ance of general applicability prescribed by the Secretary of*
22 *the Treasury or the Secretary’s delegate (referred to in this*
23 *section as the “Secretary”), any eligible inadvertent failure*
24 *to comply with the rules applicable under section 401(a),*
25 *403(a), 403(b), 408(p), or 408(k) of such Code may be self-*

2182

1 *corrected under the Employee Plans Compliance Resolution*
2 *System (as described in Revenue Procedure 2021–30, or*
3 *any successor guidance, and hereafter in this section re-*
4 *ferred to as the “EPCRS”), except to the extent that (1)*
5 *such failure was identified by the Secretary prior to any*
6 *actions which demonstrate a specific commitment to imple-*
7 *ment a self-correction with respect to such failure, or (2)*
8 *the self-correction is not completed within a reasonable pe-*
9 *riod after such failure is identified. For purposes of self-*
10 *correction of an eligible inadvertent failure, the correction*
11 *period under section 9.02 of Revenue Procedure 2021–30*
12 *(or any successor guidance), except as otherwise provided*
13 *under such Code, regulations, or other guidance of general*
14 *applicability prescribed by the Secretary, is indefinite and*
15 *has no last day, other than with respect to failures identi-*
16 *fied by the Secretary prior to any actions which dem-*
17 *onstrate a specific commitment to implement a self-correc-*
18 *tion with respect to such failure or with respect to a self-*
19 *correction that is not completed within a reasonable period,*
20 *as described in the preceding sentence.*

21 (b) *LOAN ERRORS.—In the case of an eligible inad-*
22 *vertent failure relating to a loan from a plan to a partici-*
23 *pant—*

24 (1) *such failure may be self-corrected under sub-*
25 *section (a) according to the rules of section 6.07 of*

2183

1 *Revenue Procedure 2021–30 (or any successor guid-*
2 *ance), including the provisions related to whether a*
3 *deemed distribution must be reported on Form 1099–*
4 *R,*

5 *(2) the Secretary of Labor shall treat any such*
6 *failure which is so self-corrected under subsection (a)*
7 *as meeting the requirements of the Voluntary Fidu-*
8 *ciary Correction Program of the Department of Labor*
9 *if, with respect to the violation of the fiduciary stand-*
10 *ards of the Employee Retirement Income Security Act*
11 *of 1974, there is a similar loan error eligible for cor-*
12 *rection under EPCRS and the loan error is corrected*
13 *in such manner, and*

14 *(3) the Secretary of Labor may impose reporting*
15 *or other procedural requirements with respect to par-*
16 *ties that intend to rely on the Voluntary Fiduciary*
17 *Correction Program for self-corrections described in*
18 *paragraph (2).*

19 *(c) EPCRS FOR IRAs.—The Secretary shall expand*
20 *the EPCRS to allow custodians of individual retirement*
21 *plans (as defined in section 7701(a)(37) of the Internal*
22 *Revenue Code of 1986) to address eligible inadvertent fail-*
23 *ures with respect to an individual retirement plan (as so*
24 *defined), including (but not limited to)—*

2184

1 (1) *waivers of the excise tax which would other-*
2 *wise apply under section 4974 of the Internal Rev-*
3 *enue Code of 1986, and*

4 (2) *rules permitting a nonspouse beneficiary to*
5 *return distributions to an inherited individual retire-*
6 *ment plan described in section 408(d)(3)(C) of the In-*
7 *ternal Revenue Code of 1986 in a case where, due to*
8 *an inadvertent error by a service provider, the bene-*
9 *ficiary had reason to believe that the distribution*
10 *could be rolled over without inclusion in income of*
11 *any part of the distributed amount.*

12 (d) *CORRECTION METHODS FOR ELIGIBLE INAD-*
13 *VERTENT FAILURES.—The Secretary shall issue guidance*
14 *on correction methods that are required to be used to correct*
15 *eligible inadvertent failures, including general principles of*
16 *correction if a specific correction method is not specified*
17 *by the Secretary.*

18 (e) *ELIGIBLE INADVERTENT FAILURE.—For purposes*
19 *of this section—*

20 (1) *IN GENERAL.—Except as provided in para-*
21 *graph (2), the term “eligible inadvertent failure”*
22 *means a failure that occurs despite the existence of*
23 *practices and procedures which—*

2185

1 (A) satisfy the standards set forth in section
2 4.04 of Revenue Procedure 2021–30 (or any suc-
3 cessor guidance), or

4 (B) satisfy similar standards in the case of
5 an individual retirement plan.

6 (2) *EXCEPTION.*—The term “eligible inadvertent
7 failure” shall not include any failure which is egre-
8 gious, relates to the diversion or misuse of plan assets,
9 or is directly or indirectly related to an abusive tax
10 avoidance transaction.

11 (f) *APPLICATION OF CERTAIN REQUIREMENTS FOR*
12 *CORRECTING ERRORS.*—This section shall not apply to any
13 failure unless the correction of such failure under this sec-
14 tion is made in conformity with the general principles that
15 apply to corrections of such failures under the Internal Rev-
16 enue Code of 1986, including regulations or other guidance
17 issued thereunder and including those principles and cor-
18 rections set forth in Revenue Procedure 2021–30 (or any
19 successor guidance).

20 (g) *ISSUANCE OF GUIDANCE.*—The Secretary of the
21 Treasury, or the Secretary’s delegate, shall revise Revenue
22 Procedure 2021–30 (or any successor guidance) to take into
23 account the provisions of this section not later than the date
24 which is 2 years after the date of enactment of this Act.

2186

1 **SEC. 306. ELIMINATE THE “FIRST DAY OF THE MONTH” RE-**
2 **QUIREMENT FOR GOVERNMENTAL SECTION**
3 **457(b) PLANS.**

4 (a) *IN GENERAL.*—Section 457(b)(4) is amended to
5 read as follows:

6 “(4) which provides that compensation—

7 “(A) in the case of an eligible employer de-
8 scribed in subsection (e)(1)(A), will be deferred
9 only if an agreement providing for such deferral
10 has been entered into before the compensation is
11 currently available to the individual, and

12 “(B) in any other case, will be deferred for
13 any calendar month only if an agreement pro-
14 viding for such deferral has been entered into be-
15 fore the beginning of such month,”.

16 (b) *EFFECTIVE DATE.*—The amendment made by this
17 section shall apply to taxable years beginning after the date
18 of the enactment of this Act.

19 **SEC. 307. ONE-TIME ELECTION FOR QUALIFIED CHARI-**
20 **TABLE DISTRIBUTION TO SPLIT-INTEREST**
21 **ENTITY; INCREASE IN QUALIFIED CHARI-**
22 **TABLE DISTRIBUTION LIMITATION.**

23 (a) *ONE-TIME ELECTION FOR QUALIFIED CHARITABLE*
24 *DISTRIBUTION TO SPLIT-INTEREST ENTITY.*—Section
25 408(d)(8) is amended by adding at the end the following
26 new subparagraph:

2187

1 “(F) *ONE-TIME ELECTION FOR QUALIFIED*
2 *CHARITABLE DISTRIBUTION TO SPLIT-INTEREST*
3 *ENTITY.*—

4 “(i) *IN GENERAL.*—A taxpayer may
5 for a taxable year elect under this subpara-
6 graph to treat as meeting the requirement of
7 subparagraph (B)(i) any distribution from
8 an individual retirement account which is
9 made directly by the trustee to a split-inter-
10 est entity, but only if—

11 “(I) an election is not in effect
12 under this subparagraph for a pre-
13 ceding taxable year,

14 “(II) the aggregate amount of dis-
15 tributions of the taxpayer with respect
16 to which an election under this sub-
17 paragraph is made does not exceed
18 \$50,000, and

19 “(III) such distribution meets the
20 requirements of clauses (iii) and (iv).

21 “(ii) *SPLIT-INTEREST ENTITY.*—For
22 purposes of this subparagraph, the term
23 ‘split-interest entity’ means—

24 “(I) a charitable remainder annu-
25 ity trust (as defined in section

2188

1 664(d)(1)), but only if such trust is
2 funded exclusively by qualified chari-
3 table distributions,

4 “(II) a charitable remainder
5 unitrust (as defined in section
6 664(d)(2)), but only if such unitrust is
7 funded exclusively by qualified chari-
8 table distributions, or

9 “(III) a charitable gift annuity
10 (as defined in section 501(m)(5)), but
11 only if such annuity is funded exclu-
12 sively by qualified charitable distribu-
13 tions and commences fixed payments of
14 5 percent or greater not later than 1
15 year from the date of funding.

16 “(iii) CONTRIBUTIONS MUST BE OTH-
17 ERWISE DEDUCTIBLE.—A distribution
18 meets the requirements of this clause only
19 if—

20 “(I) in the case of a distribution
21 to a charitable remainder annuity
22 trust or a charitable remainder
23 unitrust, a deduction for the entire
24 value of the remainder interest in the
25 distribution for the benefit of a speci-

† HR 2617 EAS2

2189

1 *fied charitable organization would be*
2 *allowable under section 170 (deter-*
3 *mined without regard to subsection (b)*
4 *thereof and this paragraph), and*

5 “(II) *in the case of a charitable*
6 *gift annuity, a deduction in an*
7 *amount equal to the amount of the dis-*
8 *tribution reduced by the value of the*
9 *annuity described in section*
10 *501(m)(5)(B) would be allowable under*
11 *section 170 (determined without regard*
12 *to subsection (b) thereof and this para-*
13 *graph).*

14 “(iv) *LIMITATION ON INCOME INTER-*
15 *ESTS.—A distribution meets the require-*
16 *ments of this clause only if—*

17 “(I) *no person holds an income*
18 *interest in the split-interest entity*
19 *other than the individual for whose*
20 *benefit such account is maintained, the*
21 *spouse of such individual, or both, and*

22 “(II) *the income interest in the*
23 *split-interest entity is nonassignable.*

24 “(v) *SPECIAL RULES.—*

2190

1 “(I) CHARITABLE REMAINDER
2 TRUSTS.—Notwithstanding section
3 664(b), distributions made from a trust
4 described in subclause (I) or (II) of
5 clause (ii) shall be treated as ordinary
6 income in the hands of the beneficiary
7 to whom the annuity described in sec-
8 tion 664(d)(1)(A) or the payment de-
9 scribed in section 664(d)(2)(A) is paid.

10 “(II) CHARITABLE GIFT ANNU-
11 ITIES.—Qualified charitable distribu-
12 tions made to fund a charitable gift
13 annuity shall not be treated as an in-
14 vestment in the contract for purposes of
15 section 72(c).”.

16 (b) INFLATION ADJUSTMENT.—Section 408(d)(8), as
17 amended by subsection (a), is further amended by adding
18 at the end the following new subparagraph:

19 “(G) INFLATION ADJUSTMENT.—

20 “(i) IN GENERAL.—In the case of any
21 taxable year beginning after 2023, each of
22 the dollar amounts in subparagraphs (A)
23 and (F) shall be increased by an amount
24 equal to—

2191

1 “(I) such dollar amount, multi-
2 plied by

3 “(II) the cost-of-living adjustment
4 determined under section 1(f)(3) for
5 the calendar year in which the taxable
6 year begins, determined by substituting
7 ‘calendar year 2022’ for ‘calendar year
8 2016’ in subparagraph (A)(ii) thereof.

9 “(ii) *ROUNDING.*—If any dollar
10 amount increased under clause (i) is not a
11 multiple of \$1,000, such dollar amount shall
12 be rounded to the nearest multiple of
13 \$1,000.”.

14 (c) *EFFECTIVE DATE.*—The amendment made by this
15 section shall apply to distributions made in taxable years
16 beginning after the date of the enactment of this Act.

17 **SEC. 308. DISTRIBUTIONS TO FIREFIGHTERS.**

18 (a) *IN GENERAL.*—Subparagraph (A) of section
19 72(t)(10) is amended by striking “414(d))” and inserting
20 “414(d)) or a distribution from a plan described in clause
21 (iii), (iv), or (vi) of section 402(c)(8)(B) to an employee
22 who provides firefighting services”.

23 (b) *CONFORMING AMENDMENT.*—The heading of para-
24 graph (10) of section 72(t) is amended by striking “IN GOV-

1 *ERNMENTAL PLANS” and inserting “AND PRIVATE SECTOR*
2 *FIREFIGHTERS”.*

3 *(c) EFFECTIVE DATE.—The amendments made by this*
4 *section shall apply to distributions made after the date of*
5 *the enactment of this Act.*

6 **SEC. 309. EXCLUSION OF CERTAIN DISABILITY-RELATED**
7 **FIRST RESPONDER RETIREMENT PAYMENTS.**

8 *(a) IN GENERAL.—Part III of subchapter B of chapter*
9 *1 is amended by inserting after section 139B the following*
10 *new section:*

11 **“SEC. 139C. CERTAIN DISABILITY-RELATED FIRST RE-**
12 **SPONDER RETIREMENT PAYMENTS.**

13 *“(a) IN GENERAL.—In the case of an individual who*
14 *receives qualified first responder retirement payments for*
15 *any taxable year, gross income shall not include so much*
16 *of such payments as do not exceed the annualized excludable*
17 *disability amount with respect to such individual.*

18 *“(b) QUALIFIED FIRST RESPONDER RETIREMENT*
19 *PAYMENTS.—For purposes of this section, the term ‘quali-*
20 *fied first responder retirement payments’ means, with re-*
21 *spect to any taxable year, any pension or annuity which*
22 *but for this section would be includible in gross income for*
23 *such taxable year and which is received—*

24 *“(1) from a plan described in clause (iii), (iv),*
25 *(v), or (vi) of section 402(c)(8)(B), and*

2193

1 “(2) *in connection with such individual’s quali-*
2 *fied first responder service.*

3 “(c) *ANNUALIZED EXCLUDABLE DISABILITY*
4 *AMOUNT.—For purposes of this section—*

5 “(1) *IN GENERAL.—The term ‘annualized exclud-*
6 *able disability amount’ means, with respect to any*
7 *individual, the service-connected excludable disability*
8 *amounts which are properly attributable to the 12-*
9 *month period immediately preceding the date on*
10 *which such individual attains retirement age.*

11 “(2) *SERVICE-CONNECTED EXCLUDABLE DIS-*
12 *ABILITY AMOUNT.—The term ‘service-connected ex-*
13 *cludable disability amount’ means periodic payments*
14 *received by an individual which—*

15 “(A) *are not includible in such individual’s*
16 *gross income under section 104(a)(1),*

17 “(B) *are received in connection with such*
18 *individual’s qualified first responder service, and*

19 “(C) *terminate when such individual at-*
20 *tains retirement age.*

21 “(3) *SPECIAL RULE FOR PARTIAL-YEAR PAY-*
22 *MENTS.—In the case of an individual who only re-*
23 *ceives service-connected excludable disability amounts*
24 *properly attributable to a portion of the 12-month pe-*
25 *riod described in paragraph (1), such paragraph shall*

2194

1 *be applied by multiplying such amounts by the ratio*
2 *of 365 to the number of days in such period to which*
3 *such amounts were properly attributable.*

4 “(d) *QUALIFIED FIRST RESPONDER SERVICE.*—For
5 *purposes of this section, the term ‘qualified first responder*
6 *service’ means service as a law enforcement officer, fire-*
7 *fighter, paramedic, or emergency medical technician.”.*

8 (b) *CLERICAL AMENDMENT.*—The table of sections for
9 *part III of subchapter B of chapter 1 is amended by insert-*
10 *ing after the item relating to section 139B the following*
11 *new item:*

“Sec. 139C. Certain disability-related first responder retirement payments.”.

12 (c) *EFFECTIVE DATE.*—The amendments made by this
13 *section shall apply to amounts received with respect to tax-*
14 *able years beginning after December 31, 2026.*

15 **SEC. 310. APPLICATION OF TOP HEAVY RULES TO DEFINED**
16 **CONTRIBUTION PLANS COVERING EXCLUD-**
17 **ABLE EMPLOYEES.**

18 (a) *IN GENERAL.*—Paragraph (2) of section 416(c) is
19 *amended by adding at the end the following new subpara-*
20 *graph:*

21 “(C) *APPLICATION TO EMPLOYEES NOT*
22 *MEETING AGE AND SERVICE REQUIREMENTS.*—
23 *Any employees not meeting the age or service re-*
24 *quirements of section 410(a)(1) (without regard*
25 *to subparagraph (B) thereof) may be excluded*

2195

1 *from consideration in determining whether any*
2 *plan of the employer meets the requirements of*
3 *subparagraphs (A) and (B).”.*

4 ***(b) EFFECTIVE DATE.***—*The amendment made by sub-*
5 *section (a) shall apply to plan years beginning after Decem-*
6 *ber 31, 2023.*

7 **SEC. 311. REPAYMENT OF QUALIFIED BIRTH OR ADOPTION**
8 **DISTRIBUTION LIMITED TO 3 YEARS.**

9 ***(a) IN GENERAL.***—*Section 72(t)(2)(H)(v)(I) is*
10 *amended by striking “may make” and inserting “may, at*
11 *any time during the 3-year period beginning on the day*
12 *after the date on which such distribution was received,*
13 *make”.*

14 ***(b) EFFECTIVE DATE.***—

15 ***(1) IN GENERAL.***—*Except as provided in para-*
16 *graph (2), the amendment made by this section shall*
17 *apply to distributions made after the date of the en-*
18 *actment of this Act.*

19 ***(2) TEMPORARY RULE WITH RESPECT TO DIS-***
20 ***TRIBUTIONS ALREADY MADE.***—*In the case of a quali-*
21 *fied birth or adoption distribution (as defined in sec-*
22 *tion 72(t)(2)(H)(iii)(I) of the Internal Revenue Code*
23 *of 1986) made on or before the date of the enactment*
24 *of this Act, section 72(t)(2)(H)(v)(I) of such Code (as*
25 *amended by this Act) shall apply to such distribution*

2196

1 *by substituting “after such distribution and before*
2 *January 1, 2026” for “during the 3-year period be-*
3 *ginning on the day after the date on which such dis-*
4 *tribution was received”.*

5 **SEC. 312. EMPLOYER MAY RELY ON EMPLOYEE CERTIFYING**
6 **THAT DEEMED HARDSHIP DISTRIBUTION**
7 **CONDITIONS ARE MET.**

8 *(a) CASH OR DEFERRED ARRANGEMENTS.—Section*
9 *401(k)(14) is amended by adding at the end the following*
10 *new subparagraph:*

11 *“(C) EMPLOYEE CERTIFICATION.—In deter-*
12 *mining whether a distribution is upon the hard-*
13 *ship of an employee, the administrator of the*
14 *plan may rely on a written certification by the*
15 *employee that the distribution is—*

16 *“(i) on account of a financial need of*
17 *a type which is deemed in regulations pre-*
18 *scribed by the Secretary to be an immediate*
19 *and heavy financial need, and*

20 *“(ii) not in excess of the amount re-*
21 *quired to satisfy such financial need, and*
22 *that the employee has no alternative means rea-*
23 *sonably available to satisfy such financial need.*
24 *The Secretary may provide by regulations for ex-*
25 *ceptions to the rule of the preceding sentence in*

2197

1 *cases where the plan administrator has actual*
2 *knowledge to the contrary of the employee’s cer-*
3 *tification, and for procedures for addressing*
4 *cases of employee misrepresentation.”.*

5 **(b) 403(b) PLANS.—**

6 **(1) CUSTODIAL ACCOUNTS.—***Section 403(b)(7) is*
7 *amended by adding at the end the following new sub-*
8 *paragraph:*

9 **“(D) EMPLOYEE CERTIFICATION.—***In deter-*
10 *mining whether a distribution is upon the finan-*
11 *cial hardship of an employee, the administrator*
12 *of the plan may rely on a written certification*
13 *by the employee that the distribution is—*

14 *“(i) on account of a financial need of*
15 *a type which is deemed in regulations pre-*
16 *scribed by the Secretary to be an immediate*
17 *and heavy financial need, and*

18 *“(ii) not in excess of the amount re-*
19 *quired to satisfy such financial need, and*
20 *that the employee has no alternative means rea-*
21 *sonably available to satisfy such financial need.*
22 *The Secretary may provide by regulations for ex-*
23 *ceptions to the rule of the preceding sentence in*
24 *cases where the plan administrator has actual*
25 *knowledge to the contrary of the employee’s cer-*

† **HR 2617 EAS2**

2198

1 *tification, and for procedures for addressing*
2 *cases of employee misrepresentation.”.*

3 (2) *ANNUITY CONTRACTS.*—Section 403(b)(11) is
4 *amended by adding at the end the following: “In de-*
5 *termining whether a distribution is upon hardship of*
6 *an employee, the administrator of the plan may rely*
7 *on a written certification by the employee that the*
8 *distribution is on account of a financial need of a*
9 *type which is deemed in regulations prescribed by the*
10 *Secretary to be an immediate and heavy financial*
11 *need and is not in excess of the amount required to*
12 *satisfy such financial need, and that the employee has*
13 *no alternative means reasonably available to satisfy*
14 *such financial need. The Secretary may provide by*
15 *regulations for exceptions to the rule of the preceding*
16 *sentence in cases where the plan administrator has*
17 *actual knowledge to the contrary of the employee’s*
18 *certification, and for procedures for addressing cases*
19 *of employee misrepresentation.”.*

20 (c) 457(b) *PLAN.*—Section 457(d) is amended by add-
21 *ing at the end the following new paragraph:*

22 “(4) *PARTICIPANT CERTIFICATION.*—In deter-
23 *mining whether a distribution to a participant is*
24 *made when the participant is faced with an unfore-*
25 *seeable emergency, the administrator of a plan main-*

† HR 2617 EAS2

2199

1 *tained by an eligible employer described in subsection*
2 *(e)(1)(A) may rely on a written certification by the*
3 *participant that the distribution is—*

4 *“(A) made when the participant is faced*
5 *with an unforeseeable emergency of a type which*
6 *is described in regulations prescribed by the Sec-*
7 *retary as an unforeseeable emergency, and*

8 *“(B) not in excess of the amount required to*
9 *satisfy the emergency need, and*
10 *that the participant has no alternative means reason-*
11 *ably available to satisfy such emergency need. The*
12 *Secretary may provide by regulations for exceptions*
13 *to the rule of the preceding sentence in cases where the*
14 *plan administrator has actual knowledge to the con-*
15 *trary of the participant’s certification, and for proce-*
16 *dures for addressing cases of participant misrepresen-*
17 *tation.”.*

18 *(d) EFFECTIVE DATE.—The amendments made by this*
19 *section shall apply to plan years beginning after the date*
20 *of the enactment of this Act.*

21 **SEC. 313. INDIVIDUAL RETIREMENT PLAN STATUTE OF LIM-**
22 **ITATIONS FOR EXCISE TAX ON EXCESS CON-**
23 **TRIBUTIONS AND CERTAIN ACCUMULATIONS.**

24 *(a) IN GENERAL.—Section 6501(l) is amended by add-*
25 *ing at the end the following new paragraph:*

2200

1 “(4) *INDIVIDUAL RETIREMENT PLANS.*—

2 “(A) *IN GENERAL.*—*For purposes of any*
3 *tax imposed by section 4973 or 4974 in connec-*
4 *tion with an individual retirement plan, the re-*
5 *turn referred to in this section shall include the*
6 *income tax return filed by the person on whom*
7 *the tax under such section is imposed for the*
8 *year in which the act (or failure to act) giving*
9 *rise to the liability for such tax occurred.*

10 “(B) *RULE IN CASE OF INDIVIDUALS NOT*
11 *REQUIRED TO FILE RETURN.*—*In the case of a*
12 *person who is not required to file an income tax*
13 *return for such year—*

14 “(i) *the return referred to in this sec-*
15 *tion shall be the income tax return that*
16 *such person would have been required to file*
17 *but for the fact that such person was not re-*
18 *quired to file such return, and*

19 “(ii) *the 3-year period referred to in*
20 *subsection (a) with respect to the return*
21 *shall be deemed to begin on the date by*
22 *which the return would have been required*
23 *to be filed (excluding any extension thereof).*

24 “(C) *PERIOD FOR ASSESSMENT IN CASE OF*
25 *INCOME TAX RETURN.*—*In any case in which the*

† HR 2617 EAS2

2201

1 *return with respect to a tax imposed by section*
2 *4973 is the individual's income tax return for*
3 *purposes of this section, subsection (a) shall be*
4 *applied by substituting a 6-year period in lieu*
5 *of the 3-year period otherwise referred to in such*
6 *subsection.*

7 *“(D) EXCEPTION FOR CERTAIN ACQUI-*
8 *SITIONS OF PROPERTY.—In the case of any tax im-*
9 *posed by section 4973 that is attributable to ac-*
10 *quiring property for less than fair market value,*
11 *subparagraph (A) shall not apply.”.*

12 *(b) EFFECTIVE DATE.—The amendments made by this*
13 *section shall take effect on the date of the enactment of this*
14 *Act.*

15 **SEC. 314. PENALTY-FREE WITHDRAWAL FROM RETIREMENT**
16 **PLANS FOR INDIVIDUAL IN CASE OF DOMES-**
17 **TIC ABUSE.**

18 *(a) IN GENERAL.—Paragraph (2) of section 72(t), as*
19 *amended by this Act, is further amended by adding at the*
20 *end the following new subparagraph:*

21 *“(K) DISTRIBUTION FROM RETIREMENT*
22 *PLAN IN CASE OF DOMESTIC ABUSE.—*

23 *“(i) IN GENERAL.—Any eligible dis-*
24 *tribution to a domestic abuse victim.*

2202

1 “(ii) *LIMITATION.—The aggregate*
2 *amount which may be treated as an eligible*
3 *distribution to a domestic abuse victim by*
4 *any individual shall not exceed an amount*
5 *equal to the lesser of—*

6 “(I) \$10,000, or

7 “(II) 50 percent of the present
8 *value of the nonforfeitable accrued ben-*
9 *efit of the employee under the plan.*

10 “(iii) *ELIGIBLE DISTRIBUTION TO A*
11 *DOMESTIC ABUSE VICTIM.—For purposes of*
12 *this subparagraph—*

13 “(I) *IN GENERAL.—A distribution*
14 *shall be treated as an eligible distribu-*
15 *tion to a domestic abuse victim if such*
16 *distribution is from an applicable eli-*
17 *gible retirement plan and is made to*
18 *an individual during the 1-year period*
19 *beginning on any date on which the*
20 *individual is a victim of domestic*
21 *abuse by a spouse or domestic partner.*

22 “(II) *DOMESTIC ABUSE.—The*
23 *term ‘domestic abuse’ means physical,*
24 *psychological, sexual, emotional, or*
25 *economic abuse, including efforts to*

2203

1 *control, isolate, humiliate, or intimi-*
2 *date the victim, or to undermine the*
3 *victim's ability to reason independ-*
4 *ently, including by means of abuse of*
5 *the victim's child or another family*
6 *member living in the household.*

7 “(iv) *TREATMENT OF PLAN DISTRIBUTIONS.—*
8 *If a distribution to an individual*
9 *would (without regard to clause (ii)) be an*
10 *eligible distribution to a domestic abuse vic-*
11 *tim, a plan shall not be treated as failing*
12 *to meet any requirement of this title merely*
13 *because the plan treats the distribution as*
14 *an eligible distribution to a domestic abuse*
15 *victim, unless the aggregate amount of such*
16 *distributions from all plans maintained by*
17 *the employer (and any member of any con-*
18 *trolled group which includes the employer,*
19 *determined as provided in subparagraph*
20 *(H)(iv)(II)) to such individual exceeds the*
21 *limitation under clause (ii).*

22 “(v) *AMOUNT DISTRIBUTED MAY BE*
23 *REPAID.—Rules similar to the rules of sub-*
24 *paragraph (H)(v) shall apply with respect*

2204

1 *to an individual who receives a distribution*
2 *to which clause (i) applies.*

3 “(vi) *DEFINITION AND SPECIAL*
4 *RULES.—For purposes of this subpara-*
5 *graph:*

6 “(I) *APPLICABLE ELIGIBLE RE-*
7 *TIREMENT PLAN.—The term ‘applica-*
8 *ble eligible retirement plan’ means an*
9 *eligible retirement plan (as defined in*
10 *section 402(c)(8)(B)) other than a de-*
11 *finied benefit plan or a plan to which*
12 *sections 401(a)(11) and 417 apply.*

13 “(II) *EXEMPTION OF DISTRIBUTU-*
14 *TIONS FROM TRUSTEE TO TRUSTEE*
15 *TRANSFER AND WITHHOLDING*
16 *RULES.—For purposes of sections*
17 *401(a)(31), 402(f), and 3405, an eligi-*
18 *ble distribution to a domestic abuse*
19 *victim shall not be treated as an eligi-*
20 *ble rollover distribution.*

21 “(III) *DISTRIBUTIONS TREATED*
22 *AS MEETING PLAN DISTRIBUTION RE-*
23 *QUIREMENTS; SELF-CERTIFICATION.—*
24 *Any distribution which the employee*
25 *or participant certifies as being an eli-*

† HR 2617 EAS2

2205

1 *gible distribution to a domestic abuse*
2 *victim shall be treated as meeting the*
3 *requirements of sections*
4 *401(k)(2)(B)(i), 403(b)(7)(A)(i),*
5 *403(b)(11), and 457(d)(1)(A).*

6 “(vii) *INFLATION ADJUSTMENT.*—*In*
7 *the case of a taxable year beginning in a*
8 *calendar year after 2024, the \$10,000*
9 *amount in clause (i)(I) shall be increased*
10 *by an amount equal to—*

11 “(I) *such dollar amount, multi-*
12 *plied by*

13 “(II) *the cost-of-living adjustment*
14 *determined under section 1(f)(3) for*
15 *the calendar year in which the taxable*
16 *year begins, determined by substituting*
17 *‘calendar year 2023’ for ‘calendar year*
18 *2016’ in subparagraph (A)(ii) thereof.*

19 *If any amount after adjustment under the*
20 *preceding sentence is not a multiple of*
21 *\$100, such amount shall be rounded to the*
22 *nearest multiple of \$100.’.*

23 (b) *EFFECTIVE DATE.*—*The amendments made by this*
24 *section shall apply to distributions made after December 31,*
25 *2023.*

2206

1 **SEC. 315. REFORM OF FAMILY ATTRIBUTION RULE.**2 (a) *IN GENERAL.*—Section 414 is amended—3 (1) *in subsection (b)*—4 (A) *by striking “For purposes of” and in-*
5 *serting the following:*6 “(1) *IN GENERAL.*—For purposes of”, and7 (B) *by adding at the end the following new*
8 *paragraphs:*9 “(2) *SPECIAL RULES FOR APPLYING FAMILY AT-*
10 *TRIBUTION.*—For purposes of applying the attribu-
11 *tion rules under section 1563 with respect to para-*
12 *graph (1), the following rules apply:*13 “(A) *Community property laws shall be dis-*
14 *regarded for purposes of determining ownership.*15 “(B) *Except as provided by the Secretary,*
16 *stock of an individual not attributed under sec-*
17 *tion 1563(e)(5) to such individual’s spouse shall*
18 *not be attributed to such spouse by reason of the*
19 *combined application of paragraphs (1) and*
20 *(6)(A) of section 1563(e).*21 “(C) *Except as provided by the Secretary,*
22 *in the case of stock in different corporations that*
23 *is attributed to a child under section*
24 *1563(e)(6)(A) from each parent, and is not at-*
25 *tributed to such parents as spouses under section*
26 *1563(e)(5), such attribution to the child shall not*

2207

1 *by itself result in such corporations being mem-*
2 *bers of the same controlled group.*

3 “(3) *PLAN SHALL NOT FAIL TO BE TREATED AS*
4 *SATISFYING THIS SECTION.—If application of para-*
5 *graph (2) causes 2 or more entities to be a controlled*
6 *group or to no longer be in a controlled group, such*
7 *change shall be treated as a transaction to which sec-*
8 *tion 410(b)(6)(C) applies.”, and*
9 *(2) in subsection (m)(6)(B)—*

10 *(A) by striking “OWNERSHIP.—In deter-*
11 *mining” and inserting the following: “OWNER-*
12 *SHIP.—*

13 *“(i) IN GENERAL.—In determining”,*
14 *(B) by adding at the end the following new*
15 *clauses:*

16 *“(ii) SPECIAL RULES FOR APPLYING*
17 *FAMILY ATTRIBUTION.—For purposes of ap-*
18 *plying the attribution rules under section*
19 *318 with respect to clause (i), the following*
20 *rules apply:*

21 *“(I) Community property laws*
22 *shall be disregarded for purposes of de-*
23 *termining ownership.*

24 *“(II) Except as provided by the*
25 *Secretary, stock of an individual not*

† **HR 2617 EAS2**

2208

1 *attributed under section*
2 *318(a)(1)(A)(i) to such individual's*
3 *spouse shall not be attributed by reason*
4 *of the combined application of para-*
5 *graphs (1)(A)(ii) and (4) of section*
6 *318(a) to such spouse from a child who*
7 *has not attained the age of 21 years.*

8 *“(III) Except as provided by the*
9 *Secretary, in the case of stock in dif-*
10 *ferent organizations which is attrib-*
11 *uted under section 318(a)(1)(A)(ii)*
12 *from each parent to a child who has*
13 *not attained the age of 21 years, and*
14 *is not attributed to such parents as*
15 *spouses under section 318(a)(1)(A)(i),*
16 *such attribution to the child shall not*
17 *by itself result in such organizations*
18 *being members of the same affiliated*
19 *service group.*

20 *“(iii) PLAN SHALL NOT FAIL TO BE*
21 *TREATED AS SATISFYING THIS SECTION.—If*
22 *the application of clause (ii) causes two or*
23 *more entities to be an affiliated service*
24 *group, or to no longer be in an affiliated*
25 *service group, such change shall be treated*

2209

1 as a transaction to which section
2 410(b)(6)(C) applies.”, and
3 (C) by striking “apply” in clause (i), as so
4 added, and inserting “apply, except that commu-
5 nity property laws shall be disregarded for pur-
6 poses of determining ownership”.

7 (b) *EFFECTIVE DATE.*—The amendments made by this
8 section shall apply to plan years beginning after December
9 31, 2023.

10 **SEC. 316. AMENDMENTS TO INCREASE BENEFIT ACCRUALS**
11 **UNDER PLAN FOR PREVIOUS PLAN YEAR AL-**
12 **LOWED UNTIL EMPLOYER TAX RETURN DUE**
13 **DATE.**

14 (a) *IN GENERAL.*—Section 401(b) is amended by add-
15 ing at the end the following new paragraph:

16 “(3) *RETROACTIVE PLAN AMENDMENTS THAT IN-*
17 *CREASE BENEFIT ACCRUALS.*—If—

18 “(A) an employer amends a stock bonus,
19 pension, profit-sharing, or annuity plan to in-
20 crease benefits accrued under the plan effective as
21 of any date during the immediately preceding
22 plan year (other than increasing the amount of
23 matching contributions (as defined in subsection
24 (m)(4)(A))),

2210

1 “(B) such amendment would not otherwise
2 cause the plan to fail to meet any of the require-
3 ments of this subchapter, and

4 “(C) such amendment is adopted before the
5 time prescribed by law for filing the return of
6 the employer for the taxable year (including ex-
7 tensions thereof) which includes the date de-
8 scribed in subparagraph (A),
9 the employer may elect to treat such amendment as
10 having been adopted as of the last day of the plan
11 year in which the amendment is effective.”.

12 (b) *EFFECTIVE DATE.*—The amendments made by this
13 section shall apply to plan years beginning after December
14 31, 2023.

15 **SEC. 317. RETROACTIVE FIRST YEAR ELECTIVE DEFERRALS**
16 **FOR SOLE PROPRIETORS.**

17 (a) *IN GENERAL.*—Section 401(b)(2) is amended by
18 adding at the end the following: “In the case of an indi-
19 vidual who owns the entire interest in an unincorporated
20 trade or business, and who is the only employee of such
21 trade or business, any elective deferrals (as defined in sec-
22 tion 402(g)(3)) under a qualified cash or deferred arrange-
23 ment to which the preceding sentence applies, which are
24 made by such individual before the time for filing the return
25 of such individual for the taxable year (determined without

2211

1 *regard to any extensions) ending after or with the end of*
2 *the plan's first plan year, shall be treated as having been*
3 *made before the end of such first plan year.”.*

4 (b) *EFFECTIVE DATE.*—*The amendment made by this*
5 *section shall apply to plan years beginning after the date*
6 *of the enactment of this Act.*

7 **SEC. 318. PERFORMANCE BENCHMARKS FOR ASSET ALLO-**
8 **CATION FUNDS.**

9 (a) *IN GENERAL.*—*Not later than 2 years after the*
10 *date of enactment of this Act, the Secretary of Labor shall*
11 *promulgate regulations under section 404 of the Employee*
12 *Retirement Income Security Act of 1974 (29 U.S.C. 1104)*
13 *providing that, in the case of a designated investment alter-*
14 *native that contains a mix of asset classes, the adminis-*
15 *trator of a plan may, but is not required to, use a bench-*
16 *mark that is a blend of different broad-based securities mar-*
17 *ket indices if—*

18 (1) *the blend is reasonably representative of the*
19 *asset class holdings of the designated investment alter-*
20 *native;*

21 (2) *for purposes of determining the blend's re-*
22 *turns for 1-, 5-, and 10-calendar-year periods (or for*
23 *the life of the alternative, if shorter), the blend is*
24 *modified at least once per year if needed to reflect*

2212

1 *changes in the asset class holdings of the designated*
2 *investment alternative;*

3 (3) *the blend is furnished to participants and*
4 *beneficiaries in a manner that is reasonably cal-*
5 *culated to be understood by the average plan partici-*
6 *pant; and*

7 (4) *each securities market index that is used for*
8 *an associated asset class would separately satisfy the*
9 *requirements of such regulation for such asset class.*

10 (b) *STUDY.*—*Not later than 3 years after the applica-*
11 *bility date of regulations issued under this section, the Sec-*
12 *retary of Labor shall deliver a report to the Committees on*
13 *Finance and Health, Education, Labor, and Pensions of the*
14 *Senate and the Committees on Ways and Means and Edu-*
15 *cation and Labor of the House of Representatives regarding*
16 *the utilization, and participants' understanding, of the*
17 *benchmarking requirements under this section.*

18 **SEC. 319. REVIEW AND REPORT TO CONGRESS RELATING**
19 **TO REPORTING AND DISCLOSURE REQUIRE-**
20 **MENTS.**

21 (a) *STUDY.*—*As soon as practicable after the date of*
22 *enactment of this Act, the Secretary of Labor, the Secretary*
23 *of the Treasury, and the Director of the Pension Benefit*
24 *Guaranty Corporation shall review the reporting and dis-*

2213

1 *closure requirements as applicable to each such agency*
2 *head, of—*

3 *(1) the Employee Retirement Income Security*
4 *Act of 1974 applicable to pension plans (as defined*
5 *in section 3(2) of such Act (29 U.S.C. 1002(2)) cov-*
6 *ered by title I of such Act; and*

7 *(2) the Internal Revenue Code of 1986 applicable*
8 *to qualified retirement plans (as defined in section*
9 *4974(c) of such Code, without regard to paragraphs*
10 *(4) and (5) of such section).*

11 *(b) REPORT.—*

12 *(1) IN GENERAL.—Not later than 3 years after*
13 *the date of enactment of this Act, the Secretary of*
14 *Labor, the Secretary of the Treasury, and the Direc-*
15 *tor of the Pension Benefit Guaranty Corporation,*
16 *jointly, and after consultation with a balanced group*
17 *of participant and employer representatives, shall*
18 *with respect to plans referenced in subsection (a) re-*
19 *port on the effectiveness of the applicable reporting*
20 *and disclosure requirements and make such rec-*
21 *ommendations as may be appropriate to the Com-*
22 *mittee on Education and Labor and the Committee*
23 *on Ways and Means of the House of Representatives*
24 *and the Committee on Health, Education, Labor, and*
25 *Pensions and the Committee on Finance of the Senate*

2214

1 to consolidate, simplify, standardize, and improve
2 such requirements so as to simplify reporting for, and
3 disclosure from, such plans and ensure that plans can
4 furnish and participants and beneficiaries timely re-
5 ceive and better understand the information they need
6 to monitor their plans, plan for retirement, and ob-
7 tain the benefits they have earned.

8 (2) *ANALYSIS OF EFFECTIVENESS.*—To assess the
9 effectiveness of the applicable reporting and disclosure
10 requirements, the report shall include an analysis of
11 how participants and beneficiaries are providing pre-
12 ferred contact information, the methods by which
13 plan sponsors and plans are furnishing disclosures,
14 and the rate at which participants and beneficiaries
15 are receiving, accessing, understanding, and retaining
16 disclosures.

17 (3) *COLLECTION OF INFORMATION.*—The agencies
18 shall conduct appropriate surveys and data collection
19 to obtain any needed information.

20 **SEC. 320. ELIMINATING UNNECESSARY PLAN REQUIRE-**
21 **MENTS RELATED TO UNENROLLED PARTICI-**
22 **PANTS.**

23 (a) *AMENDMENT OF ERISA.*—

24 (1) *IN GENERAL.*—Part 1 of subtitle B of title I
25 of the Employee Retirement Income Security Act of

2215

1 1974 (29 U.S.C. 1021 *et seq.*) is amended by redesignig-
2 nating section 111 as section 112 and by inserting
3 after section 110 the following new section:

4 **“SEC. 111. ELIMINATING UNNECESSARY PLAN REQUIRE-**
5 **MENTS RELATED TO UNENROLLED PARTICI-**
6 **PANTS.**

7 “(a) *IN GENERAL.*—Notwithstanding any other provi-
8 sion of this title, with respect to any individual account
9 plan, no disclosure, notice, or other plan document (other
10 than the notices and documents described in paragraphs (1)
11 and (2)) shall be required to be furnished under this title
12 to any unenrolled participant if the unenrolled participant
13 is furnished—

14 “(1) an annual reminder notice of such partici-
15 pant’s eligibility to participate in such plan and any
16 applicable election deadlines under the plan; and

17 “(2) any document requested by such participant
18 that the participant would be entitled to receive not-
19 withstanding this section.

20 “(b) *UNENROLLED PARTICIPANT.*—For purposes of
21 this section, the term ‘unenrolled participant’ means an em-
22 ployee who—

23 “(1) is eligible to participate in an individual
24 account plan;

25 “(2) has been furnished—

2216

1 “(A) the summary plan description pursu-
2 ant to section 104(b), and

3 “(B) any other notices related to eligibility
4 under the plan required to be furnished under
5 this title, or the Internal Revenue Code of 1986,
6 in connection with such participant’s initial eli-
7 gibility to participate in such plan;

8 “(3) is not participating in such plan; and

9 “(4) satisfies such other criteria as the Secretary
10 of Labor may determine appropriate, as prescribed in
11 guidance issued in consultation with the Secretary of
12 Treasury.

13 For purposes of this section, any eligibility to participate
14 in the plan following any period for which such employee
15 was not eligible to participate shall be treated as initial
16 eligibility.

17 “(c) ANNUAL REMINDER NOTICE.—For purposes of
18 this section, the term ‘annual reminder notice’ means a no-
19 tice provided in accordance with section 2520.104b–1 of
20 title 29, Code of Federal Regulations (or any successor regu-
21 lation), which—

22 “(1) is furnished in connection with the annual
23 open season election period with respect to the plan
24 or, if there is no such period, is furnished within a

2217

1 *reasonable period prior to the beginning of each plan*
2 *year;*

3 “(2) notifies the unenrolled participant of—

4 “(A) the unenrolled participant’s eligibility
5 to participate in the plan; and

6 “(B) the key benefits and rights under the
7 plan, with a focus on employer contributions
8 and vesting provisions; and

9 “(3) provides such information in a prominent
10 manner calculated to be understood by the average
11 participant.”.

(2) *CLERICAL AMENDMENT.*—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by striking the item relating to section 111 and by inserting after the item relating to section 110 the following new items:

“Sec. 111. Eliminating unnecessary plan requirements related to unenrolled participants.

“Sec. 112. Repeal and effective date.”.

(b) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Section 414, as amended by the preceding provisions of this Act, is amended by adding at the end the following new subsection:

21 “(bb) *ELIMINATING UNNECESSARY PLAN REQUIRE-*
22 *MENTS RELATED TO UNENROLLED PARTICIPANTS.*—

23 “(1) *IN GENERAL.*—Notwithstanding any other
24 *provision of this title, with respect to any defined*

† **HR 2617 EAS2**

2218

1 *contribution plan, no disclosure, notice, or other plan*
2 *document (other than the notices and documents de-*
3 *scribed in subparagraphs (A) and (B)) shall be re-*
4 *quired to be furnished under this title to any*
5 *unenrolled participant if the unenrolled participant*
6 *is furnished—*

7 “(A) an annual reminder notice of such
8 participant’s eligibility to participate in such
9 plan and any applicable election deadlines under
10 the plan, and

11 “(B) any document requested by such par-
12 ticipant that the participant would be entitled to
13 receive notwithstanding this subsection.

14 “(2) *UNENROLLED PARTICIPANT.*—For purposes
15 of this subsection, the term ‘unenrolled participant’
16 means an employee who—

17 “(A) is eligible to participate in a defined
18 contribution plan,

19 “(B) has been furnished—

20 “(i) the summary plan description
21 pursuant to section 104(b) of the Employee
22 Retirement Income Security Act of 1974,
23 and

24 “(ii) any other notices related to eligi-
25 bility under the plan and required to be

2219

1 furnished under this title, or the Employee
2 Retirement Income Security Act of 1974, in
3 connection with such participant's initial
4 eligibility to participate in such plan,

5 “(C) is not participating in such plan, and

6 “(D) satisfies such other criteria as the Sec-
7 retary of the Treasury may determine appro-
8 priate, as prescribed in guidance issued in con-
9 sultation with the Secretary of Labor.

For purposes of this subsection, any eligibility to participate in the plan following any period for which such employee was not eligible to participate shall be treated as initial eligibility.

“(3) *ANNUAL REMINDER NOTICE.*—For purposes of this subsection, the term ‘annual reminder notice’ means the notice described in section 111(c) of the Employee Retirement Income Security Act of 1974.”.

18 (c) *EFFECTIVE DATE.*—*The amendments made by this*
19 *section shall apply to plan years beginning after December*
20 *31, 2022.*

21 *SEC. 321. REVIEW OF PENSION RISK TRANSFER INTERPRE-*
22 *TIVE BULLETIN.*

23 *Not later than 1 year after the date of enactment of*
24 *this Act, the Secretary of Labor shall—*

2220

1 (1) review section 2509.95–1 of title 29, Code of
2 *Federal Regulations* (relating to the fiduciary stand-
3 *ards under the Employee Retirement Income Security*
4 *Act of 1974 when selecting an annuity provider for*
5 *a defined benefit pension plan) and consult with the*
6 *Advisory Council on Employee Welfare and Pension*
7 *Benefit Plans* (established under section 512 of the
8 *Employee Retirement Income Security Act of 1974*
9 *(29 U.S.C. 1142)), to determine whether amendments*
10 *to section 2509.95–1 of title 29, Code of Federal Regu-*
11 *lations are warranted; and*

12 (2) report to Congress on the findings of such re-
13 *view and consultation, including an assessment of*
14 *any risk to participants.*

15 **SEC. 322. TAX TREATMENT OF IRA INVOLVED IN A PROHIB-**
16 **ITED TRANSACTION.**

17 (a) *IN GENERAL.*—Section 408(e)(2)(A) is amended by
18 striking “and” at the end of clause (i), by striking the pe-
19 riod at the end of clause (ii) and inserting “, and”, and
20 by adding at the end the following new clause:

21 “(iii) each individual retirement plan
22 of the individual shall be treated as a sepa-
23 rate contract.”.

24 (b) *EFFECTIVE DATE.*—

2221

1 (1) *IN GENERAL.*—*The amendments made by*
2 *this section shall apply to taxable years beginning*
3 *after the date of the enactment of this Act.*

4 (2) *NO INFERENCE.*—*Nothing in the amend-*
5 *ments made by this section shall be construed to infer*
6 *the proper treatment under the Internal Revenue Code*
7 *of 1986 of individual retirement plans as 1 contract*
8 *in the case of any other provision of such Code to*
9 *which the amendments made by this section do not*
10 *apply.*

11 **SEC. 323. CLARIFICATION OF SUBSTANTIALLY EQUAL PERI-**
12 **ODIC PAYMENT RULE.**

13 (a) *IN GENERAL.*—*Paragraph (4) of section 72(t) is*
14 *amended by inserting at the end the following new subpara-*
15 *graph:*

16 “(C) *ROLLOVERS TO SUBSEQUENT PLAN.*—
17 *If—*

18 “(i) *payments described in paragraph*
19 *(2)(A)(iv) are being made from a qualified*
20 *retirement plan,*

21 “(ii) *a transfer or a rollover from such*
22 *qualified retirement plan of all or a portion*
23 *of the taxpayer’s benefit under the plan is*
24 *made to another qualified retirement plan,*
25 *and*

2222

1 “(iii) distributions from the transferor
2 and transferee plans would in combination
3 continue to satisfy the requirements of
4 paragraph (2)(A)(iv) if they had been made
5 only from the transferor plan,
6 such transfer or rollover shall not be treated as
7 a modification under subparagraph (A)(ii), and
8 compliance with paragraph (2)(A)(iv) shall be
9 determined on the basis of the combined distribu-
10 tions described in clause (iii).”.

11 (b) *NONQUALIFIED ANNUITY CONTRACTS.*—Paragraph
12 (3) of section 72(q) is amended—

13 (1) by redesignating clauses (i) and (ii) of sub-
14 paragraph (B) as subclauses (I) and (II), and by
15 moving such subclauses 2 ems to the right;

16 (2) by redesignating subparagraphs (A) and (B)
17 as clauses (i) and (ii), by moving such clauses 2 ems
18 to the right, and by adjusting the flush language at
19 the end accordingly;

20 (3) by striking “PAYMENTS.—If” and inserting
21 “PAYMENTS.—

22 “(A) *IN GENERAL.*—If—”; and

23 (4) by adding at the end the following new sub-
24 paragraph:

2223

1 “(B) *EXCHANGES TO SUBSEQUENT CON-*
2 *TRACTS.—If—*

3 “(i) *payments described in paragraph*
4 *(2)(D) are being made from an annuity*
5 *contract,*

6 “(ii) *an exchange of all or a portion of*
7 *such contract for another contract is made*
8 *under section 1035, and*

9 “(iii) *the aggregate distributions from*
10 *the contracts involved in the exchange con-*
11 *tinue to satisfy the requirements of para-*
12 *graph (2)(D) as if the exchange had not*
13 *taken place,*

14 *such exchange shall not be treated as a modifica-*
15 *tion under subparagraph (A)(ii), and compli-*
16 *ance with paragraph (2)(D) shall be determined*
17 *on the basis of the combined distributions de-*
18 *scribed in clause (iii).”.*

19 “(c) *INFORMATION REPORTING.—Section 6724 is*
20 *amended by inserting at the end the following new sub-*
21 *section:*

22 “(g) *SPECIAL RULE FOR REPORTING CERTAIN ADDI-*
23 *TIONAL TAXES.—No penalty shall be imposed under section*
24 *6721 or 6722 if—*

2224

1 “(1) a person makes a return or report under
2 section 6047(d) or 408(i) with respect to any distribu-
3 tion,

4 “(2) such distribution is made following a roll-
5 over, transfer, or exchange described in section
6 72(t)(4)(C) or section 72(q)(3)(C),

7 “(3) in making such return or report the person
8 relies upon a certification provided by the taxpayer
9 that the distributions satisfy the requirements of sec-
10 tion 72(t)(4)(C)(iii) or section 72(q)(3)(B)(iii), as ap-
11 plicable, and

12 “(4) such person does not have actual knowledge
13 that the distributions do not satisfy such require-
14 ments.”.

15 (d) *SAFE HARBOR FOR ANNUITY PAYMENTS.*—

16 (1) *QUALIFIED RETIREMENT PLANS.*—Subpara-
17 graph (A) of section 72(t)(2) is amended by adding
18 at the end the following flush sentence:

19 “For purposes of clause (iv), periodic payments
20 shall not fail to be treated as substantially equal
21 merely because they are amounts received as an
22 annuity, and such periodic payments shall be
23 deemed to be substantially equal if they are pay-
24 able over a period described in clause (iv) and

2225

1 *satisfy the requirements applicable to annuity*
2 *payments under section 401(a)(9).”.*

3 (2) *OTHER ANNUITY CONTRACTS.*—*Paragraph*
4 *(2) of section 72(q) is amended by adding at the end*
5 *the following flush sentence:*

6 *“For purposes of subparagraph (D), periodic pay-*
7 *ments shall not fail to be treated as substantially*
8 *equal merely because they are amounts received as an*
9 *annuity, and such periodic payments shall be deemed*
10 *to be substantially equal if they are payable over a*
11 *period described in subparagraph (D) and would sat-*
12 *isfy the requirements applicable to annuity payments*
13 *under section 401(a)(9) if such requirements ap-*
14 *plied.”.*

15 (e) *EFFECTIVE DATES.*—

16 (1) *IN GENERAL.*—*The amendments made by*
17 *subsections (a), (b), and (c) shall apply to transfers,*
18 *rollovers, and exchanges occurring after December 31,*
19 *2023.*

20 (2) *ANNUITY PAYMENTS.*—*The amendment made*
21 *by subsection (d) shall apply to distributions com-*
22 *mencing on or after the date of the enactment of this*
23 *Act.*

24 (3) *NO INFERENCE.*—*Nothing in the amend-*
25 *ments made by this section shall be construed to cre-*

2226

1 *ate an inference with respect to the law in effect prior*
2 *to the effective date of such amendments.*

3 **SEC. 324. TREASURY GUIDANCE ON ROLLOVERS.**

4 *(a) IN GENERAL.—Not later than January 1, 2025,*
5 *the Secretary of the Treasury or the Secretary’s delegate*
6 *shall, to simplify, standardize, facilitate, and expedite the*
7 *completion of rollovers to eligible retirement plans (as de-*
8 *finied in section 402(c)(8)(B) of the Internal Revenue Code*
9 *of 1986) and trustee-to-trustee transfers from individual re-*
10 *tirement plans (as defined in section 7701(a)(37) of such*
11 *Code), develop and issue—*

12 *(1) guidance in the form of sample forms (in-*
13 *cluding relevant procedures and protocols) for roll-*
14 *overs of eligible rollover distributions from a retire-*
15 *ment to an eligible retirement plan which—*

16 *(A) are written in a manner calculated to*
17 *be understood by the average person, and*

18 *(B) can be used by both distributing eligible*
19 *retirement plans and receiving retirement plans,*
20 *and*

21 *(2) guidance in the form of sample forms (in-*
22 *cluding relevant procedures and protocols) for trustee-*
23 *to-trustee transfers of amounts from an individual re-*
24 *tirement plan to another individual retirement plan*
25 *which—*

2227

1 (A) are written in a manner calculated to
2 be understood by the average person, and

3 (B) can be used by both transferring indi-
4 vidual retirement plans and individual retire-
5 ment plans receiving the transfer.

6 (b) *OTHER REQUIREMENTS.*—In developing the sam-
7 ple forms under subsection (a), the Secretary (or Secretary’s
8 delegate) shall obtain relevant information from partici-
9 pants and plan sponsor representatives and consider poten-
10 tial coordination with sections 319 and 336 of this Act.

11 **SEC. 325. ROTH PLAN DISTRIBUTION RULES.**

12 (a) *IN GENERAL.*—Subsection (d) of section 402A is
13 amended by adding at the end the following new paragraph:

14 “(5) *MANDATORY DISTRIBUTION RULES NOT TO*
15 *APPLY BEFORE DEATH.*—Notwithstanding sections
16 403(b)(10) and 457(d)(2), the following provisions
17 shall not apply to any designated Roth account:

18 “(A) Section 401(a)(9)(A).

19 “(B) The incidental death benefit require-
20 ments of section 401(a).”.

21 (b) *EFFECTIVE DATE.*—

22 (1) *IN GENERAL.*—Except as provided in para-
23 graph (2), the amendment made by this section shall
24 apply to taxable years beginning after December 31,
25 2023.

2228

1 (2) *SPECIAL RULE.*—*The amendment made by*
2 *this section shall not apply to distributions which are*
3 *required with respect to years beginning before Janu-*
4 *ary 1, 2024, but are permitted to be paid on or after*
5 *such date.*

6 **SEC. 326. EXCEPTION TO PENALTY ON EARLY DISTRIBUTIONS FROM QUALIFIED PLANS FOR INDIVIDUALS WITH A TERMINAL ILLNESS.**

7
8
9 (a) *IN GENERAL.*—*Section 72(t)(2), as amended by*
10 *this Act, is further amended by adding at the end the fol-*
11 *lowing new subparagraph:*

12 “(L) *TERMINAL ILLNESS.*—

13 “(i) *IN GENERAL.*—*Distributions*
14 *which are made to the employee who is a*
15 *terminally ill individual on or after the*
16 *date on which such employee has been cer-*
17 *tified by a physician as having a terminal*
18 *illness.*

19 “(ii) *DEFINITION.*—*For purposes of*
20 *this subparagraph, the term ‘terminally ill*
21 *individual’ has the same meaning given*
22 *such term under section 101(g)(4)(A), except*
23 *that ‘84 months’ shall be substituted for ‘24*
24 *months’.*

2229

1 “(iii) *DOCUMENTATION.*—For purposes
2 of this subparagraph, an employee shall not
3 be considered to be a terminally ill indi-
4 vidual unless such employee furnishes suffi-
5 cient evidence to the plan administrator in
6 such form and manner as the Secretary
7 may require.

8 “(iv) *AMOUNT DISTRIBUTED MAY BE*
9 *REPAID.*—Rules similar to the rules of sub-
10 paragraph (H)(v) shall apply with respect
11 to an individual who receives a distribution
12 to which clause (i) applies.”.

13 (b) *EFFECTIVE DATE.*—The amendment made by this
14 section shall apply to distributions made after the date of
15 the enactment of this Act.

16 **SEC. 327. SURVIVING SPOUSE ELECTION TO BE TREATED AS**
17 **EMPLOYEE.**

18 (a) *IN GENERAL.*—Section 401(a)(9)(B)(iv), as
19 amended by this Act, is further amended to read as follows:

20 “(iv) *SPECIAL RULE FOR SURVIVING*
21 *SPOUSE OF EMPLOYEE.*—If the designated
22 beneficiary referred to in clause (iii)(I) is
23 the surviving spouse of the employee and the
24 surviving spouse elects the treatment in this
25 clause—

2230

1 “(I) the regulations referred to in
2 clause (iii)(II) shall treat the surviving
3 spouse as if the surviving spouse were
4 the employee,

5 “(II) the date on which the dis-
6 tributions are required to begin under
7 clause (iii)(III) shall not be earlier
8 than the date on which the employee
9 would have attained the applicable age,
10 and

11 “(III) if the surviving spouse dies
12 before the distributions to such spouse
13 begin, this subparagraph shall be ap-
14 plied as if the surviving spouse is the
15 employee.

16 An election described in this clause shall be
17 made at such time and in such manner as
18 prescribed by the Secretary, shall include a
19 timely notice to the plan administrator,
20 and once made may not be revoked except
21 with the consent of the Secretary.”.

22 (b) *EXTENSION OF ELECTION OF AT LEAST AS RAP-*
23 *IDLY RULE.*—The Secretary shall amend Q&A–5(a) of
24 Treasury Regulation section 1.401(a)(9)–5 (or any suc-
25 cessor regulation thereto) to provide that if the surviving

2231

1 *spouse is the employee's sole designated beneficiary and the*
2 *spouse elects treatment under section 401(a)(9)(B)(iv), then*
3 *the applicable distribution period for distribution calendar*
4 *years after the distribution calendar year including the em-*
5 *ployee's date of death is determined under the uniform life-*
6 *time table.*

7 (c) *EFFECTIVE DATE.*—*The amendments made by this*
8 *section shall apply to calendar years beginning after De-*
9 *cember 31, 2023.*

10 **SEC. 328. REPEAL OF DIRECT PAYMENT REQUIREMENT ON**
11 **EXCLUSION FROM GROSS INCOME OF DIS-**
12 **TRIBUTIONS FROM GOVERNMENTAL PLANS**
13 **FOR HEALTH AND LONG-TERM CARE INSUR-**
14 **ANCE.**

15 (a) *IN GENERAL.*—*Section 402(l)(5)(A) is amended to*
16 *read as follows:*

17 “(A) *DIRECT PAYMENT TO INSURER PER-*
18 *MITTED.*—

19 “(i) *IN GENERAL.*—*Paragraph (1)*
20 *shall apply to a distribution without regard*
21 *to whether payment of the premiums is*
22 *made directly to the provider of the accident*
23 *or health plan or qualified long-term care*
24 *insurance contract by deduction from a dis-*

2232

1 *tribution from the eligible retirement plan,*
2 *or is made to the employee.*

3 “(ii) *REPORTING.*—*In the case of a*
4 *payment made to the employee as described*
5 *in clause (i), the employee shall include*
6 *with the return of tax for the taxable year*
7 *in which the distribution is made an attes-*
8 *tation that the distribution does not exceed*
9 *the amount paid by the employee for quali-*
10 *fied health insurance premiums for such*
11 *taxable year.”.*

12 (b) *EFFECTIVE DATE.*—*The amendment made by this*
13 *section shall apply to distributions made after the date of*
14 *the enactment of this Act.*

15 **SEC. 329. MODIFICATION OF ELIGIBLE AGE FOR EXEMP-**
16 **TION FROM EARLY WITHDRAWAL PENALTY.**

17 (a) *IN GENERAL.*—*Subparagraph (A) of section*
18 *72(t)(10), as amended by this Act, is further amended by*
19 *striking “age 50” and inserting “age 50 or 25 years of serv-*
20 *ice under the plan, whichever is earlier”.*

21 (b) *EFFECTIVE DATE.*—*The amendment made by this*
22 *section shall apply to distributions made after the date of*
23 *the enactment of this Act.*

2233

1 **SEC. 330. EXEMPTION FROM EARLY WITHDRAWAL PENALTY**
2 **FOR CERTAIN STATE AND LOCAL GOVERN-**
3 **MENT CORRECTIONS EMPLOYEES.**

4 (a) *IN GENERAL.*—Clause (i) of section 72(t)(10)(B)
5 is amended by striking “or emergency medical services” and
6 inserting “emergency medical services, or services as a cor-
7 rections officer or as a forensic security employee providing
8 for the care, custody, and control of forensic patients”.

9 (b) *EFFECTIVE DATE.*—The amendment made by this
10 section shall apply to distributions made after the date of
11 the enactment of this Act.

12 **SEC. 331. SPECIAL RULES FOR USE OF RETIREMENT FUNDS**
13 **IN CONNECTION WITH QUALIFIED FEDER-**
14 **ALLY DECLARED DISASTERS.**

15 (a) *TAX-FAVORED WITHDRAWALS FROM RETIREMENT*
16 *PLANS.*—

17 (1) *IN GENERAL.*—Paragraph (2) of section
18 72(t), as amended by this Act, is further amended by
19 adding at the end the following new subparagraph:

20 “(M) *DISTRIBUTIONS FROM RETIREMENT*
21 *PLANS IN CONNECTION WITH FEDERALLY DE-*
22 *CLARED DISASTERS.*—Any qualified disaster re-
23 *covery distribution.”.*

24 (2) *QUALIFIED DISASTER RECOVERY DISTRIBUTION.*—Section 72(t) is amended by adding at the end
25 the following new paragraph:
26

2234

1 “(11) *QUALIFIED DISASTER RECOVERY DIS-*
2 *TRIBUTION.*—*For purposes of paragraph (2)(M)—*

3 “(A) *IN GENERAL.*—*Except as provided in*
4 *subparagraph (B), the term ‘qualified disaster*
5 *recovery distribution’ means any distribution*
6 *made—*

7 “(i) *on or after the first day of the in-*
8 *cident period of a qualified disaster and be-*
9 *fore the date that is 180 days after the ap-*
10 *plicable date with respect to such disaster,*
11 *and*

12 “(ii) *to an individual whose principal*
13 *place of abode at any time during the inci-*
14 *dent period of such qualified disaster is lo-*
15 *cated in the qualified disaster area with re-*
16 *spect to such qualified disaster and who has*
17 *sustained an economic loss by reason of*
18 *such qualified disaster.*

19 “(B) *AGGREGATE DOLLAR LIMITATION.*—

20 “(i) *IN GENERAL.*—*For purposes of*
21 *this subsection, the aggregate amount of dis-*
22 *tributions received by an individual which*
23 *may be treated as qualified disaster recov-*
24 *ery distributions with respect to any quali-*

2235

1 *fied disaster in all taxable years shall not*
2 *exceed \$22,000.*

“(ii) *TREATMENT OF PLAN DISTRIBUTIONS.*—If a distribution to an individual would (without regard to clause (i)) be a qualified disaster recovery distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified disaster recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$22,000 with respect to the same qualified disaster.

“(iii) CONTROLLED GROUP.—For purposes of clause (ii), the term ‘controlled group’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

22 “(C) AMOUNT DISTRIBUTED MAY BE RE-
23 PAID.—

24 “(i) *IN GENERAL.*—Any individual
25 *who receives a qualified disaster recovery*

† **HR 2617 EAS2**

2236

1 *distribution may, at any time during the 3-*
2 *year period beginning on the day after the*
3 *date on which such distribution was re-*
4 *ceived, make one or more contributions in*
5 *an aggregate amount not to exceed the*
6 *amount of such distribution to an eligible*
7 *retirement plan of which such individual is*
8 *a beneficiary and to which a rollover con-*
9 *tribution of such distribution could be made*
10 *under section 402(c), 403(a)(4), 403(b)(8),*
11 *408(d)(3), or 457(e)(16), as the case may be.*

12 “(ii) *TREATMENT OF REPAYMENTS OF*
13 *DISTRIBUTIONS FROM ELIGIBLE RETIRE-*
14 *MENT PLANS OTHER THAN IRAS.—For pur-*
15 *poses of this title, if a contribution is made*
16 *pursuant to clause (i) with respect to a*
17 *qualified disaster recovery distribution from*
18 *a plan other than an individual retirement*
19 *plan, then the taxpayer shall, to the extent*
20 *of the amount of the contribution, be treated*
21 *as having received the qualified disaster re-*
22 *covery distribution in an eligible rollover*
23 *distribution (as defined in section*
24 *402(c)(4)) and as having transferred the*
25 *amount to the eligible retirement plan in a*

† HR 2617 EAS2

2237

1 *direct trustee to trustee transfer within 60*
2 *days of the distribution.*

3 “(iii) *TREATMENT OF REPAYMENTS*
4 *FOR DISTRIBUTIONS FROM IRAS.—For pur-*
5 *poses of this title, if a contribution is made*
6 *pursuant to clause (i) with respect to a*
7 *qualified disaster recovery distribution from*
8 *an individual retirement plan, then, to the*
9 *extent of the amount of the contribution, the*
10 *qualified disaster recovery distribution shall*
11 *be treated as a distribution described in sec-*
12 *tion 408(d)(3) and as having been trans-*
13 *ferred to the eligible retirement plan in a*
14 *direct trustee to trustee transfer within 60*
15 *days of the distribution.*

16 “(D) *INCOME INCLUSION SPREAD OVER 3-*
17 *YEAR PERIOD.—*

18 “(i) *IN GENERAL.—In the case of any*
19 *qualified disaster recovery distribution, un-*
20 *less the taxpayer elects not to have this sub-*
21 *paragraph apply for any taxable year, any*
22 *amount required to be included in gross in-*
23 *come for such taxable year shall be so in-*
24 *cluded ratably over the 3-taxable year pe-*
25 *riod beginning with such taxable year.*

2238

1 “(ii) *SPECIAL RULE.*—For purposes of
2 clause (i), rules similar to the rules of sub-
3 paragraph (E) of section 408A(d)(3) shall
4 apply.

5 “(E) *QUALIFIED DISASTER.*—For purposes
6 of this paragraph and paragraph (8), the term
7 ‘qualified disaster’ means any disaster with re-
8 spect to which a major disaster has been declared
9 by the President under section 401 of the Robert
10 T. Stafford Disaster Relief and Emergency As-
11 sistance Act after December 27, 2020.

12 “(F) *OTHER DEFINITIONS.*—For purposes of
13 this paragraph and paragraph (8)—

14 “(i) *QUALIFIED DISASTER AREA.*—

15 “(I) *IN GENERAL.*—The term
16 ‘qualified disaster area’ means, with
17 respect to any qualified disaster, the
18 area with respect to which the major
19 disaster was declared under the Robert
20 T. Stafford Disaster Relief and Emer-
21 gency Assistance Act.

22 “(II) *EXCEPTIONS.*—Such term
23 shall not include any area which is a
24 qualified disaster area solely by reason
25 of section 301 of the Taxpayer Cer-

2239

1 *tainty and Disaster Tax Relief Act of*
2 *2020.*

3 “(ii) *INCIDENT PERIOD.*—*The term ‘in-*
4 *cident period’ means, with respect to any*
5 *qualified disaster, the period specified by*
6 *the Federal Emergency Management Agency*
7 *as the period during which such disaster oc-*
8 *curred.*

9 “(iii) *APPLICABLE DATE.*—*The term*
10 *‘applicable date’ means the latest of—*

11 *“(I) the date of the enactment of*
12 *this paragraph,*

13 *“(II) the first day of the incident*
14 *period with respect to the qualified dis-*
15 *aster, or*

16 *“(III) the date of the disaster dec-*
17 *laration with respect to the qualified*
18 *disaster.*

19 “(iv) *ELIGIBLE RETIREMENT PLAN.*—
20 *The term ‘eligible retirement plan’ shall*
21 *have the meaning given such term by sec-*
22 *tion 402(c)(8)(B).*

23 “(G) *SPECIAL RULES.*—

24 “(i) *EXEMPTION OF DISTRIBUTIONS*
25 *FROM TRUSTEE TO TRUSTEE TRANSFER AND*

2240

1 *WITHHOLDING RULES.—For purposes of sec-*
2 *tions 401(a)(31), 402(f), and 3405, qualified*
3 *disaster recovery distributions shall not be*
4 *treated as eligible rollover distributions.*

5 *“(ii) QUALIFIED DISASTER RECOVERY*
6 *DISTRIBUTIONS TREATED AS MEETING PLAN*
7 *DISTRIBUTION REQUIREMENTS.—For pur-*
8 *poses of this title—*

9 *“(I) a qualified disaster recovery*
10 *distribution shall be treated as meeting*
11 *the requirements of sections*
12 *401(k)(2)(B)(i), 403(b)(7)(A)(i),*
13 *403(b)(11), and 457(d)(1)(A), and*

14 *“(II) in the case of a money pur-*
15 *chase pension plan, a qualified disaster*
16 *recovery distribution which is an in-*
17 *service withdrawal shall be treated as*
18 *meeting the requirements of section*
19 *401(a) applicable to distributions.”.*

20 *(3) EFFECTIVE DATE.—The amendments made*
21 *by this subsection shall apply to distributions with re-*
22 *spect to disasters the incident period (as defined in*
23 *section 72(t)(11)(F)(ii) of the Internal Revenue Code*
24 *of 1986, as added by this subsection) for which begins*
25 *on or after the date which is 30 days after the date*

† HR 2617 EAS2

2241

1 *of the enactment of the Taxpayer Certainty and Dis-*
2 *aster Tax Relief Act of 2020.*

3 *(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME*
4 *PURCHASES.—*

5 *(1) INDIVIDUAL RETIREMENT PLANS.—Para-*
6 *graph (8) of section 72(t) is amended by adding at*
7 *the end the following new subparagraph:*

8 *“(F) RECONTRIBUTIONS.—*

9 *“(i) GENERAL RULE.—*

10 *“(I) IN GENERAL.—Any indi-*
11 *vidual who received a qualified dis-*
12 *tribution may, during the applicable*
13 *period, make one or more contributions*
14 *in an aggregate amount not to exceed*
15 *the amount of such qualified distribu-*
16 *tion to an eligible retirement plan (as*
17 *defined in section 402(c)(8)(B)) of*
18 *which such individual is a beneficiary*
19 *and to which a rollover contribution of*
20 *such distribution could be made under*
21 *section 402(c), 403(a)(4), 403(b)(8), or*
22 *408(d)(3), as the case may be.*

23 *“(II) TREATMENT OF REPAY-*
24 *MENTS.—Rules similar to the rules of*
25 *clauses (ii) and (iii) of paragraph*

† HR 2617 EAS2

2242

1 (11)(C) shall apply for purposes of this
2 subsection.

3 “(ii) *QUALIFIED DISTRIBUTION.*—For
4 purposes of this subparagraph, the term
5 ‘qualified distribution’ means any distribu-
6 tion—

7 “(I) which is a qualified first-
8 time homebuyer distribution,

9 “(II) which was to be used to pur-
10 chase or construct a principal resi-
11 dence in a qualified disaster area, but
12 which was not so used on account of
13 the qualified disaster with respect to
14 such area, and

15 “(III) which was received during
16 the period beginning on the date which
17 is 180 days before the first day of the
18 incident period of such qualified dis-
19 aster and ending on the date which is
20 30 days after the last day of such inci-
21 dent period.

22 “(iii) *APPLICABLE PERIOD.*—For pur-
23 poses of this subparagraph, the term ‘appli-
24 cable period’ means, in the case of a prin-
25 cipal residence in a qualified disaster area

2243

1 *with respect to any qualified disaster, the*
2 *period beginning on the first day of the in-*
3 *cident period of such qualified disaster and*
4 *ending on the date which is 180 days after*
5 *the applicable date with respect to such dis-*
6 *aster.”.*

7 (2) *QUALIFIED PLANS.*—*Subsection (c) of section*
8 *402, as amended by this Act, is further amended by*
9 *adding at the end the following new paragraph:*

10 “(13) *RECONTRIBUTIONS OF WITHDRAWALS FOR*
11 *HOME PURCHASES.*—

12 “(A) *GENERAL RULE.*—

13 “(i) *IN GENERAL.*—*Any individual*
14 *who received a qualified distribution may,*
15 *during the applicable period, make one or*
16 *more contributions in an aggregate amount*
17 *not to exceed the amount of such qualified*
18 *distribution to an eligible retirement plan*
19 *(as defined in paragraph (8)(B)) of which*
20 *such individual is a beneficiary and to*
21 *which a rollover contribution of such dis-*
22 *tribution could be made under subsection*
23 *(c) or section 403(a)(4), 403(b)(8), or*
24 *408(d)(3), as the case may be.*

† **HR 2617 EAS2**

2244

1 “(ii) *TREATMENT OF REPAYMENTS.*—
2 *Rules similar to the rules of clauses (ii) and*
3 *(iii) of section 72(t)(11)(C) shall apply for*
4 *purposes of this subsection.*

5 “(B) *QUALIFIED DISTRIBUTION.*—*For pur-*
6 *poses of this paragraph, the term ‘qualified dis-*
7 *tribution’ means any distribution—*

8 “(i) *described in section*
9 *401(k)(2)(B)(i)(IV), 403(b)(7)(A)(i)(V), or*
10 *403(b)(11)(B),*

11 “(ii) *which was to be used to purchase*
12 *or construct a principal residence in a*
13 *qualified disaster area, but which was not*
14 *so used on account of the qualified disaster*
15 *with respect to such area, and*

16 “(iii) *which was received during the*
17 *period beginning on the date which is 180*
18 *days before the first day of the incident pe-*
19 *riod of such qualified disaster and ending*
20 *on the date which is 30 days after the last*
21 *day of such incident period.*

22 “(C) *DEFINITIONS.*—*For purposes of this*
23 *paragraph—*

24 “(i) *the terms ‘qualified disaster’,*
25 *‘qualified disaster area’, and ‘incident pe-*

2245

1 *riod’ have the meaning given such terms*
2 *under section 72(t)(11), and*
3 *“(ii) the term ‘applicable period’ has*
4 *the meaning given such term under section*
5 *72(t)(8)(F).”.*

6 *(3) EFFECTIVE DATE.—The amendments made*
7 *by this subsection shall apply to recontributions of*
8 *withdrawals for home purchases with respect to disas-*
9 *ters the incident period (as defined in section*
10 *72(t)(11)(F)(ii) of the Internal Revenue Code of 1986,*
11 *as added by this subsection) for which begins on or*
12 *after the date which is 30 days after the date of the*
13 *enactment of the Taxpayer Certainty and Disaster*
14 *Tax Relief Act of 2020.*

15 *(c) LOANS FROM QUALIFIED PLANS.—*

16 *(1) IN GENERAL.—Subsection (p) of section 72 is*
17 *amended by adding at the end the following new*
18 *paragraph:*

19 *“(6) INCREASE IN LIMIT ON LOANS NOT TREATED*
20 *AS DISTRIBUTIONS.—*

21 *“(A) IN GENERAL.—In the case of any loan*
22 *from a qualified employer plan to a qualified in-*
23 *dividual made during the applicable period—*

2246

1 “(i) clause (i) of paragraph (2)(A)
2 shall be applied by substituting ‘\$100,000’
3 for ‘\$50,000’, and

4 “(ii) clause (ii) of such paragraph
5 shall be applied by substituting ‘the present
6 value of the nonforfeitable accrued benefit of
7 the employee under the plan’ for ‘one-half of
8 the present value of the nonforfeitable ac-
9 crued benefit of the employee under the
10 plan’.

11 “(B) *DELAY OF REPAYMENT.*—*In the case of*
12 *a qualified individual with respect to any quali-*
13 *fied disaster with an outstanding loan from a*
14 *qualified employer plan on or after the applica-*
15 *ble date with respect to the qualified disaster—*

16 “(i) *if the due date pursuant to sub-*
17 *paragraph (B) or (C) of paragraph (2) for*
18 *any repayment with respect to such loan oc-*
19 *curs during the period beginning on the*
20 *first day of the incident period of such*
21 *qualified disaster and ending on the date*
22 *which is 180 days after the last day of such*
23 *incident period, such due date may be de-*
24 *layed for 1 year,*

2247

1 “(ii) any subsequent repayments with
2 respect to any such loan may be appro-
3 priately adjusted to reflect the delay in the
4 due date under clause (i) and any interest
5 accruing during such delay, and

6 “(iii) in determining the 5-year period
7 and the term of a loan under subparagraph
8 (B) or (C) of paragraph (2), the period de-
9 scribed in clause (i) may be disregarded.

10 “(C) *DEFINITIONS.*—For purposes of this
11 paragraph—

12 “(i) *QUALIFIED INDIVIDUAL.*—The
13 term ‘qualified individual’ means any indi-
14 vidual—

15 “(I) whose principal place of
16 abode at any time during the incident
17 period of any qualified disaster is lo-
18 cated in the qualified disaster area
19 with respect to such qualified disaster,
20 and

21 “(II) who has sustained an eco-
22 nomic loss by reason of such qualified
23 disaster.

2248

1 “(ii) *APPLICABLE PERIOD.*—*The appli-*
2 *cable period with respect to any disaster is*
3 *the period—*

4 “(I) *beginning on the applicable*
5 *date with respect to such disaster, and*

6 “(II) *ending on the date that is*
7 *180 days after such applicable date.*

8 “(iii) *OTHER TERMS.*—*For purposes of*
9 *this paragraph—*

10 “(I) *the terms ‘applicable date’,*
11 *‘qualified disaster’, ‘qualified disaster*
12 *area’, and ‘incident period’ have the*
13 *meaning given such terms under sub-*
14 *section (t)(11), and*

15 “(II) *the term ‘applicable period’*
16 *has the meaning given such term under*
17 *subsection (t)(8).”.*

18 (2) *EFFECTIVE DATE.*—*The amendment made by*
19 *paragraph (1) shall apply to plan loans made with*
20 *respect to disasters the incident period (as defined in*
21 *section 72(t)(11)(F)(ii) of the Internal Revenue Code*
22 *of 1986, as added by this subsection) for which begins*
23 *on or after the date which is 30 days after the date*
24 *of the enactment of the Taxpayer Certainty and Dis-*
25 *aster Tax Relief Act of 2020.*

2249

1 (d) *GAO REPORT.*—*The Comptroller General of the*
2 *United States shall submit a report to the Committees on*
3 *Finance and Health, Education, Labor and Pensions of the*
4 *Senate and the Committees on Ways and Means and Edu-*
5 *cation and Labor of the House of Representatives on tax-*
6 *payer utilization of the retirement disaster relief permitted*
7 *by the amendments made by this section and or permitted*
8 *by prior legislation, including a comparison of utilization*
9 *by higher and lower income taxpayers and whether the*
10 *\$22,000 threshold on distributions provides adequate relief*
11 *for taxpayers who suffer from a disaster.*

12 **SEC. 332. EMPLOYERS ALLOWED TO REPLACE SIMPLE RE-**
13 **TIREMENT ACCOUNTS WITH SAFE HARBOR**
14 **401(k) PLANS DURING A YEAR.**

15 (a) *IN GENERAL.*—*Section 408(p) is amended by add-*
16 *ing at the end the following new paragraph:*

17 “(11) *REPLACEMENT OF SIMPLE RETIREMENT*
18 *ACCOUNTS WITH SAFE HARBOR PLANS DURING PLAN*
19 *YEAR.*—

20 “(A) *IN GENERAL.*—*Subject to the require-*
21 *ments of this paragraph, an employer may elect*
22 *(in such form and manner as the Secretary may*
23 *prescribe) at any time during a year to termi-*
24 *nate the qualified salary reduction arrangement*
25 *under paragraph (2), but only if the employer*

2250

1 *establishes and maintains (as of the day after the*
2 *termination date) a safe harbor plan to replace*
3 *the terminated arrangement.*

4 “(B) *COMBINED LIMITS ON CONTRIBU-*
5 *TIONS.—The terminated arrangement and safe*
6 *harbor plan shall both be treated as violating the*
7 *requirements of paragraph (2)(A)(ii) or section*
8 *401(a)(30) (whichever is applicable) if the aggre-*
9 *gate elective contributions of the employee under*
10 *the terminated arrangement during its last plan*
11 *year and under the safe harbor plan during its*
12 *transition year exceed the sum of—*

13 “(i) *the applicable dollar amount for*
14 *such arrangement (determined on a full-*
15 *year basis) under this subsection (after the*
16 *application of section 414(v)) with respect*
17 *to the employee for such last plan year mul-*
18 *tiplied by a fraction equal to the number of*
19 *days in such plan year divided by 365, and*

20 “(ii) *the applicable dollar amount (as*
21 *so determined) under section 402(g)(1) for*
22 *such safe harbor plan on such elective con-*
23 *tributions during the transition year multi-*
24 *plied by a fraction equal to the number of*

2251

1 *days in such transition year divided by*
2 *365.*

3 “(C) *TRANSITION YEAR.*—*For purposes of*
4 *this paragraph, the transition year is the period*
5 *beginning after the termination date and ending*
6 *on the last day of the calendar year during*
7 *which the termination occurs.*

8 “(D) *SAFE HARBOR PLAN.*—*For purposes of*
9 *this paragraph, the term ‘safe harbor plan’*
10 *means a qualified cash or deferred arrangement*
11 *which meets the requirements of paragraph (11),*
12 *(12), (13), or (16) of section 401(k).”.*

13 (b) *WAIVER OF 2-YEAR WITHDRAWAL LIMITATION IN*
14 *CASE OF PLANS CONVERTING TO 401(k) OR 403(b).*—

15 (1) *IN GENERAL.*—*Paragraph (6) of section 72(t)*
16 *is amended—*

17 (A) *by striking “ACCOUNTS.—In the case*
18 *of” and inserting “ACCOUNTS.—*

19 *“(A) IN GENERAL.—In the case of”, and*

20 *(B) by adding at the end the following new*
21 *subparagraph:*

22 “(B) *WAIVER IN CASE OF PLAN CONVERSION*
23 *TO 401(k) OR 403(b).*—*In the case of an em-*
24 *ployee of an employer which terminates the*
25 *qualified salary reduction arrangement of the*

2252

1 *employer under section 408(p) and establishes a*
2 *qualified cash or deferred arrangement described*
3 *in section 401(k) or purchases annuity contracts*
4 *described in section 403(b), subparagraph (A)*
5 *shall not apply to any amount which is paid in*
6 *a rollover contribution described in section*
7 *408(d)(3) into a qualified trust under section*
8 *401(k) (but only if such contribution is subse-*
9 *quently subject to the rules of section*
10 *401(k)(2)(B)) or an annuity contract described*
11 *in section 403(b) (but only if such contribution*
12 *is subsequently subject to the rules of section*
13 *403(b)(12)) for the benefit of the employee.”.*

(2) *CONFORMING AMENDMENT.*—Subparagraph
(G) of section 408(d)(3) is amended by striking
“72(t)(6)” and inserting “72(t)(6)(A)”.

17 (c) *EFFECTIVE DATE.*—*The amendments made by this*
18 *section shall apply to plan years beginning after December*
19 *31, 2023.*

20 *SEC. 333. ELIMINATION OF ADDITIONAL TAX ON CORREC-*
21 *TIVE DISTRIBUTIONS OF EXCESS CONTRIBU-*
22 *TIONS.*

23 (a) IN GENERAL.—Subparagraph (A) of section
24 72(t)(2) is amended—

25 (1) by striking “or” at the end of clause (vii);

2253

1 (2) *by striking the period at the end of clause*
2 *(viii) and inserting “, or”; and*

3 (3) *by inserting after clause (viii) the following*
4 *new clause:*

5 “(ix) *attributable to withdrawal of net*
6 *income attributable to a contribution which*
7 *is distributed pursuant to section*
8 *408(d)(4).”.*

9 (b) *EFFECTIVE DATE.*—*The amendments made by this*
10 *section shall apply to any determination of, or affecting,*
11 *liability for taxes, interest, or penalties which is made on*
12 *or after the date of the enactment of this Act, without regard*
13 *to whether the act (or failure to act) upon which the deter-*
14 *mination is based occurred before such date of enactment.*
15 *Notwithstanding the preceding sentence, nothing in the*
16 *amendments made by this section shall be construed to cre-*
17 *ate an inference with respect to the law in effect prior to*
18 *the effective date of such amendments.*

19 **SEC. 334. LONG-TERM CARE CONTRACTS PURCHASED WITH**
20 **RETIREMENT PLAN DISTRIBUTIONS.**

21 (a) *IN GENERAL.*—*Section 401(a) is amended by in-*
22 *serting after paragraph (38) the following new paragraph:*

23 “(39) *QUALIFIED LONG-TERM CARE DISTRIBUTIONS.*—
24

2254

1 “(A) *IN GENERAL.*—A trust forming part of
2 a defined contribution plan shall not be treated
3 as failing to constitute a qualified trust under
4 this section solely by reason of allowing qualified
5 long-term care distributions.

6 “(B) *QUALIFIED LONG-TERM CARE DIS-*
7 *TRIBUTION.*—For purposes of this paragraph—

8 “(i) *IN GENERAL.*—The term ‘qualified
9 long-term care distribution’ means so much
10 of the distributions made during the taxable
11 year as does not exceed, in the aggregate,
12 the least of the following:

13 “(I) The amount paid by or as-
14 sessed to the employee during the tax-
15 able year for or with respect to cer-
16 tified long-term care insurance for the
17 employee or the employee’s spouse (or
18 other family member of the employee
19 as provided by the Secretary by regula-
20 tion).

21 “(II) An amount equal to 10 per-
22 cent of the present value of the non-
23 forfeitable accrued benefit of the em-
24 ployee under the plan.

25 “(III) \$2,500.

2255

1 “(ii) *ADJUSTMENT FOR INFLATION.*—

2 *In the case of taxable years beginning after*
3 *December 31, 2024, the \$2,500 amount in*
4 *clause (i)(II) shall be increased by an*
5 *amount equal to—*

6 “(I) *such dollar amount, multi-*
7 *plied by*

8 “(II) *the cost-of-living adjustment*
9 *determined under section 1(f)(3) for*
10 *the calendar year in which the taxable*
11 *year begins, determined by substituting*
12 *‘calendar year 2023’ for ‘calendar year*
13 *2016’ in subparagraph (A)(ii) thereof.*

14 *If any increase under the preceding sentence*
15 *is not a multiple of \$100, such amount shall*
16 *be rounded to the nearest multiple of \$100.*

17 “(C) *CERTIFIED LONG-TERM CARE INSUR-*
18 *ANCE.*—*The term ‘certified long-term care insur-*
19 *ance’ means—*

20 “(i) *a qualified long-term care insur-*
21 *ance contract (as defined in section*
22 *7702B(b)) covering qualified long-term care*
23 *services (as defined in section 7702B(c)),*

24 “(ii) *coverage of the risk that an in-*
25 *sured individual would become a chron-*

2256

1 ically ill individual (within the meaning of
2 section 101(g)(4)(B)) under a rider or other
3 provision of a life insurance contract which
4 satisfies the requirements of section
5 101(g)(3) (determined without regard to
6 subparagraph (D) thereof), or

7 “(iii) coverage of qualified long-term
8 care services (as so defined) under a rider
9 or other provision of an insurance or annu-
10 ity contract which is treated as a separate
11 contract under section 7702B(e) and satis-
12 fies the requirements of section 7702B(g),
13 if such coverage provides meaningful financial
14 assistance in the event the insured needs home-
15 based or nursing home care. For purposes of the
16 preceding sentence, coverage shall not be deemed
17 to provide meaningful financial assistance unless
18 benefits are adjusted for inflation and consumer
19 protections are provided, including protection in
20 the event the coverage is terminated.

21 “(D) DISTRIBUTIONS MUST OTHERWISE BE
22 INCLUDIBLE.—Rules similar to the rules of sec-
23 tion 402(l)(3) shall apply for purposes of this
24 paragraph.

2257

1 “(E) *LONG-TERM CARE PREMIUM STATE-*
2 *MENT.*—

3 “(i) *IN GENERAL.*—No distribution
4 shall be treated as a qualified long-term
5 care distribution unless a long-term care
6 premium statement with respect to the em-
7 ployee has been filed with the plan.

8 “(ii) *LONG-TERM CARE PREMIUM*
9 *STATEMENT.*—For purposes of this para-
10 graph, a long-term care premium statement
11 is a statement provided by the issuer of
12 long-term care coverage, upon request by the
13 owner of such coverage, which includes—

14 “(I) the name and taxpayer iden-
15 tification number of such issuer,

16 “(II) a statement that the cov-
17 erage is certified long-term care insur-
18 ance,

19 “(III) identification of the em-
20 ployee as the owner of such coverage,

21 “(IV) identification of the indi-
22 vidual covered and such individual’s
23 relationship to the employee,

24 “(V) the premiums owed for the
25 coverage for the calendar year, and

2258

1 “(VI) *such other information as*
2 *the Secretary may require.*

3 “(iii) *FILING WITH SECRETARY.—A*
4 *long-term care premium statement will be*
5 *accepted only if the issuer has completed a*
6 *disclosure to the Secretary for the specific*
7 *coverage product to which the statement re-*
8 *lates. Such disclosure shall identify the*
9 *issuer, type of coverage, and such other in-*
10 *formation as the Secretary may require*
11 *which is included in the filing of the prod-*
12 *uct with the applicable State authority.”.*

13 **(b) CONFORMING AMENDMENTS.—**

14 (1) *Section 401(k)(2)(B)(i) is amended by strik-*
15 *ing “or” at the end of subclause (V), by adding “or”*
16 *at the end of subclause (VI), and by adding at the end*
17 *the following new subclause:*

18 “(VII) *as provided in section*
19 *401(a)(39),”.*

20 (2) *Section 403(a) is amended by adding at the*
21 *end the following new paragraph:*

22 “(6) *QUALIFIED LONG-TERM CARE DISTRIBUTI-*
23 *ONS.—An annuity contract shall not fail to be sub-*
24 *ject to this subsection solely by reason of allowing dis-*
25 *tributions to which section 401(a)(39) applies.”.*

2259

1 (3) *Section 403(b)(7)(A)(i) is amended by strik-*
2 *ing “or” at the end of subclause (V), by striking*
3 *“and” at the end of subclause (VI) and inserting “or”*
4 *and by adding at the end the following new subclause:*

5 *“(VII) as provided for distribu-*
6 *tions to which section 401(a)(39) ap-*
7 *plies, and”.*

8 (4) *Section 403(b)(11) is amended by striking*
9 *“or” at the end of subparagraph (C), by striking the*
10 *period at the end of subparagraph (D) and inserting*
11 *“, or”, and by inserting after subparagraph (D) the*
12 *following new subparagraph:*

13 *“(E) for distributions to which section*
14 *401(a)(39) applies.”.*

15 (5) *Section 457(d)(1)(A) is amended by striking*
16 *“or” at the end of clause (iii), by striking the comma*
17 *at the end of clause (iv) and inserting “, or”, and by*
18 *adding at the end the following new clause:*

19 *“(v) as provided in section*
20 *401(a)(39),”.*

21 (c) *EXEMPTION FROM ADDITIONAL TAX ON EARLY*
22 *DISTRIBUTIONS.—Section 72(t)(2), as amended by this Act,*
23 *is further amended by adding at the end the following new*
24 *subparagraph:*

2260

1 “(N) *QUALIFIED LONG-TERM CARE DIS-*
2 *TRIBUTIONS.*—

3 “(i) *IN GENERAL.*—*Any qualified long-*
4 *term care distribution to which section*
5 *401(a)(39) applies.*

6 “(ii) *EXCEPTION.*—*If, with respect to*
7 *the plan, the individual covered by the long-*
8 *term care coverage to which such distribu-*
9 *tion relates is the spouse of the employee,*
10 *clause (i) shall apply only if the employee*
11 *and the employee’s spouse file a joint re-*
12 *turn.*

13 “(iii) *EXEMPTION OF DISTRIBUTIONS*
14 *FROM TRUSTEE TO TRUSTEE TRANSFER AND*
15 *WITHHOLDING RULES.*—*For purposes of sec-*
16 *tions 401(a)(31), 402(f), and 3405, any*
17 *qualified long-term care distribution de-*
18 *scribed in clause (i) shall not be treated as*
19 *an eligible rollover distribution.”.*

20 (d) *REPORTING.*—

21 (1) *IN GENERAL.*—*Subpart B of part III of sub-*
22 *chapter A of chapter 61 is amended by adding at the*
23 *end the following new section:*

2261

1 **“SEC. 6050Z. REPORTS RELATING TO LONG-TERM CARE**
2 **PREMIUM STATEMENTS.**

3 “(a) *REQUIREMENT OF REPORTING.*—Any issuer of
4 certified long-term care insurance (as defined in section
5 401(a)(39)(C)) who provides a long-term care premium
6 statement with respect to any purchaser pursuant to section
7 401(a)(39)(E) for a calendar year, shall make a return not
8 later than February 1 of the succeeding calendar year, ac-
9 cording to forms or regulations prescribed by the Secretary,
10 setting forth with respect to each such purchaser—

11 “(1) the name and taxpayer identification num-
12 ber of such issuer,

13 “(2) a statement that the coverage is certified
14 long-term care insurance as defined in section
15 401(a)(39)(C),

16 “(3) the name of the owner of such coverage,

17 “(4) identification of the individual covered and
18 such individual’s relationship to the owner,

19 “(5) the premiums paid for the coverage for the
20 calendar year, and

21 “(6) such other information as the Secretary
22 may require.

23 “(b) *STATEMENT TO BE FURNISHED TO PERSONS*
24 *WITH RESPECT TO WHOM INFORMATION IS REQUIRED.*—
25 Every person required to make a return under subsection

2262

1 (a) shall furnish to each individual whose name is required
2 to be set forth in such return a written statement showing—

3 “(1) the name, address, and phone number of the
4 information contact of the issuer of the contract or
5 coverage, and

6 “(2) the aggregate amount of premiums and
7 charges paid under the contract or coverage covering
8 the insured individual during the calendar year.

9 The written statement required under the preceding sen-
10 tence shall be furnished to the individual or individuals on
11 or before January 31 of the year following the calendar year
12 for which the return required under subsection (a) was re-
13 quired to be made.

14 “(c) CONTRACTS OR COVERAGE COVERING MORE
15 THAN ONE INSURED.—In the case of contracts or coverage
16 covering more than one insured, the return and statement
17 required by subsections (a) and (b) shall identify only the
18 portion of the premium that is properly allocable to the in-
19 sured in respect of whom the return or statement is made.

20 “(d) STATEMENT TO BE FURNISHED ON REQUEST.—
21 If any individual to whom a return is required to be fur-
22 nished under subsection (b) requests that such a return be
23 furnished at any time before the close of the calendar year,
24 the person required to make the return under subsection (b)

2263

1 *shall comply with such request and shall furnish to the Sec-*
2 *retary at such time a copy of the return so provided.”.*

3 (2) *PENALTIES.—Section 6724(d) is amended—*

4 (A) *in paragraph (1)(B), by adding “or” at*
5 *the end of clause (xxvii) and by inserting after*
6 *such clause the following new clause:*

7 “(xxviii) *section 6050Z (relating to re-*
8 *ports relating to long-term care premium*
9 *statements), and”, and*

10 (B) *in paragraph (2)—*

11 (i) *by redesignating subparagraph*
12 *(JJ), relating to section 6050Y, as subpara-*
13 *graph (KK) and moving such subparagraph*
14 *to the position immediately after subpara-*
15 *graph (JJ), relating to section 6226(a)(2),*

16 (ii) *by striking “or” at the end of sub-*
17 *paragraph (II),*

18 (iii) *by striking the period at the end*
19 *of subparagraph (JJ), relating to section*
20 *6226(a)(2), and inserting a comma,*

21 (iv) *by striking the period at the end*
22 *of subparagraph (KK), as so redesignated,*
23 *and inserting “, or”, and*

2264

1 (v) by inserting after subparagraph
2 (KK), as so redesignated, the following new
3 subparagraph:

4 “(LL) section 6050Z (relating to reports re-
5 lating to long-term care premium statements).”.

6 (3) *CLERICAL AMENDMENT.*—The table of sec-
7 tions for subpart B of part III of subchapter A of
8 chapter 61 is amended by adding after the item relat-
9 ing to section 6050Y the following new item:

 “Sec. 6050Z. Reports relating to long-term care premium statements.”.

10 (e) *EFFECTIVE DATE.*—The amendments made by this
11 section shall apply to distributions made after the date
12 which is 3 years after the date of the enactment of this Act.

13 (f) *DISCLOSURE TO TREASURY OF LONG-TERM CARE*
14 *INSURANCE PRODUCTS.*—The Secretary of the Treasury (or
15 the Secretary’s delegate) shall issue such forms and guid-
16 ance as are necessary to collect the filing required by section
17 401(a)(39)(E)(iii) of the Internal Revenue Code of 1986,
18 as added by this section.

19 **SEC. 335. CORRECTIONS OF MORTALITY TABLES.**

20 (a) *IN GENERAL.*—Not later than 18 months after the
21 date of the enactment of this Act, the Secretary of the Treas-
22 ury (or the Secretary’s delegate) shall amend the regulation
23 relating to “Mortality Tables for Determining Present
24 Value Under Defined Benefit Pension Plans” (82 Fed. Reg.
25 46388 (October 5, 2017)). Under such amendment, for valu-

2265

1 *ation dates occurring during or after 2024, such mortality*
2 *improvement rates shall not assume for years beyond the*
3 *valuation date future mortality improvements at any age*
4 *which are greater than .78 percent. The Secretary of the*
5 *Treasury (or delegate) shall by regulation modify the .78*
6 *percent figure in the preceding sentence as necessary to re-*
7 *flect material changes in the overall rate of improvement*
8 *projected by the Social Security Administration.*

9 (b) *EFFECTIVE DATE.*—*The amendments required*
10 *under subsection (a) shall be deemed to have been made as*
11 *of the date of the enactment of this Act, and as of such date*
12 *all applicable laws shall be applied in all respects as though*
13 *the actions which the Secretary of the Treasury (or the Sec-*
14 *retary's delegate) is required to take under such subsection*
15 *had been taken.*

16 **SEC. 336. REPORT TO CONGRESS ON SECTION 402(f) NO-**
17 **TICES.**

18 *Not later than 18 months after the date of the enact-*
19 *ment of this Act, the Comptroller General of the United*
20 *States shall submit a report to the Committees on Finance*
21 *and Health, Education, Labor, and Pensions of the Senate*
22 *and the Committees on Ways and Means and Education*
23 *and Labor of the House of Representatives on the notices*
24 *provided by retirement plan administrators to plan partici-*
25 *pants under section 402(f) of the Internal Revenue Code of*

2266

1 1986. *The report shall analyze the effectiveness of such no-*
2 *tices and make recommendations, as warranted by the find-*
3 *ings, to facilitate better understanding by recipients of dif-*
4 *ferent distribution options and corresponding tax con-*
5 *sequences, including spousal rights.*

6 **SEC. 337. MODIFICATION OF REQUIRED MINIMUM DIS-**
7 **TRIBUTION RULES FOR SPECIAL NEEDS**
8 **TRUSTS.**

9 (a) *IN GENERAL.*—Section 401(a)(9)(H)(iv)(II) is
10 *amended by striking “no individual” and inserting “no*
11 *beneficiary”.*

12 (b) *CONFORMING AMENDMENT.*—Section
13 401(a)(9)(H)(v) is amended by adding at the end the fol-
14 *lowing flush sentence:*

15 *“For purposes of the preceding sentence, in*
16 *the case of a trust the terms of which are*
17 *described in clause (iv)(II), any beneficiary*
18 *which is an organization described in sec-*
19 *tion 408(d)(8)(B)(i) shall be treated as a*
20 *designated beneficiary described in sub-*
21 *clause (II).”.*

22 (c) *EFFECTIVE DATE.*—The amendments made by this
23 *section shall apply to calendar years beginning after the*
24 *date of the enactment of this Act.*

2267

1 **SEC. 338. REQUIREMENT TO PROVIDE PAPER STATEMENTS**
2 **IN CERTAIN CASES.**

3 (a) *IN GENERAL.*—Section 105(a)(2) of the Employee
4 Retirement Income Security Act of 1974 (29 U.S.C.
5 1025(a)(2)) is amended—

6 (1) in subparagraph (A)(iv), by inserting “sub-
7 ject to subparagraph (E),” before “may be delivered”;
8 and

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

10 “(E) *PROVISION OF PAPER STATEMENTS.*—
11 With respect to at least 1 pension benefit state-
12 ment furnished for a calendar year with respect
13 to an individual account plan under paragraph
14 (1)(A), and with respect to at least 1 pension
15 benefit statement furnished every 3 calendar
16 years with respect to a defined benefit plan
17 under paragraph (1)(B), such statement shall be
18 furnished on paper in written form except—

19 “(i) in the case of a plan that furnishes
20 such statement in accordance with section
21 2520.104b-1(c) of title 29, Code of Federal
22 Regulations; or

23 “(ii) in the case of a plan that permits
24 a participant or beneficiary to request that
25 the statements referred to in the matter pre-
26 ceding clause (i) be furnished by electronic

2268

1 *delivery, if the participant or beneficiary*
2 *requests that such statements be delivered*
3 *electronically and the statements are so de-*
4 *livered.”.*

5 **(b) IMPLEMENTATION.—**

6 **(1) IN GENERAL.—***The Secretary of Labor shall,*
7 *not later than December 31, 2024, update section*
8 *2520.104b-1(c) of title 29, Code of Federal Regula-*
9 *tions, to provide that a plan may furnish the state-*
10 *ments referred to in subparagraph (E) of section*
11 *105(a)(2) of the Employee Retirement Income Secu-*
12 *rity Act of 1974 by electronic delivery only if, with*
13 *respect to participants who first become eligible to*
14 *participate, and beneficiaries who first become eligible*
15 *for benefits, after December 31, 2025, in addition to*
16 *meeting the other requirements under the regulations*
17 *such plan furnishes each participant or beneficiary a*
18 *one-time initial notice on paper in written form,*
19 *prior to the electronic delivery of any pension benefit*
20 *statement, of their right to request that all documents*
21 *required to be disclosed under title I of the Employee*
22 *Retirement Income Security Act of 1974 be furnished*
23 *on paper in written form.*

24 **(2) OTHER GUIDANCE.—***In implementing the*
25 *amendment made by subsection (a) with respect to a*

2269

1 *plan that discloses required documents or statements*
2 *electronically, in accordance with applicable guidance*
3 *governing electronic disclosure by the Department of*
4 *Labor (with the exception of section 2520.104b-1(c) of*
5 *title 29, Code of Federal Regulations), the Secretary*
6 *of Labor shall, not later than December 31, 2024, up-*
7 *date such guidance to the extent necessary to ensure*
8 *that—*

9 *(A) a participant or beneficiary under such*
10 *a plan is permitted the opportunity to request*
11 *that any disclosure required to be delivered on*
12 *paper under applicable guidance by the Depart-*
13 *ment of Labor shall be furnished by electronic*
14 *delivery;*

15 *(B) each paper statement furnished under*
16 *such a plan pursuant to the amendment shall in-*
17 *clude—*

18 *(i) an explanation of how to request*
19 *that all such statements, and any other doc-*
20 *ument required to be disclosed under title I*
21 *of the Employee Retirement Income Secu-*
22 *rity Act of 1974, be furnished by electronic*
23 *delivery; and*

24 *(ii) contact information for the plan*
25 *sponsor, including a telephone number;*

2270

1 (C) the plan may not charge any fee to a
2 participant or beneficiary for the delivery of any
3 paper statements;

4 (D) each document required to be disclosed
5 that is furnished by electronic delivery under
6 such a plan shall include an explanation of how
7 to request that all such documents be furnished
8 on paper in written form; and

9 (E) a plan is permitted to furnish a dupli-
10 cate electronic statement in any case in which
11 the plan furnishes a paper pension benefit state-
12 ment.

13 (c) *EFFECTIVE DATE.*—The amendment made by sub-
14 section (a) shall apply with respect to plan years beginning
15 after December 31, 2025.

16 **SEC. 339. RECOGNITION OF TRIBAL GOVERNMENT DOMES-**
17 **TIC RELATIONS ORDERS.**

18 (a) *AMENDMENT OF INTERNAL REVENUE CODE OF*
19 *1986.*—

20 (1) *IN GENERAL.*—Clause (ii) of section
21 414(p)(1)(B) is amended by inserting “or Tribal”
22 after “State”.

23 (2) *CONFORMING AMENDMENT.*—Subparagraph
24 (B) of section 414(p)(1) is amended by adding at the
25 end the following flush sentence:

2271

1 *“For purposes of clause (ii), the term ‘Tribal’*
2 *with respect to a domestic relations law means*
3 *such a law which is issued by or under the laws*
4 *of an Indian tribal government, a subdivision of*
5 *such an Indian tribal government, or an agency*
6 *or instrumentality of either.”.*

7 ***(b) AMENDMENT OF EMPLOYEE RETIREMENT INCOME***
8 ***SECURITY ACT OF 1974.—***

9 ***(1) IN GENERAL.—****Section 206(d)(3)(B)(ii)(II)*
10 *of the Employee Retirement Income Security Act of*
11 *1974 (29 U.S.C. 1056(d)(3)(B)(ii)(II)) is amended by*
12 *inserting “or Tribal” after “State”.*

13 ***(2) CONFORMING AMENDMENT.—****Section*
14 *206(d)(3)(B) of such Act is amended by adding at the*
15 *end the following flush sentence:*

16 *“For purposes of clause (ii)(II), the term ‘Tribal’*
17 *with respect to a domestic relations law means*
18 *such a law which is issued by or under the laws*
19 *of an Indian tribal government (as defined in*
20 *section 7701(a)(40) of the Internal Revenue Code*
21 *of 1986), a subdivision of such an Indian tribal*
22 *government, or an agency or instrumentality of*
23 *either.”.*

24 ***(c) EFFECTIVE DATE.—****The amendments made by this*
25 *section shall apply to domestic relations orders received by*

2272

1 *plan administrators after December 31, 2022, including*
2 *any such order which is submitted for reconsideration after*
3 *such date.*

4 **SEC. 340. DEFINED CONTRIBUTION PLAN FEE DISCLOSURE**
5 **IMPROVEMENTS.**

6 *Not later than 3 years after the date of enactment of*
7 *this Act, the Secretary of Labor shall—*

8 *(1) review section 2550.404a–5 of title 29, Code*
9 *of Federal Regulations (relating to fiduciary require-*
10 *ments for disclosure in participant-directed indi-*
11 *vidual account plans);*

12 *(2) explore, through a public request for informa-*
13 *tion or otherwise, how the contents and design of the*
14 *disclosures described in such section may be improved*
15 *to enhance participants' understanding of fees and ex-*
16 *penses related to a defined contribution plan (as de-*
17 *finied in section 3 of the Employee Retirement Income*
18 *Security Act of 1974 (29 U.S.C. 1002)) as well as the*
19 *cumulative effect of such fees and expenses on retire-*
20 *ment savings over time; and*

21 *(3) report to the Committee on Health, Edu-*
22 *cation, Labor, and Pensions of the Senate and the*
23 *Committee on Education and Labor of the House of*
24 *Representatives on the findings of the exploration de-*
25 *scribed in paragraph (2), including beneficial edu-*

2273

1 *cation for consumers on financial literacy concepts as*
2 *related to retirement plan fees and recommendations*
3 *for legislative changes needed to address such find-*
4 *ings.*

5 **SEC. 341. CONSOLIDATION OF DEFINED CONTRIBUTION**
6 **PLAN NOTICES.**

7 *Not later than 2 years after the date of enactment of*
8 *this Act, the Secretary of Labor and the Secretary of the*
9 *Treasury (or such Secretaries' delegates) shall adopt regula-*
10 *tions providing that a plan (as defined in section 3 of the*
11 *Employee Retirement Income Security Act of 1974 (29*
12 *U.S.C. 1002)) may, but is not required to, consolidate 2*
13 *or more of the notices required under sections 404(c)(5)(B)*
14 *and 514(e)(3) of the Employee Retirement Income Security*
15 *Act of 1974 (29 U.S.C. 1104(c)(5)(B) and 29 U.S.C.*
16 *1144(e)(3)) and sections 401(k)(12)(D), 401(k)(13)(E), and*
17 *414(w)(4) of the Internal Revenue Code of 1986 into a sin-*
18 *gle notice so long as the combined notice—*

- 19 *(1) includes the required content;*
20 *(2) clearly identifies the issues addressed therein;*
21 *(3) is furnished at the time and with the fre-*
22 *quency required for each such notice; and*
23 *(4) is presented in a manner that is reasonably*
24 *calculated to be understood by the average plan par-*

2274

1 *ticipant and that does not obscure or fail to highlight*
2 *the primary information required for each notice.*

3 *This section shall not be interpreted as preventing the con-*
4 *solidation of any other notices required under the Employee*
5 *Retirement Income Security Act of 1974, or Internal Rev-*
6 *enue Code of 1986, to the extent otherwise permitted by the*
7 *Secretary of Labor or the Secretary of the Treasury (or ei-*
8 *ther such Secretary’s delegate), as applicable.*

9 **SEC. 342. INFORMATION NEEDED FOR FINANCIAL OPTIONS**

10 **RISK MITIGATION.**

11 *(a) IN GENERAL.—Part 1 of subtitle B of title I of*
12 *the Employee Retirement Income Security Act of 1974 (29*
13 *U.S.C. 1021 et seq.), as amended by the preceding provi-*
14 *sions of this title, is amended by adding at the end the fol-*
15 *lowing:*

16 **“SEC. 113. NOTICE AND DISCLOSURE REQUIREMENTS WITH**
17 **RESPECT TO LUMP SUMS.**

18 *“(a) IN GENERAL.—A plan administrator of a pension*
19 *plan that amends the plan to provide a period of time dur-*
20 *ing which a participant or beneficiary may elect to receive*
21 *a lump sum, instead of future monthly payments, shall fur-*
22 *nish notice—*

23 *“(1) to each participant or beneficiary offered*
24 *such lump sum amount, in the manner in which the*
25 *participant and beneficiary receives the lump sum*

2275

1 *offer from the plan sponsor, not later than 90 days*
2 *prior to the first day on which the participant or*
3 *beneficiary may make an election with respect to such*
4 *lump sum; and*

5 *“(2) to the Secretary and the Pension Benefit*
6 *Guaranty Corporation, not later than 30 days prior*
7 *to the first day on which participants and bene-*
8 *ficiaries may make an election with respect to such*
9 *lump sum.*

10 *“(b) NOTICE TO PARTICIPANTS AND BENEFICIARIES.—*

11 *“(1) CONTENT.—The notice required under sub-*
12 *section (a)(1) shall include the following:*

13 *“(A) Available benefit options, including the*
14 *estimated monthly benefit that the participant or*
15 *beneficiary would receive at normal retirement*
16 *age, whether there is a subsidized early retire-*
17 *ment option or qualified joint and survivor an-*
18 *nuity that is fully subsidized (in accordance*
19 *with section 417(a)(5) of the Internal Revenue*
20 *Code of 1986, the monthly benefit amount if pay-*
21 *ments begin immediately, and the lump sum*
22 *amount available if the participant or bene-*
23 *ficiary takes the option.*

24 *“(B) An explanation of how the lump sum*
25 *was calculated, including the interest rate, mor-*

2276

1 *talities assumptions, and whether any additional*
2 *plan benefits were included in the lump sum,*
3 *such as early retirement subsidies.*

4 “(C) *In a manner consistent with the man-*
5 *ner in which a written explanation is required*
6 *to be given under 417(a)(3) of the Internal Rev-*
7 *enue Code of 1986, the relative value of the lump*
8 *sum option for a terminated vested participant*
9 *compared to the value of—*

10 “(i) *the single life annuity, (or other*
11 *standard form of benefit); and*

12 “(ii) *the qualified joint and survivor*
13 *annuity (as defined in section 205(d)(1));*

14 “(D) *A statement that—*

15 “(i) *a commercial annuity comparable*
16 *to the annuity available from the plan may*
17 *cost more than the amount of the lump sum*
18 *amount, and*

19 “(ii) *it may be advisable to consult an*
20 *advisor regarding this point if the partici-*
21 *pant or beneficiary is considering pur-*
22 *chasing a commercial annuity.*

23 “(E) *The potential ramifications of accept-*
24 *ing the lump sum, including longevity risks, loss*
25 *of protections guaranteed by the Pension Benefit*

2277

1 *Guaranty Corporation (with an explanation of*
2 *the monthly benefit amount that would be pro-*
3 *ected by the Pension Benefit Guaranty Corpora-*
4 *tion if the plan is terminated with insufficient*
5 *assets to pay benefits), loss of protection from*
6 *creditors, loss of spousal protections, and other*
7 *protections under this Act that would be lost.*

8 “(F) General tax rules related to accepting
9 *a lump sum, including rollover options and*
10 *early distribution penalties with a disclaimer*
11 *that the plan does not provide tax, legal, or ac-*
12 *counting advice, and a suggestion that partici-*
13 *pants and beneficiaries consult with their own*
14 *tax, legal, and accounting advisors before deter-*
15 *mining whether to accept the offer.*

16 “(G) How to accept or reject the offer, the
17 *deadline for response, and whether a spouse is*
18 *required to consent to the election.*

19 “(H) Contact information for the point of
20 *contact at the plan administrator for partici-*
21 *pants and beneficiaries to get more information*
22 *or ask questions about the options.*

23 “(2) PLAIN LANGUAGE.—*The notice under this*
24 *subsection shall be written in a manner calculated to*
25 *be understood by the average plan participant.*

2278

1 “(3) *MODEL NOTICE.—The Secretary shall issue*
2 *a model notice for purposes of the notice under sub-*
3 *section (a)(1), including for information required*
4 *under subparagraphs (C) through (F) of paragraph*
5 *(1).*

6 “(c) *NOTICE TO THE SECRETARY AND PENSION BEN-*
7 *EFIT GUARANTY CORPORATION.—The notice required under*
8 *subsection (a)(2) shall include the following:*

9 “(1) *The total number of participants and bene-*
10 *ficiaries eligible for such lump sum option.*

11 “(2) *The length of the limited period during*
12 *which the lump sum is offered.*

13 “(3) *An explanation of how the lump sum was*
14 *calculated, including the interest rate, mortality as-*
15 *sumptions, and whether any additional plan benefits*
16 *were included in the lump sum, such as early retire-*
17 *ment subsidies.*

18 “(4) *A sample of the notice provided to partici-*
19 *pants and beneficiaries under subsection (a)(1), if*
20 *otherwise required.*

21 “(d) *POST-OFFER REPORT TO THE SECRETARY AND*
22 *PENSION BENEFIT GUARANTY CORPORATION.—Not later*
23 *than 90 days after the conclusion of the limited period dur-*
24 *ing which participants and beneficiaries in a plan may*
25 *accept a plan’s offer of a lump sum, a plan sponsor shall*

2279

1 *submit a report to the Secretary and the Director of the*
2 *Pension Benefit Guaranty Corporation that includes the*
3 *number of participants and beneficiaries who accepted the*
4 *lump sum offer and such other information as the Secretary*
5 *may require.*

6 “(e) *PUBLIC AVAILABILITY.*—*The Secretary shall make*
7 *the information provided in the notice to the Secretary re-*
8 *quired under subsection (a)(2) and in the post-offer reports*
9 *submitted under subsection (d) publicly available in a form*
10 *that protects the confidentiality of the information pro-*
11 *vided.*

12 “(f) *BIENNIAL REPORT.*—*Not later than the last day*
13 *of the second calendar year after the calendar year includ-*
14 *ing the applicability date of the final rules under section*
15 *342(e) of the SECURE 2.0 Act of 2022, and every 2 years*
16 *thereafter, so long as the Secretary has received notices and*
17 *post-offer reports under subsections (c) and (d) of this sec-*
18 *tion, the Secretary shall submit to Congress a report that*
19 *summarizes such notices and post-offer reports during the*
20 *applicable reporting period. The applicable reporting pe-*
21 *riod begins on the first day of the second calendar year pre-*
22 *ceding the calendar year that the report is submitted to*
23 *Congress and ends on the last day of the calendar year pre-*
24 *ceding the calendar year the report is due.”.*

2280

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1 of the Employee Retirement Income Security Act*
3 *of 1974, as amended by the proceeding provisions of this*
4 *title, is further amended by inserting after the item relating*
5 *to section 112 the following new item:*

Sec. 113. Notice and disclosure requirements with respect to lump sum windows.

6 (c) *ENFORCEMENT.*—*Section 502 of the Employee Re-*
7 *tirement Income Security Act of 1974 (29 U.S.C. 1132) is*
8 *amended—*

9 (1) *in subsection (c)(1), by striking “or section*
10 *105(a)” and inserting “, section 105(a), or section*
11 *113(a)”;* *and*

12 (2) *in subsection (a)(4), by striking “105(c)”*
13 *and inserting “section 105(c) or 113(a)”.*

14 (d) *APPLICATION.*—*The requirements of section 113 of*
15 *the Employee Retirement Income Security Act of 1974, as*
16 *added by subsection (b), shall apply beginning on the appli-*
17 *cable effective date specified in the final regulations promul-*
18 *gated pursuant to subsection (e).*

19 (e) *REGULATORY AUTHORITY.*—*Not earlier than 1*
20 *year after the date of enactment of this Act, the Secretary*
21 *of Labor, in consultation with the Secretary of the Treas-*
22 *ury, shall issue regulations to implement section 113 of the*
23 *Employee Retirement Income Security Act of 1974, as*
24 *added by subsection (a). Such regulations shall be applica-*

2281

1 *ble not earlier than the issuance of a final rule and not*
2 *later than 1 year after issuance of a final rule.*

3 **SEC. 343. DEFINED BENEFIT ANNUAL FUNDING NOTICES.**

4 (a) *IN GENERAL.*—Section 101(f)(2)(B) of the *Em-*
5 *ployee Retirement Income Security Act of 1974 (29 U.S.C.*
6 *1021(f)(2)(B)) is amended—*

7 (1) *in clause (i)(I), by striking “funding target*
8 *attainment percentage (as defined in section*
9 *303(d)(2))” and inserting “percentage of plan liabil-*
10 *ities funded (as described in clause (ii)(I)(bb))”;*

11 (2) *in clause (ii)(I)—*

12 (A) *by striking “, a statement of”;*

13 (B) *by striking item (aa);*

14 (C) *by redesignating item (bb) as item (aa);*

15 (D) *in item (aa), as so redesignated—*

16 (i) *by inserting “a statement of” before*
17 *“the value”,*

18 (ii) *by inserting “, and for the pre-*
19 *ceding 2 plan years as of the last day of*
20 *each such plan year,” before “determined*
21 *using”,*

22 (iii) *by striking “and” at the end; and*

23 (E) *by adding at the end the following:*

24 “(bb) *for purposes of the*
25 *statement in subparagraph*

2282

1 (B)(i)(I), the percentage of plan
2 liabilities funded, calculated as
3 the ratio between the value of the
4 plan's assets and liabilities, as de-
5 termined under item (aa), for the
6 plan year to which the notice re-
7 lates and for the 2 preceding plan
8 years, and

9 “(cc) if the information in
10 (aa) and (bb) is presented in tab-
11 ular form, a statement that de-
12 scribes that in the event of a plan
13 termination the corporation's cal-
14 culation of plan liabilities may be
15 greater and that references the sec-
16 tion of the notice with the infor-
17 mation required under clause (x),
18 and”;

19 (3) in clause (ii)(II), by striking “subclause
20 (I)(bb)” and inserting “subclause (I)(aa)”,

21 (4) in clause (iii), in the matter preceding sub-
22 clause (I), by inserting “for the plan year to which
23 the notice relates as of the last day of such plan year
24 and the preceding 2 plan years, in tabular format,”
25 after “participants”;

2283

1 (5) *in clause (iv)*—

2 (A) *by striking “plan and the asset” and*
3 *inserting “plan, the asset”; and*

4 (B) *by inserting “, and the average return*
5 *on assets for the plan year,” after “assets”;*

6 (6) *by redesignating clauses (ix) through (xi) as*
7 *clause (x) through (xii), respectively;*

8 (7) *by inserting after clause (viii) the following:*

9 “(ix) *in the case of a single-employer*
10 *plan, a statement as to whether the plan’s*
11 *funded status, based on the plan’s liabilities*
12 *described under subclause (II) for the plan*
13 *year to which the notice relates, and for the*
14 *2 preceding plan years, is at least 100 per-*
15 *cent (and, if not, the actual percentages),*
16 *that includes—*

17 “(I) *the plan’s assets, as of the*
18 *last day of the plan year and for the*
19 *2 preceding plan years, as determined*
20 *under clause (ii)(I)(aa),*

21 “(II) *the plan’s liabilities, as of*
22 *the last day of the plan year and for*
23 *the 2 preceding plan years, as deter-*
24 *mined under clause (ii)(1)(aa), and*

2284

1 “(III) the funded status of the
2 plan, determined as the ratio of the
3 plan’s assets and liabilities calculated
4 under subclauses (I) and (II), for the
5 plan year to which the notice relates,
6 and for the 2 preceding plan years,”;
7 and

8 (8) in clause (x), as so redesignated, by striking
9 the comma at the end and inserting the following:
10 “and a statement that, in the case of a single-em-
11 ployer plan—

12 “(I) if plan assets are determined
13 to be sufficient to pay vested benefits
14 that are not guaranteed by the Pension
15 Benefit Guaranty Corporation, partici-
16 pants and beneficiaries may receive
17 benefits in excess of the guaranteed
18 amount, and

19 “(II) such a determination gen-
20 erally uses assumptions that result in
21 a plan having a lower funded status as
22 compared to the plan’s funded status
23 disclosed in this notice.”.

2285

1 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
2 *section (a) shall apply with respect to plan years beginning*
3 *after December 31, 2023.*

4 **SEC. 344. REPORT ON POOLED EMPLOYER PLANS.**

5 *The Secretary of Labor shall—*

6 (1) *conduct a study on the pooled employer plan*
7 *(as such term is defined in section 3(43) of the Em-*
8 *ployee Retirement Income Security Act of 1974 (29*
9 *U.S.C. 1002(43))) industry, including on—*

10 (A) *the legal name and number of pooled*
11 *employer plans;*

12 (B) *the number of participants in such*
13 *plans;*

14 (C) *the range of investment options pro-*
15 *vided in such plans;*

16 (D) *the fees assessed in such plans;*

17 (E) *the manner in which employers select*
18 *and monitor such plans;*

19 (F) *the disclosures provided to participants*
20 *in such plans;*

21 (G) *the number and nature of any enforce-*
22 *ment actions by the Secretary of Labor on such*
23 *plans;*

2286

1 (H) the extent to which such plans have in-
2 creased retirement savings coverage in the
3 United States; and

4 (I) any additional information as the Sec-
5 retary determines is necessary; and

6 (2) not later than 5 years after the date of enact-
7 ment of this Act, and every 5 years thereafter, submit
8 to Congress and make available on a publicly acces-
9 sible website of the Department of Labor, a report on
10 the findings of the study under paragraph (1), includ-
11 ing recommendations on how pooled employer plans
12 can be improved, through legislation, to serve and
13 protect retirement plan participants.

14 **SEC. 345. ANNUAL AUDITS FOR GROUP OF PLANS.**

15 (a) *IN GENERAL.*—Section 202(a) of the Setting Every
16 Community Up for Retirement Enhancement Act of 2019
17 (Public Law 116–94; 26 U.S.C. 6058 note) is amended—

18 (1) by striking “so that all members” and insert-
19 ing the following: “so that—

20 “(1) all members”;

21 (2) by striking the period and inserting “; and”;

22 and

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

24 “(2) any opinions required by section 103(a)(3)
25 of the Employee Retirement Income Security Act of

2287

1 1974 (29 U.S.C. 1023(a)(3)) shall relate only to each
2 individual plan which would otherwise be subject to
3 the requirements of such section 103(a)(3).”.

4 (b) *EFFECTIVE DATE.*—The amendments made by this
5 section shall take effect on the date of the enactment of this
6 Act.

7 **SEC. 346. WORKER OWNERSHIP, READINESS, AND KNOWL-**
8 **EDGE.**

9 (a) *DEFINITIONS.*—In this section:

10 (1) *EXISTING PROGRAM.*—The term “existing
11 program” means a program, designed to promote em-
12 ployee ownership, that exists on the date on which the
13 Secretary is carrying out a responsibility authorized
14 under this section.

15 (2) *INITIATIVE.*—The term “Initiative” means
16 the Employee Ownership Initiative established under
17 subsection (b).

18 (3) *NEW PROGRAM.*—The term “new program”
19 means a program, designed to promote employee own-
20 ership, that does not exist on the date on which the
21 Secretary is carrying out a responsibility authorized
22 under this section.

23 (4) *SECRETARY.*—The term “Secretary” means
24 the Secretary of Labor.

2288

1 (5) *STATE*.—*The term “State” has the meaning*
2 *given the term under section 3 of the Workforce Inno-*
3 *vation and Opportunity Act (29 U.S.C. 3102).*

4 (b) *EMPLOYEE OWNERSHIP INITIATIVE*.—

5 (1) *ESTABLISHMENT*.—*The Secretary shall estab-*
6 *lish within the Department of Labor an Employee*
7 *Ownership Initiative to promote employee ownership.*

8 (2) *FUNCTIONS*.—*In carrying out the Initiative,*
9 *the Secretary shall—*

10 (A) *support within the States existing pro-*
11 *grams designed to promote employee ownership;*
12 *and*

13 (B) *facilitate within the States the forma-*
14 *tion of new programs designed to promote em-*
15 *ployee ownership.*

16 (3) *DUTIES*.—*To carry out the functions enu-*
17 *merated in paragraph (2), the Secretary shall support*
18 *new programs and existing programs by—*

19 (A) *making Federal grants authorized*
20 *under subsection (d); and*

21 (B)(i) *acting as a clearinghouse on tech-*
22 *niques employed by new programs and existing*
23 *programs within the States, and disseminating*
24 *information relating to those techniques to the*
25 *programs; or*

2289

1 (ii) *funding projects for information gath-*
2 *ering on those techniques, and dissemination of*
3 *that information to the programs, by groups out-*
4 *side the Department of Labor.*

5 (4) *CONSULTATION WITH TREASURY.—The Sec-*
6 *retary shall consult with the Secretary of the Treas-*
7 *ury, or the Secretary’s delegate, in the case of any*
8 *employee ownership arrangements or structures the*
9 *administration and enforcement of which are within*
10 *the jurisdiction of the Department of the Treasury.*

11 (c) *PROGRAMS REGARDING EMPLOYEE OWNERSHIP.—*

12 (1) *ESTABLISHMENT OF PROGRAM.—Not later*
13 *than 180 days after the date of enactment of this Act,*
14 *the Secretary shall establish a program to encourage*
15 *new programs and existing programs within the*
16 *States to foster employee ownership throughout the*
17 *United States.*

18 (2) *PURPOSE OF PROGRAM.—The purpose of the*
19 *program established under paragraph (1) is to en-*
20 *courage new and existing programs within the States*
21 *that focus on—*

22 (A) *providing education and outreach to in-*
23 *form employees and employers about the possi-*
24 *bilities and benefits of employee ownership and*
25 *business ownership succession planning, includ-*

2290

1 *ing providing information about financial edu-*
2 *cation, employee teams, open-book management,*
3 *and other tools that enable employees to share*
4 *ideas and information about how their businesses*
5 *can succeed;*

6 *(B) providing technical assistance to assist*
7 *employee efforts to become business owners, to en-*
8 *able employers and employees to explore and as-*
9 *sess the feasibility of transferring full or partial*
10 *ownership to employees, and to encourage em-*
11 *ployees and employers to start new employee-*
12 *owned businesses;*

13 *(C) training employees and employers with*
14 *respect to methods of employee participation in*
15 *open-book management, work teams, committees,*
16 *and other approaches for seeking greater em-*
17 *ployee input; and*

18 *(D) training other entities to apply for*
19 *funding under this subsection, to establish new*
20 *programs, and to carry out program activities.*

21 *(3) PROGRAM DETAILS.—The Secretary may in-*
22 *clude, in the program established under paragraph*
23 *(1), provisions that—*

24 *(A) in the case of activities described in*
25 *paragraph (2)(A)—*

† HR 2617 EAS2

2291

1 (i) *target key groups, such as retiring*
2 *business owners, senior managers, labor or-*
3 *ganizations, trade associations, community*
4 *organizations, and economic development*
5 *organizations;*

6 (ii) *encourage cooperation in the orga-*
7 *nization of workshops and conferences; and*

8 (iii) *prepare and distribute materials*
9 *concerning employee ownership, and busi-*
10 *ness ownership succession planning;*

11 (B) *in the case of activities described in*
12 *paragraph (2)(B)—*

13 (i) *provide preliminary technical as-*
14 *istance to employee groups, managers, and*
15 *retiring owners exploring the possibility of*
16 *employee ownership;*

17 (ii) *provide for the performance of pre-*
18 *liminary feasibility assessments;*

19 (iii) *assist in the funding of objective*
20 *third-party feasibility studies and prelimi-*
21 *nary business valuations, and in selecting*
22 *and monitoring professionals qualified to*
23 *conduct such studies; and*

24 (iv) *provide a data bank to help em-*
25 *ployees find legal, financial, and technical*

2292

1 *advice in connection with business owner-*
2 *ship;*

3 *(C) in the case of activities described in*
4 *paragraph (2)(C)—*

5 *(i) provide for courses on employee*
6 *participation; and*

7 *(ii) provide for the development and*
8 *fostering of networks of employee-owned*
9 *companies to spread the use of successful*
10 *participation techniques; and*

11 *(D) in the case of training described in*
12 *paragraph (2)(D)—*

13 *(i) provide for visits to existing pro-*
14 *grams by staff from new programs receiving*
15 *funding under this section; and*

16 *(ii) provide materials to be used for*
17 *such training.*

18 *(4) GUIDANCE.—The Secretary shall issue formal*
19 *guidance, for—*

20 *(A) recipients of grants awarded under sub-*
21 *section (d) and one-stop partners (as defined in*
22 *section 3 of the Workforce Innovation and Op-*
23 *portunity Act (29 U.S.C. 3102)) affiliated with*
24 *the workforce development systems (as so defined)*

2293

1 *of the States, proposing that programs and other*
2 *activities funded under this section be—*

3 *(i) proactive in encouraging actions*
4 *and activities that promote employee owner-*
5 *ship of businesses; and*

6 *(ii) comprehensive in emphasizing both*
7 *employee ownership of businesses so as to*
8 *increase productivity and broaden capital*
9 *ownership; and*

10 *(B) acceptable standards and procedures to*
11 *establish good faith fair market value for shares*
12 *of a business to be acquired by an employee stock*
13 *ownership plan (as defined in section 407(d)(6)*
14 *of the Employee Retirement Income Security Act*
15 *of 1974 (29 U.S.C. 1107(d)(6))).*

16 *The guidance under subparagraph (B) shall be pre-*
17 *scribed in consultation with the Secretary of the*
18 *Treasury.*

19 *(d) GRANTS.—*

20 *(1) IN GENERAL.—In carrying out the program*
21 *established under subsection (c), the Secretary may*
22 *make grants for use in connection with new programs*
23 *and existing programs within a State for any of the*
24 *following activities:*

2294

1 (A) *Education and outreach as provided in*
2 *subsection (c)(2)(A).*

3 (B) *Technical assistance as provided in sub-*
4 *section (c)(2)(B).*

5 (C) *Training activities for employees and*
6 *employers as provided in subsection (c)(2)(C).*

7 (D) *Activities facilitating cooperation*
8 *among employee-owned firms.*

9 (E) *Training as provided in subsection*
10 *(c)(2)(D) for new programs provided by partici-*
11 *pants in existing programs dedicated to the ob-*
12 *jectives of this section, except that, for each fiscal*
13 *year, the amount of the grants made for such*
14 *training shall not exceed 10 percent of the total*
15 *amount of the grants made under this section.*

16 (2) *AMOUNTS AND CONDITIONS.—The Secretary*
17 *shall determine the amount and any conditions for a*
18 *grant made under this subsection. The amount of the*
19 *grant shall be subject to paragraph (6), and shall re-*
20 *flect the capacity of the applicant for the grant.*

21 (3) *APPLICATIONS.—Each entity desiring a*
22 *grant under this subsection shall submit an applica-*
23 *tion to the Secretary at such time, in such manner,*
24 *and accompanied by such information as the Sec-*
25 *retary may reasonably require.*

2295

1 (4) *STATE APPLICATIONS.—Each State may*
2 *sponsor and submit an application under paragraph*
3 *(3) on behalf of any local entity consisting of a unit*
4 *of State or local government, State-supported institu-*
5 *tion of higher education, or nonprofit organization,*
6 *meeting the requirements of this section.*

7 (5) *APPLICATIONS BY ENTITIES.—*

8 (A) *ENTITY APPLICATIONS.—If a State fails*
9 *to support or establish a program pursuant to*
10 *this section during any fiscal year, the Secretary*
11 *shall, in the subsequent fiscal years, allow local*
12 *entities described in paragraph (4) from that*
13 *State to make applications for grants under*
14 *paragraph (3) on their own initiative.*

15 (B) *APPLICATION SCREENING.—Any State*
16 *failing to support or establish a program pursu-*
17 *ant to this section during any fiscal year may*
18 *submit applications under paragraph (3) in the*
19 *subsequent fiscal years but may not screen appli-*
20 *cations by local entities described in paragraph*
21 *(4) before submitting the applications to the Sec-*
22 *retary.*

23 (6) *LIMITATIONS.—A recipient of a grant made*
24 *under this subsection shall not receive, during a fiscal*

2296

1 *year, in the aggregate, more than the following*
2 *amounts:*

3 *(A) For fiscal year 2025, \$300,000.*

4 *(B) For fiscal year 2026, \$330,000.*

5 *(C) For fiscal year 2027, \$363,000.*

6 *(D) For fiscal year 2028, \$399,300.*

7 *(E) For fiscal year 2029, \$439,200.*

8 *(7) ANNUAL REPORT.—For each year, each re-*
9 *cipient of a grant under this subsection shall submit*
10 *to the Secretary a report describing how grant funds*
11 *allocated pursuant to this subsection were expended*
12 *during the 12-month period preceding the date of the*
13 *submission of the report.*

14 *(e) EVALUATIONS.—The Secretary is authorized to re-*
15 *serve not more than 10 percent of the funds appropriated*
16 *for a fiscal year to carry out this section, for the purposes*
17 *of conducting evaluations of the grant programs identified*
18 *in subsection (d) and to provide related technical assistance.*

19 *(f) REPORTING.—Not later than the expiration of the*
20 *36-month period following the date of enactment of this Act,*
21 *the Secretary shall prepare and submit to Congress a re-*
22 *port—*

23 *(1) on progress related to employee ownership in*
24 *businesses in the United States; and*

2297

1 (2) *containing an analysis of critical costs and*
2 *benefits of activities carried out under this section.*

3 (g) *AUTHORIZATIONS OF APPROPRIATIONS.—*

4 (1) *IN GENERAL.—There are authorized to be ap-*
5 *propriated for the purpose of making grants pursuant*
6 *to subsection (d) the following:*

7 (A) *For fiscal year 2025, \$4,000,000.*

8 (B) *For fiscal year 2026, \$7,000,000.*

9 (C) *For fiscal year 2027, \$10,000,000.*

10 (D) *For fiscal year 2028, \$13,000,000.*

11 (E) *For fiscal year 2029, \$16,000,000.*

12 (2) *ADMINISTRATIVE EXPENSES.—There are au-*
13 *thorized to be appropriated for the purpose of funding*
14 *the administrative expenses related to the Initiative—*

15 (A) *for fiscal year 2024, \$200,000, and*

16 (B) *for each of fiscal years 2025 through*
17 *2029, an amount not in excess of the lesser of—*

18 (i) *\$350,000; or*

19 (ii) *5.0 percent of the maximum*
20 *amount available under paragraph (1) for*
21 *that fiscal year.*

2298

1 **SEC. 347. REPORT BY THE SECRETARY OF LABOR ON THE**
2 **IMPACT OF INFLATION ON RETIREMENT SAV-**
3 **INGS.**

4 *The Secretary of Labor, in consultation with the Sec-*
5 *retary of the Treasury, shall—*

6 *(1) conduct a study on the impact of inflation*
7 *on retirement savings; and*

8 *(2) not later than 90 days after the date of en-*
9 *actment of this Act, submit to Congress a report on*
10 *the findings of the study.*

11 **SEC. 348. CASH BALANCE.**

12 *(a) AMENDMENT OF INTERNAL REVENUE CODE OF*
13 *1986.—Section 411(b) is amended by adding at the end the*
14 *following new paragraph:*

15 *“(6) PROJECTED INTEREST CREDITING RATE.—*
16 *For purposes of subparagraphs (A), (B), and (C) of*
17 *paragraph (1), in the case of an applicable defined*
18 *benefit plan (as defined in subsection (a)(13)(C))*
19 *which provides variable interest crediting rates, the*
20 *interest crediting rate which is treated as in effect*
21 *and as the projected interest crediting rate shall be a*
22 *reasonable projection of such variable interest cred-*
23 *iting rate, not to exceed 6 percent.”.*

24 *(b) AMENDMENT OF EMPLOYEE RETIREMENT INCOME*
25 *SECURITY ACT OF 1974.—Section 204(b) of the Employee*
26 *Retirement Income Security Act of 1974 (29 U.S.C.*

2299

1 1060(b)) is amended by adding at the end the following new
2 paragraph:

3 “(6) *PROJECTED INTEREST CREDITING RATE.*—

4 *For purposes of subparagraphs (A), (B), and (C) of*
5 *paragraph (1), in the case of an applicable defined*
6 *benefit plan (within the meaning of section 203(f)(3))*
7 *which provides variable interest crediting rates, the*
8 *interest crediting rate which is treated as in effect*
9 *and as the projected interest crediting rate shall be a*
10 *reasonable projection of such variable interest cred-*
11 *iting rate, not to exceed 6 percent.”.*

12 (c) *EFFECTIVE DATE.*—*The amendments made by this*
13 *section shall apply with respect to plan years beginning*
14 *after the date of enactment of this Act.*

15 **SEC. 349. TERMINATION OF VARIABLE RATE PREMIUM IN-**
16 **DEXING.**

17 (a) *IN GENERAL.*—*Paragraph (8) of 4006(a) of the*
18 *Employee Retirement Income Security Act of 1974 (29*
19 *U.S.C. 1306(a)) is amended by—*

20 (1) *in subparagraph (A)—*

21 (A) *in clause (vi), by striking “and”;*

22 (B) *in clause (vii), by striking the period at*
23 *the end and inserting “; and”; and*

24 (C) *by adding at the end the following:*

2300

1 “(viii) for plan years beginning after
2 calendar year 2023, \$52.”;

3 (2) in subparagraph (B), in the matter pre-
4 ceding clause (i), by inserting “and before 2024” after
5 “2012” ; and

6 (3) in subparagraph (D)(vii), by inserting “and
7 before 2024” after “2019”.

8 (b) *TECHNICAL AMENDMENT.*—Clause (i) of section
9 4006(a)(3)(E) of the Employee Retirement Income Security
10 Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by strik-
11 ing “subparagraph (H)” and inserting “subparagraph (I)”.

12 (c) *EFFECTIVE DATE.*—The amendments made by this
13 section shall take effect on the date of the enactment of this
14 Act.

15 **SEC. 350. SAFE HARBOR FOR CORRECTIONS OF EMPLOYEE**
16 **ELECTIVE DEFERRAL FAILURES.**

17 (a) *IN GENERAL.*—Section 414, as amended by the
18 preceding provisions of this Act, is further amended by add-
19 ing at the end the following new subsection:

20 “(cc) *CORRECTING AUTOMATIC CONTRIBUTION ER-*
21 *RORS.*—

22 “(1) *IN GENERAL.*—Any plan or arrangement
23 shall not fail to be treated as a plan described in sec-
24 tions 401(a), 403(b), 408, or 457(b), as applicable,
25 solely by reason of a corrected error.

2301

1 “(2) *CORRECTED ERROR DEFINED.*—For pur-
2 poses of this subsection, the term ‘corrected error’
3 means a reasonable administrative error—

4 “(A)(i) made in implementing an auto-
5 matic enrollment or automatic escalation feature
6 with respect to an eligible employee (or an af-
7 firmative election made by an eligible employee
8 covered by such feature), or

9 “(ii) made by failing to afford an eligible
10 employee the opportunity to make an affirmative
11 election because such employee was improperly
12 excluded from the plan], and

13 “(B) that is corrected prospectively by im-
14 plementing an automatic enrollment or auto-
15 matic escalation feature with respect to an eligi-
16 ble employee (or an affirmative election made by
17 an eligible employee) determined in accordance
18 with the terms of an eligible automatic contribu-
19 tion arrangement (as defined under subsection
20 (w)(3)), provided that—

21 “(i) such implementation error is cor-
22 rected not later than—

23 “(I) the date of the first payment
24 of compensation made by the employer
25 to the employee on or after the last day

2302

1 *of the 9½ month-period after the end*
2 *of the plan year during which such*
3 *error with respect to the employee first*
4 *occurred, or*

5 *“(II) if earlier in the case of an*
6 *employee who notifies the plan sponsor*
7 *of such error, the date of the first pay-*
8 *ment of compensation made by the em-*
9 *ployer to the employee on or after the*
10 *last day of the month following the*
11 *month in which such notification was*
12 *made,*

13 *“(ii) in the case of an employee who*
14 *would have been entitled to additional*
15 *matching contributions had any missed*
16 *elective deferral been made, the plan sponsor*
17 *makes a corrective allocation, not later than*
18 *the deadline specified by the Secretary in*
19 *regulations or other guidance prescribed*
20 *under paragraph (3), of matching contribu-*
21 *tions on behalf of the employee in an*
22 *amount equal to the additional matching*
23 *contributions to which the employee would*
24 *have been so entitled (adjusted to account*

2303

1 *for earnings had the missed elective deferr-*
2 *als been made).*

3 “(iii) *such implementation error is of*
4 *a type which is so corrected for all similarly*
5 *situated participants in a nondiscrim-*
6 *inatory manner,*

7 “(iv) *notice of such error is given to*
8 *the employee not later than 45 days after*
9 *the date on which correct deferrals begin,*
10 *and*

11 “(v) *the notice under clause (iv) satis-*
12 *fies such regulations or other guidance as*
13 *the Secretary prescribes under paragraph*
14 *(4).*

15 *Such correction may occur before or after the partici-*
16 *pant has terminated employment and may occur*
17 *without regard to whether the error is identified by*
18 *the Secretary.*

19 “(3) *NO OBLIGATION FOR EMPLOYER TO RE-*
20 *STORE MISSED ELECTIVE DEFERRALS.—If the re-*
21 *quirements of paragraph (2)(B) are satisfied, the em-*
22 *ployer will not be required to provide eligible employ-*
23 *ees with the missed amount of elective deferrals result-*
24 *ing from a reasonable administrative error described*

2304

1 *in paragraph (2)(A)(i) or (ii) through a qualified*
2 *nonelective contribution, or otherwise.*

3 “(4) *REGULATIONS AND GUIDANCE FOR FAVOR-*
4 *ABLE CORRECTION METHODS.—The Secretary shall by*
5 *regulations or other guidance of general applicability*
6 *prescribe—*

7 “(A) *the deadline for making a corrective*
8 *allocation of matching contributions required by*
9 *paragraph (2)(B)(ii),*

10 “(B) *the content of the notice required by*
11 *paragraph (2)(B)(iv),*

12 “(C) *the manner in which the amount of the*
13 *corrective allocation under paragraph (2)(B)(ii)*
14 *is determined,*

15 “(D) *the manner of adjustment to account*
16 *for earnings on matching contributions under*
17 *paragraph (2)(B)(ii), and*

18 “(E) *such other rules as are necessary to*
19 *carry out the purposes of the subsection.”.*

20 (b) *EFFECTIVE DATE.—The amendment made by this*
21 *section shall apply with respect to any errors with respect*
22 *to which the date referred to in section 414(cc) (as added*
23 *by this section) is after December 31, 2023. Prior to the*
24 *application of any regulations or other guidance prescribed*
25 *under paragraph (3) of section 414(cc) of the Internal Rev-*

2305

1 *enue Code of 1986 (as added by this section), taxpayers may*
2 *rely upon their reasonable good faith interpretations of the*
3 *provisions of such section.*

4 ***TITLE IV—TECHNICAL***
5 ***AMENDMENTS***

6 ***SEC. 401. AMENDMENTS RELATING TO SETTING EVERY***
7 ***COMMUNITY UP FOR RETIREMENT ENHANCE-***
8 ***MENT ACT OF 2019.***

9 *(a) TECHNICAL AMENDMENTS.—*

10 *(1) AMENDMENTS RELATING TO SECTION 103.—*
11 *Section 401(m)(12) is amended by striking “and” at*
12 *the end of subparagraph (A), by redesignating sub-*
13 *paragraph (B) as subparagraph (C), and by inserting*
14 *after subparagraph (A) (as so amended) the following*
15 *new subparagraph:*

16 *“(B) meets the notice requirements of sub-*
17 *section (k)(13)(E), and”.*

18 *(2) AMENDMENTS RELATING TO SECTION 112.—*

19 *(A) Section 401(k)(15)(B)(i)(II) is amended*
20 *by striking “subsection (m)(2)” and inserting*
21 *“paragraphs (2), (11), and (12) of subsection*
22 *(m)”.*

23 *(B) Section 401(k)(15)(B)(iii) is amended*
24 *by striking “under the arrangement” and insert-*
25 *ing “under the plan”.*

2306

1 (C) Section 401(k)(15)(B)(iv) is amended
2 by striking “section 410(a)(1)(A)(ii)” and insert-
3 ing “paragraph (2)(D)”.

4 (3) AMENDMENT RELATING TO SECTION 116.—
5 Section 4973(b) is amended by adding at the end of
6 the flush matter the following: “Such term shall not
7 include any designated nondeductible contribution (as
8 defined in subparagraph (C) of section 408(o)(2))
9 which does not exceed the nondeductible limit under
10 subparagraph (B) thereof by reason of an election
11 under section 408(o)(5).”.

12 (b) CLERICAL AMENDMENTS.—

13 (1) Section 72(t)(2)(H)(vi)(IV) is amended by
14 striking “403(b)(7)(A)(ii)” and inserting “
15 403(b)(7)(A)(i)”.

16 (2) Section 401(k)(12)(G) is amended by striking
17 “the requirements under subparagraph (A)(i)” and
18 inserting “the contribution requirements under sub-
19 paragraph (B) or (C)”.

20 (3) Section 401(k)(13)(D)(iv) is amended by
21 striking “and (F)” and inserting “and (G)”.

22 (4) Section 408(o)(5)(A) is amended by striking
23 “subsection (b)” and inserting “section 219(b)”.

24 (5) Section 408A(c)(2)(A) is amended by strik-
25 ing “(d)(1) or”.

2307

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect as if included in the section of the*
3 *Setting Every Community Up for Retirement Enhancement*
4 *Act of 2019 to which the amendment relates.*

5 ***TITLE V—ADMINISTRATIVE***
6 ***PROVISIONS***

7 ***SEC. 501. PROVISIONS RELATING TO PLAN AMENDMENTS.***

8 (a) *IN GENERAL.*—*If this section applies to any retire-*
9 *ment plan or contract amendment—*

10 (1) *such retirement plan or contract shall be*
11 *treated as being operated in accordance with the*
12 *terms of the plan during the period described in sub-*
13 *section (b)(2)(A); and*

14 (2) *except as provided by the Secretary of the*
15 *Treasury (or the Secretary’s delegate), such retirement*
16 *plan shall not fail to meet the requirements of section*
17 *411(d)(6) of the Internal Revenue Code of 1986 and*
18 *section 204(g) of the Employee Retirement Income Se-*
19 *curity Act of 1974 by reason of such amendment.*

20 (b) *AMENDMENTS TO WHICH SECTION APPLIES.*—

21 (1) *IN GENERAL.*—*This section shall apply to*
22 *any amendment to any retirement plan or annuity*
23 *contract which is made—*

24 (A) *pursuant to any amendment made by*
25 *this Act or pursuant to any regulation issued by*

2308

1 *the Secretary of the Treasury or the Secretary of*
2 *Labor (or a delegate of either such Secretary)*
3 *under this Act; and*

4 *(B) on or before the last day of the first*
5 *plan year beginning on or after January 1,*
6 *2025, or such later date as the Secretary of the*
7 *Treasury may prescribe.*

8 *In the case of a governmental plan (as defined in sec-*
9 *tion 414(d) of the Internal Revenue Code of 1986), or*
10 *an applicable collectively bargained plan, this para-*
11 *graph shall be applied by substituting “2027” for*
12 *“2025”. For purposes of the preceding sentence, the*
13 *term “applicable collectively bargained plan” means*
14 *a plan maintained pursuant to 1 or more collective*
15 *bargaining agreements between employee representa-*
16 *tives and 1 or more employers ratified before the date*
17 *of enactment of this Act.*

18 *(2) CONDITIONS.—This section shall not apply to*
19 *any amendment unless—*

20 *(A) during the period—*

21 *(i) beginning on the date the legislative*
22 *or regulatory amendment described in para-*
23 *graph (1)(A) takes effect (or in the case of*
24 *a plan or contract amendment not required*
25 *by such legislative or regulatory amend-*

2309

1 *ment, the effective date specified by the*
2 *plan); and*

3 *(ii) ending on the date described in*
4 *paragraph (1)(B) (as modified by the sec-*
5 *ond sentence of paragraph (1)) (or, if ear-*
6 *lier, the date the plan or contract amend-*
7 *ment is adopted),*

8 *the plan or contract is operated as if such plan*
9 *or contract amendment were in effect; and*

10 *(B) such plan or contract amendment ap-*
11 *plies retroactively for such period.*

12 *(c) COORDINATION WITH OTHER PROVISIONS RELAT-*
13 *ING TO PLAN AMENDMENTS.—*

14 *(1) SECURE ACT.—Section 601(b)(1) of the Set-*
15 *ting Every Community Up for Retirement Enhance-*
16 *ment Act of 2019 is amended—*

17 *(A) by striking “January 1, 2022” in sub-*
18 *paragraph (B) and inserting “January 1,*
19 *2025”, and*

20 *(B) by striking “substituting ‘2024’ for*
21 *‘2022’.” in the flush matter at the end and in-*
22 *serting “substituting ‘2027’ for ‘2025’.”.*

23 *(2) CARES ACT.—*

24 *(A) SPECIAL RULES FOR USE OF RETIRE-*
25 *MENT FUNDS.—Section 2202(c)(2)(A) of the*

2310

1 *CARES Act is amended by striking “January 1,*
2 *2022” in clause (ii) and inserting “January 1,*
3 *2025”.*

4 *(B) TEMPORARY WAIVER OF REQUIRED MIN-*
5 *IMUM DISTRIBUTIONS RULES FOR CERTAIN RE-*
6 *TIREMENT PLANS AND ACCOUNTS.—Section*
7 *2203(c)(2)(B)(i) of the CARES Act is amend-*
8 *ed—*

9 *(i) by striking “January 1, 2022” in*
10 *subclause (II) and inserting “January 1,*
11 *2025”, and*

12 *(ii) by striking “substituting ‘2024’ for*
13 *‘2022’.” in the flush matter at the end and*
14 *inserting “substituting ‘2027’ for ‘2025’.”.*

15 *(C) TAXPAYER CERTAINTY AND DISASTER*
16 *TAX RELIEF ACT OF 2020.—Section 302(d)(2)(A)*
17 *of the Taxpayer Certainty and Disaster Tax Re-*
18 *lief Act of 2020 is amended by striking “Janu-*
19 *ary 1, 2022” in clause (ii) and inserting “Janu-*
20 *ary 1, 2025”.*

21 ***TITLE VI—REVENUE***
22 ***PROVISIONS***

23 ***SEC. 601. SIMPLE AND SEP ROTH IRAS.***

24 *(a) IN GENERAL.—Section 408A is amended by strik-*
25 *ing subsection (f).*

2311

1 ***(b) RULES RELATING TO SIMPLIFIED EMPLOYEE PEN-***
2 ***SIONS.—***

3 ***(1) CONTRIBUTIONS.—***Section 402(h)(1) is
4 *amended by striking “and” at the end of subpara-*
5 *graph (A), by striking the period at the end of sub-*
6 *paragraph (B) and inserting “, and”, and by adding*
7 *at the end the following new subparagraph:*

8 *“(C) in the case of any contributions pursu-*
9 *ant to a simplified employer pension which are*
10 *made to an individual retirement plan des-*
11 *ignated as a Roth IRA, such contribution shall*
12 *not be excludable from gross income.”.*

13 ***(2) DISTRIBUTIONS.—***Section 402(h)(3) is
14 *amended by inserting “(or section 408A(d) in the case*
15 *of an individual retirement plan designated as a*
16 *Roth IRA)” before the period at the end.*

17 ***(3) ELECTION REQUIRED.—***Section 408(k) is
18 *amended by redesignating paragraphs (7), (8), and*
19 *(9) as paragraphs (8), (9), and (10), respectively, and*
20 *by inserting after paragraph (6) the following new*
21 *paragraph:*

22 ***“(7) ROTH CONTRIBUTION ELECTION.—****An indi-*
23 *vidual retirement plan which is designated as a Roth*
24 *IRA shall not be treated as a simplified employee*
25 *pension under this subsection unless the employee*

2312

1 *elects for such plan to be so treated (at such time and*
2 *in such manner as the Secretary may provide).’.*

3 *(c) RULES RELATING TO SIMPLE RETIREMENT AC-*
4 *COUNTS.—*

5 *(1) ELECTION REQUIRED.—Section 408(p), as*
6 *amended by the preceding provisions of this Act, is*
7 *further amended by adding at the end the following*
8 *new paragraph:*

9 *“(12) ROTH CONTRIBUTION ELECTION.—An in-*
10 *dividual retirement plan which is designated as a*
11 *Roth IRA shall not be treated as a simple retirement*
12 *account under this subsection unless the employee*
13 *elects for such plan to be so treated (at such time and*
14 *in such manner as the Secretary may provide).’.*

15 *(2) ROLLOVERS.—Section 408A(e) is amended*
16 *by adding at the end the following new paragraph:*

17 *“(3) SIMPLE RETIREMENT ACCOUNTS.—In the*
18 *case of any payment or distribution out of a simple*
19 *retirement account (as defined in section 408(p)) with*
20 *respect to which an election has been made under sec-*
21 *tion 408(p)(12) and to which 72(t)(6) applies, the*
22 *term ‘qualified rollover contribution’ shall not include*
23 *any payment or distribution paid into an account*
24 *other than another simple retirement account (as so*
25 *defined).’.*

2313

1 (d) *CONFORMING AMENDMENT.—Section*
2 408A(d)(2)(B) *is amended by inserting “, or employer in*
3 *the case of a simple retirement account (as defined in sec-*
4 *tion 408(p)) or simplified employee pension (as defined in*
5 *section 408(k)),” after “individual’s spouse”.*

6 (e) *EFFECTIVE DATE.—The amendments made by this*
7 *section shall apply to taxable years beginning after Decem-*
8 *ber 31, 2022.*

9 **SEC. 602. HARDSHIP WITHDRAWAL RULES FOR 403(b)**
10 **PLANS.**

11 (a) *IN GENERAL.—Section 403(b), as amended by the*
12 *preceding provisions of this Act, is amended by adding at*
13 *the end the following new paragraph:*

14 “(17) *SPECIAL RULES RELATING TO HARDSHIP*
15 *WITHDRAWALS.—For purposes of paragraphs (7) and*
16 *(11)—*

17 “(A) *AMOUNTS WHICH MAY BE WITH-*
18 *DRAWN.—The following amounts may be distrib-*
19 *uted upon hardship of the employee:*

20 “(i) *Contributions made pursuant to a*
21 *salary reduction agreement (within the*
22 *meaning of section 3121(a)(5)(D)).*

23 “(ii) *Qualified nonelective contribu-*
24 *tions (as defined in section 401(m)(4)(C)).*

2314

1 “(iii) *Qualified matching contributions*
2 *described in section 401(k)(3)(D)(ii)(I).*

3 “(iv) *Earnings on any contributions*
4 *described in clause (i), (ii), or (iii).*

5 “(B) *NO REQUIREMENT TO TAKE AVAIL-*
6 *ABLE LOAN.—A distribution shall not be treated*
7 *as failing to be made upon the hardship of an*
8 *employee solely because the employee does not*
9 *take any available loan under the plan.”.*

10 (b) *CONFORMING AMENDMENTS.—*

11 (1) *Section 403(b)(7)(A)(i)(V) is amended by*
12 *striking “in the case of contributions made pursuant*
13 *to a salary reduction agreement (within the meaning*
14 *of section 3121(a)(5)(D))” and inserting “subject to*
15 *the provisions of paragraph (17)”.*

16 (2) *Paragraph (11) of section 403(b), as amend-*
17 *ed by this Act, is further amended—*

18 (A) *by striking “in” in subparagraph (B)*
19 *and inserting “subject to the provisions of para-*
20 *graph (17), in”, and*

21 (B) *by striking the second sentence.*

22 (c) *EFFECTIVE DATE.—The amendments made by this*
23 *section shall apply to plan years beginning after December*
24 *31, 2023.*

2315

1 **SEC. 603. ELECTIVE DEFERRALS GENERALLY LIMITED TO**
2 **REGULAR CONTRIBUTION LIMIT.**

3 (a) *APPLICABLE EMPLOYER PLANS.—Section 414(v)*
4 *is amended by adding at the end the following new para-*
5 *graph:*

6 “(7) *CERTAIN DEFERRALS MUST BE ROTH CON-*
7 *TRIBUTIONS.—*

8 “(A) *IN GENERAL.—Except as provided in*
9 *subparagraph (C), in the case of an eligible par-*
10 *ticipant whose wages (as defined in section*
11 *3121(a)) for the preceding calendar year from*
12 *the employer sponsoring the plan exceed*
13 *\$145,000, paragraph (1) shall apply only if any*
14 *additional elective deferrals are designated Roth*
15 *contributions (as defined in section 402A(c)(1))*
16 *made pursuant to an employee election.*

17 “(B) *ROTH OPTION.—In the case of an ap-*
18 *plicable employer plan with respect to which*
19 *subparagraph (A) applies to any participant for*
20 *a plan year, paragraph (1) shall not apply to*
21 *the plan unless the plan provides that any eligi-*
22 *ble participant may make the participant’s ad-*
23 *ditional elective deferrals as designated Roth*
24 *contributions.*

2316

1 “(C) *EXCEPTION.*—Subparagraph (A) shall
2 *not apply in the case of an applicable employer*
3 *plan described in paragraph (6)(A)(iv).*

4 “(D) *ELECTION TO CHANGE DEFERRALS.*—
5 *The Secretary may provide by regulations that*
6 *an eligible participant may elect to change the*
7 *participant’s election to make additional elective*
8 *deferrals if the participant’s compensation is de-*
9 *termined to exceed the limitation under subpara-*
10 *graph (A) after the election is made.*

11 “(E) *COST OF LIVING ADJUSTMENT.*—*In the*
12 *case of a year beginning after December 31,*
13 *2024, the Secretary shall adjust annually the*
14 *\$145,000 amount in subparagraph (A) for in-*
15 *creases in the cost-of-living at the same time and*
16 *in the same manner as adjustments under*
17 *415(d); except that the base period taken into ac-*
18 *count shall be the calendar quarter beginning*
19 *July 1, 2023, and any increase under this sub-*
20 *paragraph which is not a multiple of \$5,000*
21 *shall be rounded to the next lower multiple of*
22 *\$5,000.”.*

23 (b) *CONFORMING AMENDMENTS.*—

24 (1) *Section 402(g)(1) is amended by striking*
25 *subparagraph (C).*

2317

1 (2) *Section 457(e)(18)(A)(ii) is amended by in-*
2 *serting “the lesser of any designated Roth contribu-*
3 *tions made by the participant to the plan or” before*
4 *“the applicable dollar amount”.*

5 (c) *EFFECTIVE DATE.—The amendments made by this*
6 *section shall apply to taxable years beginning after Decem-*
7 *ber 31, 2023.*

8 **SEC. 604. OPTIONAL TREATMENT OF EMPLOYER MATCHING**
9 **OR NONELECTIVE CONTRIBUTIONS AS ROTH**
10 **CONTRIBUTIONS.**

11 (a) *IN GENERAL.—Section 402A(a) is amended by re-*
12 *designating paragraph (2) as paragraph (4), by striking*
13 *“and” at the end of paragraph (1), and by inserting after*
14 *paragraph (1) the following new paragraphs:*

15 “(2) *any designated Roth contribution which*
16 *pursuant to the program is made by the employer on*
17 *the employee’s behalf on account of the employee’s*
18 *contribution, elective deferral, or (subject to the re-*
19 *quirements of section 401(m)(13)) qualified student*
20 *loan payment shall be treated as a matching con-*
21 *tribution for purposes of this chapter, except that such*
22 *contribution shall not be excludable from gross in-*
23 *come,*

24 “(3) *any designated Roth contribution which*
25 *pursuant to the program is made by the employer on*

2318

1 *the employee’s behalf and which is a nonelective con-*
2 *tribution shall be nonforfeitable and shall not be ex-*
3 *cludable from gross income, and”.*

4 ***(b) MATCHING INCLUDED IN QUALIFIED ROTH CON-***
5 ***TRIBUTION PROGRAM.—Section 402A(b)(1) is amended—***

6 *(1) by inserting “, or to have made on the em-*
7 *ployee’s behalf,” after “elect to make”, and*

8 *(2) by inserting “, or of matching contributions*
9 *or nonelective contributions which may otherwise be*
10 *made on the employee’s behalf,” after “otherwise eligi-*
11 *ble to make”.*

12 ***(c) DESIGNATED ROTH MATCHING CONTRIBUTIONS.—***
13 *Section 402A(c)(1) is amended by inserting “, matching*
14 *contribution, or nonelective contribution” after “elective de-*
15 *ferral”.*

16 ***(d) MATCHING CONTRIBUTION DEFINED.—Section***
17 ***402A(f), as redesignated by this Act, is amended by adding***
18 ***at the end the following:***

19 ***“(3) MATCHING CONTRIBUTION.—The term***
20 ***‘matching contribution’ means—***

21 ***“(A) any matching contribution described***
22 ***in section 401(m)(4)(A), and***

23 ***“(B) any contribution to an eligible de-***
24 ***ferred compensation plan (as defined in section***
25 ***457(b)) by an eligible employer described in sec-***

2319

1 *tion 457(e)(1)(A) on behalf of an employee and*
2 *on account of such employee's elective deferral*
3 *under such plan,*
4 *but only if such contribution is nonforfeitable at the*
5 *time received.”.*

6 *(e) EFFECTIVE DATE.—The amendments made by this*
7 *section shall apply to contributions made after the date of*
8 *the enactment of this Act.*

9 **SEC. 605. CHARITABLE CONSERVATION EASEMENTS.**

10 *(a) LIMITATION ON DEDUCTION.—*

11 *(1) IN GENERAL.—Section 170(h) is amended by*
12 *adding at the end the following new paragraph:*

13 *“(7) LIMITATION ON DEDUCTION FOR QUALIFIED*
14 *CONSERVATION CONTRIBUTIONS MADE BY PASS-*
15 *THROUGH ENTITIES.—*

16 *“(A) IN GENERAL.—A contribution by a*
17 *partnership (whether directly or as a distributive*
18 *share of a contribution of another partnership)*
19 *shall not be treated as a qualified conservation*
20 *contribution for purposes of this section if the*
21 *amount of such contribution exceeds 2.5 times*
22 *the sum of each partner's relevant basis in such*
23 *partnership.*

24 *“(B) RELEVANT BASIS.—For purposes of*
25 *this paragraph—*

2320

1 “(i) *IN GENERAL.*—*The term ‘relevant*
2 *basis’ means, with respect to any partner,*
3 *the portion of such partner’s modified basis*
4 *in the partnership which is allocable (under*
5 *rules similar to the rules of section 755) to*
6 *the portion of the real property with respect*
7 *to which the contribution described in sub-*
8 *paragraph (A) is made.*

9 “(ii) *MODIFIED BASIS.*—*The term*
10 *‘modified basis’ means, with respect to any*
11 *partner, such partner’s adjusted basis in the*
12 *partnership as determined—*

13 “(I) *immediately before the con-*
14 *tribution described in subparagraph*
15 *(A),*

16 “(II) *without regard to section*
17 *752, and*

18 “(III) *by the partnership after*
19 *taking into account the adjustments*
20 *described in subclauses (I) and (II)*
21 *and such other adjustments as the Sec-*
22 *retary may provide.*

23 “(C) *EXCEPTION FOR CONTRIBUTIONS OUT-*
24 *SIDE 3-YEAR HOLDING PERIOD.*—*Subparagraph*

2321

1 (A) shall not apply to any contribution which is
2 made at least 3 years after the latest of—

3 “(i) the last date on which the partner-
4 ship that made such contribution acquired
5 any portion of the real property with re-
6 spect to which such contribution is made,

7 “(ii) the last date on which any part-
8 ner in the partnership that made such con-
9 tribution acquired any interest in such
10 partnership, and

11 “(iii) if the interest in the partnership
12 that made such contribution is held through
13 1 or more partnerships—

14 “(I) the last date on which any
15 such partnership acquired any interest
16 in any other such partnership, and

17 “(II) the last date on which any
18 partner in any such partnership ac-
19 quired any interest in such partner-
20 ship.

21 “(D) EXCEPTION FOR FAMILY PARTNER-
22 SHIPS.—

23 “(i) IN GENERAL.—Subparagraph (A)
24 shall not apply with respect to any con-
25 tribution made by any partnership if sub-

2322

1 *stantially all of the partnership interests in*
2 *such partnership are held, directly or indi-*
3 *rectly, by an individual and members of the*
4 *family of such individual.*

5 “(ii) *MEMBERS OF THE FAMILY.—For*
6 *purposes of this subparagraph, the term*
7 *‘members of the family’ means, with respect*
8 *to any individual—*

9 *“(I) the spouse of such individual,*
10 *and*

11 *“(II) any individual who bears a*
12 *relationship to such individual which*
13 *is described in subparagraphs (A)*
14 *through (G) of section 152(d)(2).*

15 “(E) *EXCEPTION FOR CONTRIBUTIONS TO*
16 *PRESERVE CERTIFIED HISTORIC STRUCTURES.—*
17 *Subparagraph (A) shall not apply to any quali-*
18 *fied conservation contribution the conservation*
19 *purpose of which is the preservation of any*
20 *building which is a certified historic structure*
21 *(as defined in paragraph (4)(C)).*

22 “(F) *APPLICATION TO OTHER PASS-*
23 *THROUGH ENTITIES.—Except as may be other-*
24 *wise provided by the Secretary, the rules of this*
25 *paragraph shall apply to S corporations and*

2323

1 *other pass-through entities in the same manner*
2 *as such rules apply to partnerships.*

3 “(G) *REGULATIONS.*—*The Secretary shall*
4 *prescribe such regulations or other guidance as*
5 *may be necessary or appropriate to carry out the*
6 *purposes of this paragraph, including regula-*
7 *tions or other guidance—*

8 “(i) *to require reporting, including re-*
9 *porting related to tiered partnerships and*
10 *the modified basis of partners, and*

11 “(ii) *to prevent the avoidance of the*
12 *purposes of this paragraph.”.*

13 (2) *APPLICATION OF ACCURACY-RELATED PEN-*
14 *ALTIES.*—

15 (A) *IN GENERAL.*—*Section 6662(b) is*
16 *amended by inserting after paragraph (9) the*
17 *following new paragraph:*

18 “(10) *Any disallowance of a deduction by reason*
19 *of section 170(h)(7).”.*

20 (B) *TREATMENT AS GROSS VALUATION*
21 *MISSTATEMENT.*—*Section 6662(h)(2) is amended*
22 *by striking “and” at the end of subparagraph*
23 *(B), by striking the period at the end of subpara-*
24 *graph (C) and inserting “, and”, and by adding*
25 *at the end the following new subparagraph:*

2324

1 “(D) any disallowance of a deduction de-
2 scribed in subsection (b)(10).”.

3 (C) NO REASONABLE CAUSE EXCEPTION.—
4 Section 6664(c)(2) is amended by inserting “or
5 to any disallowance of a deduction described in
6 section 6662(b)(10)” before the period at the end.

7 (D) APPROVAL OF ASSESSMENT NOT RE-
8 QUIRED.—Section 6751(b)(2)(A) is amended by
9 striking “subsection (b)(9)” and inserting “para-
10 graph (9) or (10) of subsection (b)”.

11 (3) EXTENSION OF STATUTE OF LIMITATIONS
12 FOR LISTED TRANSACTIONS.—Any contribution with
13 respect to which any deduction was disallowed by
14 reason of section 170(h)(7) of the Internal Revenue
15 Code of 1986 (as added by this subsection) shall be
16 treated for purposes of sections 6501(c)(10) and
17 6235(c)(6) of such Code as a transaction specifically
18 identified by the Secretary as a tax avoidance trans-
19 action for purposes of section 6011 of such Code.

20 (b) REPORTING REQUIREMENTS.—Section 170(f) is
21 amended by adding at the end the following new paragraph:

22 “(19) CERTAIN QUALIFIED CONSERVATION CON-
23 TRIBUTIONS.—

24 “(A) IN GENERAL.—In the case of a quali-
25 fied conservation contribution to which this

2325

1 *paragraph applies, no deduction shall be allowed*
2 *under subsection (a) for such contribution unless*
3 *the partnership making such contribution—*

4 “(i) *includes on its return for the tax-*
5 *able year in which the contribution is made*
6 *a statement that the partnership made such*
7 *a contribution, and*

8 “(ii) *provides such information about*
9 *the contribution as the Secretary may re-*
10 *quire.*

11 “(B) *CONTRIBUTIONS TO WHICH THIS*
12 *PARAGRAPH APPLIES.—This paragraph shall*
13 *apply to any qualified conservation contribu-*
14 *tion—*

15 “(i) *the conservation purpose of which*
16 *is the preservation of any building which is*
17 *a certified historic structure (as defined in*
18 *subsection (h)(4)(C)),*

19 “(ii) *which is made by a partnership*
20 *(whether directly or as a distributive share*
21 *of a contribution of another partnership),*
22 *and*

23 “(iii) *the amount of which exceeds 2.5*
24 *times the sum of each partner’s relevant*

2326

1 *basis (as defined in subsection (h)(7)) in the*
2 *partnership making the contribution.*

3 “(C) *APPLICATION TO OTHER PASS-*
4 *THROUGH ENTITIES.—Except as may be other-*
5 *wise provided by the Secretary, the rules of this*
6 *paragraph shall apply to S corporations and*
7 *other pass-through entities in the same manner*
8 *as such rules apply to partnerships.”.*

9 (c) *EFFECTIVE DATE.—*

10 (1) *IN GENERAL.—The amendments made by*
11 *this section shall apply to contributions made after*
12 *the date of the enactment of this Act.*

13 (2) *NO INFERENCE.—No inference is intended as*
14 *to the appropriate treatment of contributions made in*
15 *taxable years ending on or before the date specified in*
16 *paragraph (1), or as to any contribution for which a*
17 *deduction is not disallowed by reason of section*
18 *170(h)(7) of the Internal Revenue Code of 1986, as*
19 *added by this section.*

20 (d) *SAFE HARBORS AND OPPORTUNITY FOR DONOR TO*
21 *CORRECT CERTAIN DEED ERRORS.—*

22 (1) *IN GENERAL.—The Secretary of the Treasury*
23 *(or such Secretary’s delegate) shall, within 120 days*
24 *after the date of the enactment of this Act, publish*

2327

1 *safe harbor deed language for extinguishment clauses*
2 *and boundary line adjustments.*

3 (2) *OPPORTUNITY TO CORRECT.*—

4 (A) *IN GENERAL.*—*During the 90-day pe-*
5 *riod beginning on the date of publication of the*
6 *safe harbor deed language under paragraph (1),*
7 *a donor may amend an easement deed to sub-*
8 *stitute the safe harbor language for the cor-*
9 *responding language in the original deed if—*

10 (i) *the amended deed is signed by the*
11 *donor and donee and recorded within such*
12 *90-day period, and*

13 (ii) *such amendment is treated as effec-*
14 *tive as of the date of the recording of the*
15 *original easement deed.*

16 (B) *EXCEPTIONS.*—*Subparagraph (A) shall*
17 *not apply to an easement deed relating to any*
18 *contribution—*

19 (i) *which—*

20 (I) *is part of a reportable trans-*
21 *action (as defined in section*
22 *6707A(c)(1) of the Internal Revenue*
23 *Code of 1986), or*

24 (II) *is described in Internal Rev-*
25 *enue Service Notice 2017–10,*

2328

1 (ii) which by reason of section
2 170(h)(7) of such Code, as added by this
3 section, is not treated as a qualified con-
4 servation contribution,

5 (iii) if a deduction for such contribu-
6 tion under section 170 of such Code has
7 been disallowed by the Secretary of the
8 Treasury (or such Secretary's delegate), and
9 the donor is contesting such disallowance in
10 a case which is docketed in a Federal court
11 on a date before the date the amended deed
12 is recorded by the donor, or

13 (iv) if a claimed deduction for such
14 contribution under section 170 of such Code
15 resulted in an underpayment to which a
16 penalty under section 6662 or 6663 of such
17 Code applies and—

18 (I) such penalty has been finally
19 determined administratively, or

20 (II) if such penalty is challenged
21 in court, the judicial proceeding with
22 respect to such penalty has been con-
23 cluded by a decision or judgment
24 which has become final.

2329

1 **SEC. 606. ENHANCING RETIREE HEALTH BENEFITS IN PEN-**
2 **SION PLANS.**

3 (a) *AMENDMENTS TO INTERNAL REVENUE CODE OF*
4 *1986.—*

5 (1) *EXTENSION OF TRANSFERS OF EXCESS PEN-*
6 *SION ASSETS TO RETIREE HEALTH ACCOUNTS.—Para-*
7 *graph (4) of section 420(b) is amended by striking*
8 *“December 31, 2025” and inserting “December 31,*
9 *2032”.*

10 (2) *DE MINIMIS TRANSFER RULE.—*

11 (A) *IN GENERAL.—Subsection (e) of section*
12 *420 is amended by adding at the end the fol-*
13 *lowing new paragraph:*

14 “(7) *SPECIAL RULE FOR DE MINIMIS TRANS-*
15 *FERS.—*

16 “(A) *IN GENERAL.—In the case of a trans-*
17 *fer of an amount which is not more than 1.75*
18 *percent of the amount determined under para-*
19 *graph (2)(A) by a plan which meets the require-*
20 *ments of subparagraph (B), paragraph (2)(B)*
21 *shall be applied by substituting ‘110 percent’ for*
22 *‘125 percent’.*

23 “(B) *TWO-YEAR LOOKBACK REQUIRE-*
24 *MENT.—A plan is described in this subpara-*
25 *graph if, as of any valuation date in each of the*
26 *2 plan years immediately preceding the plan*

2330

1 *year in which the transfer occurs, the amount*
2 *determined under paragraph (2)(A) exceeded 110*
3 *percent of the sum of the funding target and the*
4 *target normal cost determined under section 430*
5 *for each such plan year.”.*

6 *(B) COST MAINTENANCE PERIOD.—Sub-*
7 *paragraph (D) of section 420(c)(3) is amended*
8 *by striking “5 taxable years” and inserting “5*
9 *taxable years (7 taxable years in the case of a*
10 *transfer to which subsection (e)(7) applies)”.*

11 *(C) CONFORMING AMENDMENTS.—*

12 *(i) EXCESS PENSION ASSETS.—Clause*
13 *(i) of section 420(f)(2)(B) is amended—*

14 *(I) by striking “IN GENERAL.—*
15 *In” and inserting “IN GENERAL.—*

16 *“(I) DETERMINATION.—In”,*

17 *(II) by striking “subsection*
18 *(e)(2)” and inserting “subsection*
19 *(e)(2)(B)”, and*

20 *(III) by adding at the end the fol-*
21 *lowing new subclause:*

22 *“(II) SPECIAL RULE FOR COLLEC-*
23 *TIVELY BARGAINED TRANSFERS.—In*
24 *determining excess pension assets for*
25 *purposes of a collectively bargained*

† HR 2617 EAS2

2331

1 *transfer, subsection (e)(7) shall not*
2 *apply.”.*

3 (ii) *MINIMUM COST.*—*Subclause (I) of*
4 *section 420(f)(2)(D)(i) is amended by strik-*
5 *ing “4th year” and inserting “4th year (the*
6 *6th year in the case of a transfer to which*
7 *subsection (e)(7) applies)”.*

8 (b) *EXTENSION OF TRANSFERS OF EXCESS PENSION*
9 *ASSETS TO RETIREE HEALTH ACCOUNTS UNDER EM-*
10 *PLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.*—

11 (1) *DEFINITIONS.*—*Section 101(e)(3) of the Em-*
12 *ployee Retirement Income Security Act of 1974 (29*
13 *U.S.C. 1021(e)(3)) is amended by striking “(as in ef-*
14 *fect on the date of the enactment of the Surface*
15 *Transportation and Veterans Health Care Choice Im-*
16 *provement Act of 2015)” and inserting “(as in effect*
17 *on the date of enactment of the SECURE 2.0 Act of*
18 *2022)”.*

19 (2) *USE OF ASSETS.*—*Section 403(c)(1) of the*
20 *Employee Retirement Income Security Act of 1974*
21 *(29 U.S.C. 1103(c)(1)) is amended by striking “(as in*
22 *effect on the date of the enactment of the Surface*
23 *Transportation and Veterans Health Care Choice Im-*
24 *provement Act of 2015)” and inserting “(as in effect*

2332

1 on the date of enactment of the *SECURE 2.0 Act of*
2 2022)”.
3

4 (3) *EXEMPTION.*—Section 408(b)(13) of the *Em-*
5 *ployee Retirement Income Security Act of 1974 (29*
6 *U.S.C. 1108(b)(13)) is amended—*

7 (A) by striking “January 1, 2026” and in-
8 serting “January 1, 2033”; and

9 (B) by striking “(as in effect on the date of
10 the enactment of the *Surface Transportation and*
11 *Veterans Health Care Choice Improvement Act of*
12 2015)” and inserting “(as in effect on the date
13 of enactment of the *SECURE 2.0 Act of 2022)*”.

14 (c) *EFFECTIVE DATE.*—The amendments made by this
15 section shall apply to transfers made after the date of the
16 enactment of this Act.

16 **TITLE VII—TAX COURT** 17 **RETIREMENT PROVISIONS**

18 **SEC. 701. PROVISIONS RELATING TO JUDGES OF THE TAX** 19 **COURT.**

20 (a) *THRIFT SAVINGS PLAN CONTRIBUTIONS FOR*
21 *JUDGES IN THE FEDERAL EMPLOYEES RETIREMENT SYS-*
22 *TEM.*—

23 (1) *IN GENERAL.*—Subsection (j)(3)(B) of section
24 7447 is amended to read as follows:

2333

1 “(B) *CONTRIBUTIONS FOR BENEFIT OF*
2 *JUDGE.—No contributions under section 8432(c)*
3 *of title 5, United States Code, shall be made for*
4 *the benefit of a judge who has filed an election*
5 *to receive retired pay under subsection (e).”.*

6 (2) *OFFSET.—Paragraph (3) of section 7447(j)*
7 *is amended by adding at the end the following new*
8 *subparagraph:*

9 “(F) *OFFSET.—In the case of a judge who*
10 *receives a distribution from the Thrift Savings*
11 *Plan and who later receives retired pay under*
12 *subsection (d), the retired pay shall be offset by*
13 *an amount equal to the amount of the distribu-*
14 *tion which represents the Government’s contribu-*
15 *tion to the individual’s Thrift Savings Account*
16 *during years of service as a full-time judicial of-*
17 *ficer under the Federal Employees Retirement*
18 *System, without regard to earnings attributable*
19 *to such amount. Where such an offset would ex-*
20 *ceed 50 percent of the retired pay to be received*
21 *in the first year, the offset may be divided equal-*
22 *ly over the first 2 years in which the individual*
23 *receives the annuity.”.*

24 (3) *EFFECTIVE DATE.—The amendments made*
25 *by this subsection shall apply to basic pay earned*

2334

1 *while serving as a judge of the United States Tax*
2 *Court on or after the date of the enactment of this*
3 *Act.*

4 ***(b) CHANGE IN VESTING PERIOD FOR SURVIVOR AN-***
5 ***NUITIES AND WAIVER OF VESTING PERIOD IN THE EVENT***
6 ***OF ASSASSINATION.—***

7 ***(1) ELIGIBILITY IN CASE OF DEATH.—Subsection***
8 ***(h) of section 7448 is amended to read as follows:***

9 ***“(h) ENTITLEMENT TO ANNUITY.—***

10 ***“(1) IN GENERAL.—***

11 ***“(A) ANNUITY TO SURVIVING SPOUSE.—If a***
12 *judge or special trial judge described in para-*
13 *graph (2) is survived by a surviving spouse but*
14 *not by a dependent child, there shall be paid to*
15 *such surviving spouse an annuity beginning*
16 *with the day of the death of the judge or special*
17 *trial judge or following the surviving spouse’s at-*
18 *tainment of age 50, whichever is the later, in an*
19 *amount computed as provided in subsection (m).*

20 ***“(B) ANNUITY TO SURVIVING SPOUSE AND***
21 ***CHILD.—If a judge or special trial judge de-***
22 *scribed in paragraph (2) is survived by a sur-*
23 *viving spouse and dependent child or children,*
24 *there shall be paid to such surviving spouse an*
25 *annuity, beginning on the day of the death of the*

2335

1 *judge or special trial judge, in an amount com-*
2 *puted as provided in subsection (m), and there*
3 *shall also be paid to or on behalf of each such*
4 *child an immediate annuity equal to the lesser*
5 *of—*

6 “(i) 10 percent of the average annual
7 salary of such judge or special trial judge
8 (determined in accordance with subsection
9 (m)), or

10 “(ii) 20 percent of such average annual
11 salary, divided by the number of such chil-
12 dren.

13 “(C) ANNUITY TO SURVIVING DEPENDENT
14 *CHILDREN.—If a judge or special trial judge de-*
15 *scribed in paragraph (2) leaves no surviving*
16 *spouse but leaves a surviving dependent child or*
17 *children, there shall be paid to or on behalf of*
18 *each such child an immediate annuity equal to*
19 *the lesser of—*

20 “(i) 20 percent of the average annual
21 salary of such judge or special trial judge
22 (determined in accordance with subsection
23 (m)), or

2336

1 “(ii) 40 percent of such average annual
2 salary divided by the number of such chil-
3 dren.

4 “(2) COVERED JUDGES.—Paragraph (1) applies
5 to any judge or special trial judge electing under sub-
6 section (b)—

7 “(A) who dies while a judge or special trial
8 judge after having rendered at least 18 months
9 of civilian service computed as prescribed in sub-
10 section (n), for the last 18 months of which the
11 salary deductions provided for by subsection
12 (c)(1) or the deposits required by subsection (d)
13 have actually been made or the salary deductions
14 required by the civil service retirement laws have
15 actually been made, or

16 “(B) who dies by assassination after having
17 rendered less than 18 months of civilian service
18 computed as prescribed in subsection (n) if, for
19 the period of such service, the salary deductions
20 provided for by subsection (c)(1) or the deposits
21 required by subsection (d) have actually been
22 made.

23 “(3) TERMINATION OF ANNUITY.—

24 “(A) SURVIVING SPOUSE.—The annuity
25 payable to a surviving spouse under this sub-

2337

1 *section shall be terminable upon such surviving*
2 *spouse's death or such surviving spouse's remar-*
3 *riage before attaining age 55.*

4 “(B) *SURVIVING CHILD.*—*Any annuity pay-*
5 *able to a child under this subsection shall be ter-*
6 *minable upon the earliest of—*

7 “(i) *the child's attainment of age 18,*

8 “(ii) *the child's marriage, or*

9 “(iii) *the child's death,*

10 *except that if such child is incapable of self-sup-*
11 *port by reason of mental or physical disability*
12 *the child's annuity shall be terminable only upon*
13 *death, marriage, or recovery from such dis-*
14 *ability.*

15 “(C) *DEPENDENT CHILD AFTER DEATH OF*
16 *SURVIVING SPOUSE.*—*In case of the death of a*
17 *surviving spouse of a judge or special trial judge*
18 *leaving a dependent child or children of the*
19 *judge or special trial judge surviving such*
20 *spouse, the annuity of such child or children*
21 *shall be recomputed and paid as provided in*
22 *paragraph (1)(C).*

23 “(D) *RECOMPUTATION WITH RESPECT TO*
24 *OTHER DEPENDENT CHILDREN.*—*In any case in*
25 *which the annuity of a dependent child is termi-*

2338

1 *nated under this subsection, the annuities of any*
2 *remaining dependent child or children based*
3 *upon the service of the same judge or special*
4 *trial judge shall be recomputed and paid as*
5 *though the child whose annuity was so termi-*
6 *nated had not survived such judge.*

7 *“(E) SPECIAL RULE FOR ASSASSINATED*
8 *JUDGES.—In the case of a survivor of a judge or*
9 *special trial judge described in paragraph*
10 *(2)(B), there shall be deducted from the annuities*
11 *otherwise payable under this section an amount*
12 *equal to the amount of salary deductions that*
13 *would have been made if such deductions had*
14 *been made for 18 months prior to the death of*
15 *the judge or special trial judge.”.*

16 *(2) DEFINITION OF ASSASSINATION.—Section*
17 *7448(a) is amended by adding at the end the fol-*
18 *lowing new paragraph:*

19 *“(10) The terms ‘assassinated’ and ‘assassina-*
20 *tion’ mean the killing of a judge or special trial judge*
21 *that is motivated by the performance by the judge or*
22 *special trial judge of his or her official duties.”.*

23 *(3) DETERMINATION OF ASSASSINATION.—Sub-*
24 *section (i) of section 7448 is amended—*

2339

1 (A) by striking “OF DEPENDENCY AND DIS-
2 ABILITY.—Questions” and inserting “BY CHIEF
3 JUDGE.—

4 “(1) DEPENDENCY AND DISABILITY.—Ques-
5 tions”, and

6 (B) by adding at the end the following new
7 paragraph:

8 “(2) ASSASSINATION.—The chief judge shall de-
9 termine whether the killing of a judge or special trial
10 judge was an assassination, subject to review only by
11 the Tax Court. The head of any Federal agency that
12 investigates the killing of a judge or special trial
13 judge shall provide to the chief judge any information
14 that would assist the chief judge in making such a de-
15 termination.”.

16 (4) COMPUTATION OF ANNUITIES.—Section
17 7448(m) is amended to read as follows:

18 “(m) COMPUTATION OF ANNUITIES.—The annuity of
19 the surviving spouse of a judge or special trial judge electing
20 under subsection (b) shall be an amount equal to the sum
21 of—

22 “(1) the product of—

23 “(A) 1.5 percent of the average annual sal-
24 ary (whether judge’s or special trial judge’s sal-

2340

1 *ary or compensation for other allowable service)*
2 *received by such judge or special trial judge—*

3 *“(i) for judicial service (including pe-*
4 *riods in which he received retired pay under*
5 *section 7447(d), section 7447A(d), or any*
6 *annuity under chapter 83 or 84 of title 5,*
7 *United States Code) or for any other prior*
8 *allowable service during the period of 3 con-*
9 *secutive years in which such judge or spe-*
10 *cial trial judge received the largest such av-*
11 *erage annual salary, or*

12 *“(ii) in the case of a judge or special*
13 *trial judge who has served less than 3 years,*
14 *during the total period of such service prior*
15 *to such judge’s or special trial judge’s death,*
16 *multiplied by the sum of, multiplied by*
17 *“(B) the sum of—*

18 *“(i) the judge’s or special trial judge’s*
19 *years of such judicial service,*

20 *“(ii) the judge’s or special trial judge’s*
21 *years of prior allowable service as a Sen-*
22 *ator, Representative, Delegate, or Resident*
23 *Commissioner in Congress,*

24 *“(iii) the judge’s or special trial judge’s*
25 *years of prior allowable service performed*

2341

1 *as a member of the Armed Forces of the*
2 *United States, and*

3 “(iv) *the judge’s or special trial judge’s*
4 *years, not exceeding 15, of prior allowable*
5 *service performed as a congressional em-*
6 *ployee (as defined in section 2107 of title 5*
7 *of the United States Code), plus*

8 “(2) *three-fourths of 1 percent of such average*
9 *annual salary multiplied by the judge’s years of any*
10 *other prior allowable service,*

11 *except that such annuity shall not exceed an amount equal*
12 *to 50 percent of such average annual salary, nor be less*
13 *than an amount equal to 25 percent of such average annual*
14 *salary, and shall be further reduced in accordance with sub-*
15 *section (d) (if applicable). In determining the period of 3*
16 *consecutive years referred to in the preceding sentence, there*
17 *may not be taken into account any period for which an*
18 *election under section 7447(f)(4) is in effect.”.*

19 (5) *OTHER BENEFITS.—Section 7448 is amended*
20 *by adding at the end the following new subsection:*

21 “(u) *OTHER BENEFITS IN CASE OF ASSASSINATION.—*
22 *In the case of a judge or special trial judge who is assas-*
23 *sinated, an annuity shall be paid under this section not-*
24 *withstanding a survivor’s eligibility for or receipt of bene-*
25 *fits under chapter 81 of title 5, United States Code, except*

2342

1 *that the annuity for which a surviving spouse is eligible*
2 *under this section shall be reduced to the extent that the*
3 *total benefits paid under this section and chapter 81 of that*
4 *title for any year would exceed the current salary for that*
5 *year of the office of the judge or special trial judge.”.*

6 (c) *COORDINATION OF RETIREMENT AND SURVIVOR*
7 *ANNUITY WITH THE FEDERAL EMPLOYEES RETIREMENT*
8 *SYSTEM.—*

9 (1) *RETIREMENT.—Section 7447 is amended—*

10 (A) *by striking “section 8331(8)” in sub-*
11 *section (g)(2)(C) and inserting “sections 8331(8)*
12 *and 8401(19)”*, and

13 (B) *by striking “Civil Service Commission”*
14 *both places it appears in subsection (i)(2) and*
15 *inserting “Office of Personnel Management”.*

16 (2) *ANNUITIES TO SURVIVING SPOUSES AND DE-*
17 *PENDENT CHILDREN.—Section 7448 is amended—*

18 (A) *by striking “section 8332” in subsection*
19 *(d) and inserting “sections 8332 and 8411”, and*

20 (B) *by striking “section 8332” in subsection*
21 *(n) and inserting “sections 8332 and 8411”.*

22 (d) *LIMIT ON TEACHING COMPENSATION OF RETIRED*
23 *JUDGES.—*

24 (1) *IN GENERAL.—Section 7447 is amended by*
25 *adding at the end the following new subsection:*

2343

1 “(k) *TEACHING COMPENSATION OF RETIRED*
2 *JUDGES.*—*For purposes of the limitation under section*
3 *501(a) of the Ethics in Government Act of 1978 (5 U.S.C.*
4 *App.), any compensation for teaching approved under sec-*
5 *tion 502(a)(5) of such Act shall not be treated as outside*
6 *earned income when received by a judge of the United States*
7 *Tax Court who has retired under subsection (b) for teaching*
8 *performed during any calendar year for which such a judge*
9 *has met the requirements of subsection (c), as certified by*
10 *the chief judge, or has retired under subsection (b)(4).”.*

11 (2) *EFFECTIVE DATE.*—*The amendment made by*
12 *this subsection shall apply to any individual serving*
13 *as a retired judge of the United States Tax Court on*
14 *or after the date of the enactment of this Act.*

15 (e) *EFFECTIVE DATE.*—*Except as otherwise provided,*
16 *the amendments made by this section shall take effect on*
17 *the date of the enactment of this Act.*

18 **SEC. 702. PROVISIONS RELATING TO SPECIAL TRIAL**
19 **JUDGES OF THE TAX COURT.**

20 (a) *RETIREMENT AND RECALL FOR SPECIAL TRIAL*
21 *JUDGES.*—*Part I of subchapter C of chapter 76 is amended*
22 *by inserting after section 7447 the following new section:*

23 **“SEC. 7447A. RETIREMENT FOR SPECIAL TRIAL JUDGES.**

24 “(a) *IN GENERAL.*—

2344

1 “(1) *RETIREMENT.*—Any special trial judge ap-
 2 pointed pursuant to section 7443A may retire from
 3 service as a special trial judge if the individual meets
 4 the age and service requirements set forth in the fol-
 5 lowing table:

<i>“If the special trial judge has attained age:</i>	<i>And the years of service as a special trial judge are at least:</i>
65	15
66	14
67	13
68	12
69	11
70	10.

6 “(2) *LENGTH OF SERVICE.*—In making any de-
 7 termination of length of service as a special trial
 8 judge there shall be included all periods (whether or
 9 not consecutive) during which an individual served as
 10 a special trial judge

11 “(b) *RETIREMENT UPON DISABILITY.*—Any special
 12 trial judge appointed pursuant to section 7443A who be-
 13 comes permanently disabled from performing such individ-
 14 ual’s duties shall retire from service as a special trial judge.

15 “(c) *RECALLING OF RETIRED SPECIAL TRIAL*
 16 *JUDGES.*—Any individual who has retired pursuant to sub-
 17 section (a) may be called upon by the chief judge to perform
 18 such judicial duties with the Tax Court as may be requested
 19 of such individual for a period or periods specified by the
 20 chief judge, except that in the case of any such individual—

2345

1 “(1) the aggregate of such periods in any 1 cal-
2 endar year shall not (without the consent of such in-
3 dividual) exceed 90 calendar days, and

4 “(2) such individual shall be relieved of per-
5 forming such duties during any period in which ill-
6 ness or disability precludes the performance of such
7 duties.

8 Any act, or failure to act, by an individual performing ju-
9 dicial duties pursuant to this subsection shall have the same
10 force and effect as if it were the act (or failure to act) of
11 a special trial judge. Any individual who is performing ju-
12 dicial duties pursuant to this subsection shall be paid the
13 same compensation (in lieu of retired pay) and allowances
14 for travel and other expenses as a special trial judge.

15 “(d) RETIRED PAY.—

16 “(1) IN GENERAL.—Any individual who retires
17 pursuant to subsection (a) and elects under subsection
18 (e) to receive retired pay under this subsection shall
19 receive retired pay during any period of retirement
20 from service as a special trial judge at a rate which
21 bears the same ratio to the rate of the salary payable
22 to a special trial judge during such period as—

23 “(A) the number of years such individual
24 has served as special trial judge bears to,

25 “(B) 15,

2346

1 *except that the rate of such retired pay shall not be*
2 *more than the rate of such salary for such period.*

3 “(2) *RETIREMENT UPON DISABILITY.*—*Any indi-*
4 *vidual who retires pursuant to subsection (b) and*
5 *elects under subsection (e) to receive retired pay under*
6 *this subsection shall receive retired pay during any*
7 *period of retirement from service as a special trial*
8 *judge—*

9 “(A) *at a rate equal to the rate of the salary*
10 *payable to a special trial judge during such pe-*
11 *riod, if the individual had at least 10 years of*
12 *service as a special trial judge before retirement,*
13 *and*

14 “(B) *at a rate equal to ½ the rate described*
15 *in subparagraph (A), if the individual had fewer*
16 *than 10 years of service as a special trial judge*
17 *before retirement.*

18 “(3) *BEGINNING DATE AND PAYMENT.*—*Retired*
19 *pay under this subsection shall begin to accrue on the*
20 *day following the date on which the individual’s sal-*
21 *ary as a special trial judge ceases to accrue, and shall*
22 *continue to accrue during the remainder of such indi-*
23 *vidual’s life. Retired pay under this subsection shall*
24 *be paid in the same manner as the salary of a special*
25 *trial judge.*

2347

1 “(4) *PARTIAL YEARS.*—*In computing the rate of*
2 *the retired pay for an individual to whom paragraph*
3 *(1) applies, any portion of the aggregate number of*
4 *years such individual has served as a special trial*
5 *judge which is a fractional part of 1 year shall be*
6 *eliminated if it is less than 6 months, or shall be*
7 *counted as a full year if it is 6 months or more.*

8 “(5) *RECALLED SERVICE.*—*In computing the*
9 *rate of the retired pay for an individual to whom*
10 *paragraph (1) applies, any period during which such*
11 *individual performs services under subsection (c) on*
12 *a substantially full-time basis shall be treated as a*
13 *period during which such individual has served as a*
14 *special trial judge.*

15 “(e) *ELECTION TO RECEIVE RETIRED PAY.*—*Any spe-*
16 *cial trial judge may elect to receive retired pay under sub-*
17 *section (d). Such an election—*

18 “(1) *may be made only while an individual is*
19 *a special trial judge (except that in the case of an in-*
20 *dividual who fails to be reappointed as a special trial*
21 *judge, such election may be made within 60 days*
22 *after such individual leaves office as a special trial*
23 *judge),*

24 “(2) *once made, shall be irrevocable, and*

2348

1 “(3) shall be made by filing notice thereof in
2 writing with the chief judge.

3 *The chief judge shall transmit to the Office of Personnel*
4 *Management a copy of each notice filed with the chief judge*
5 *under this subsection.*

6 “(f) *OTHER RULES MADE APPLICABLE.*—*The rules of*
7 *subsections (f), (g), (h)(2), (i), and (j), and the first sentence*
8 *of subsection (h)(1), of section 7447 shall apply to a special*
9 *trial judge in the same manner as a judge of the Tax Court.*
10 *For purposes of the preceding sentence, any reference to the*
11 *President in such subsections shall be applied as if it were*
12 *a reference to the chief judge.”.*

13 (b) *CONFORMING AMENDMENTS.*—

14 (1) *Section 3121(b)(5)(E) is amended by insert-*
15 *ing “or special trial judge” before “of the United*
16 *States Tax Court”.*

17 (2) *Section 7448(b)(2) is amended to read as fol-*
18 *lows:*

19 “(2) *SPECIAL TRIAL JUDGES.*—*Any special trial*
20 *judge may by written election filed with the chief*
21 *judge elect the application of this section. Such elec-*
22 *tion shall be filed while such individual is a special*
23 *trial judge.”.*

24 (3) *Section 210(a)(5)(E) of the Social Security*
25 *Act (42 U.S.C. 410(a)(5)(E)) is amended by inserting*

1 *“or special trial judge” before “of the United States*
2 *Tax Court”.*

3 (c) *CLERICAL AMENDMENT.*—*The table of sections for*
4 *part I of subchapter C of chapter 76 is amended by insert-*
5 *ing after the item relating to section 7447 the following new*
6 *item:*

“Sec. 7447A. Retirement for special trial judges.”.

7 (d) *EFFECTIVE DATE.*—*The amendments made by this*
8 *section shall take effect on the date of the enactment of this*
9 *Act, except that section 7447A(e) of the Internal Revenue*
10 *Code of 1986 (as added by this section) shall take effect on*
11 *the date that is 180 days after such date of enactment. Spe-*
12 *cial trial judges retiring on or after the date of the enact-*
13 *ment of this Act, and before the date that is 180 days after*
14 *the date of such enactment, may file an election under such*
15 *section not later than 60 days after such date.*

16 ***DIVISION U—JOSEPH MAXWELL***
17 ***CLELAND AND ROBERT JO-***
18 ***SEPH DOLE MEMORIAL VET-***
19 ***ERANS BENEFITS AND***
20 ***HEALTH CARE IMPROVEMENT***
21 ***ACT OF 2022***

22 ***SEC. 1. SHORT TITLE; TABLE OF CONTENTS.***

23 (a) *SHORT TITLE.*—*This division may be cited as the*
24 *“Joseph Maxwell Cleland and Robert Joseph Dole Memorial*

2350

1 *Veterans Benefits and Health Care Improvement Act of*
2 *2022*”.

3 (b) *TABLE OF CONTENTS.—The table of contents for*
4 *this division is as follows:*

*DIVISION U—JOSEPH MAXWELL CLELAND AND ROBERT JOSEPH
DOLE MEMORIAL VETERANS BENEFITS AND HEALTH CARE IM-
PROVEMENT ACT OF 2022*

Sec. 1. Short title; table of contents.

TITLE I—HEALTH CARE MATTERS

Subtitle A—Access to Care

*Sec. 101. Expansion of eligibility for hospital care, medical services, and nursing
home care from the Department of Veterans Affairs to include
veterans of World War II.*

*Sec. 102. Department of Veterans Affairs treatment and research of prostate can-
cer.*

Subtitle B—Health Care Employees

*Sec. 111. Third party review of appointees in Veterans Health Administration
who had a license terminated for cause and notice to individuals
treated by those appointees if determined that an episode of care
or services that they received was below the standard of care.*

*Sec. 112. Compliance with requirements for examining qualifications and clinical
abilities of health care professionals of Department of Veterans
Affairs.*

Subtitle C—Care From Non-Department of Veterans Affairs Providers

CHAPTER 1—WAIT TIMES FOR CARE

*Sec. 121. Calculation of wait time for purposes of eligibility under Veterans Com-
munity Care Program.*

*Sec. 122. Plan regarding informing veterans of expected wait times for appoint-
ments for care.*

CHAPTER 2—IMPROVEMENT OF PROVISION OF CARE

*Sec. 125. Modifications to access standards for care furnished through Commu-
nity Care Program of Department of Veterans Affairs.*

*Sec. 126. Strategic plan to ensure continuity of care in the case of the realign-
ment of a medical facility of the Department.*

CHAPTER 3—COMMUNITY CARE SELF-SCHEDULING PILOT PROGRAM

Sec. 131. Definitions.

*Sec. 132. Pilot program establishing community care appointment self-scheduling
technology.*

Sec. 133. Appointment self-scheduling capabilities.

Sec. 134. Report.

2351

CHAPTER 4—ADMINISTRATION OF NON-DEPARTMENT CARE

- Sec. 141. Credentialing verification requirements for providers of non-Department of Veterans Affairs health care services.*
- Sec. 142. Claims for payment from Department of Veterans Affairs for emergency treatment furnished to veterans.*
- Sec. 143. Publication of clarifying information for non-Department of Veterans Affairs providers.*
- Sec. 144. Inapplicability of certain providers to provide non-Department of Veterans Affairs care.*

Subtitle D—Improvement of Rural Health and Telehealth

- Sec. 151. Establishment of strategic plan requirement for Office of Connected Care of Department of Veterans Affairs.*
- Sec. 152. Comptroller General report on transportation services by third parties for rural veterans.*
- Sec. 153. Comptroller General report on telehealth services of the Department of Veterans Affairs.*

Subtitle E—Care for Aging Veterans

- Sec. 161. Strategy for long-term care for aging veterans.*
- Sec. 162. Improvement of State veterans homes.*
- Sec. 163. Geriatric psychiatry pilot program at State veterans homes.*
- Sec. 164. Support for aging veterans at risk of or experiencing homelessness.*
- Sec. 165. Secretary of Veterans Affairs contract authority for payment of care for veterans in non-Department of Veterans Affairs medical foster homes.*

Subtitle F—Foreign Medical Program

- Sec. 171. Analysis of feasibility and advisability of expanding assistance and support to caregivers to include caregivers of veterans in the Republic of the Philippines.*
- Sec. 172. Comptroller General report on Foreign Medical Program of Department of Veterans Affairs.*

Subtitle G—Research Matters

- Sec. 181. Inapplicability of Paperwork Reduction Act.*
- Sec. 182. Research and Development.*
- Sec. 183. Expansion of hiring authorities for certain classes of research occupations.*
- Sec. 184. Comptroller General study on dedicated research time for certain personnel of the Department of Veterans Affairs.*

Subtitle H—Mental Health Care

- Sec. 191. Analysis of feasibility and advisability of Department of Veterans Affairs providing evidence-based treatments for the diagnosis of treatment-resistant depression.*
- Sec. 192. Modification of resource allocation system to include peer specialists.*
- Sec. 193. Gap analysis of psychotherapeutic interventions of the Department of Veterans Affairs.*
- Sec. 193A. Prohibition on collection of copayments for first three mental health care outpatient visits of veterans.*

2352

Subtitle I—Other Matters

Sec. 194. Requirement for ongoing independent assessments of health care delivery systems and management processes of the Department of Veterans Affairs.

Sec. 195. Improved transparency of, access to, and usability of data provided by Department of Veterans Affairs.

*TITLE II—BENEFITS MATTERS**Subtitle A—Benefits Generally*

Sec. 201. Improvements to process of the Department of Veterans Affairs for clothing allowance claims.

Sec. 202. Medical opinions for certain veterans with service-connected disabilities who die of COVID-19.

Sec. 203. Enhanced loan underwriting methods.

Sec. 204. Department of Veterans Affairs loan fees.

Subtitle B—Education

Sec. 211. Native VetSuccess at Tribal Colleges and Universities Pilot Program.

Sec. 212. Education for separating members of the Armed Forces regarding registered apprenticeships.

Sec. 213. Websites regarding apprenticeship programs.

Sec. 214. Transfer of entitlement to Post-9/11 Educational Assistance Program of Department of Veterans Affairs.

Sec. 215. Use of entitlement under Department of Veterans Affairs Survivors' and Dependents' Educational Assistance Program for secondary school education.

Sec. 216. Establishment of protections for a member of the Armed Forces who leaves a course of education, paid for with certain educational assistance, to perform certain service.

Subtitle C—GI Bill National Emergency Extended Deadline Act

Sec. 231. Short title.

Sec. 232. Extension of time limitation for use of entitlement under Department of Veterans Affairs educational assistance programs by reason of school closures due to emergency and other situations.

Sec. 233. Extension of period of eligibility by reason of school closures due to emergency and other situations under Department of Veterans Affairs training and rehabilitation program for veterans with service-connected disabilities.

Sec. 234. Period for eligibility under Survivors' And Dependents' Educational Assistance Program of Department of Veterans Affairs.

Subtitle D—Rural Veterans Travel Enhancement

Sec. 241. Comptroller General of the United States report on fraud, waste, and abuse of the Department of Veterans Affairs beneficiary travel program.

Sec. 242. Comptroller General study and report on effectiveness of Department of Veterans Affairs beneficiary travel program mileage reimbursement and deductible amounts.

Sec. 243. Department of Veterans Affairs transportation pilot program for low income veterans.

2353

Sec. 244. Pilot program for travel cost reimbursement for accessing readjustment counseling services.

Subtitle E—VA Beneficiary Debt Collection Improvement Act

Sec. 251. Short title.

Sec. 252. Prohibition of debt arising from overpayment due to delay in processing by the Department of Veterans Affairs.

Sec. 253. Prohibition on Department of Veterans Affairs interest and administrative cost charges for debts relating to certain benefits programs.

Sec. 254. Extension of window to request relief from recovery of debt arising under laws administered by the Secretary of Veterans Affairs.

Sec. 255. Reforms relating to recovery by Department of Veterans Affairs of amounts owed by individuals to the United States.

TITLE III—HOMELESSNESS MATTERS

Sec. 301. Adjustments of grants awarded by the Secretary of Veterans Affairs for comprehensive service programs to serve homeless veterans.

Sec. 302. Modifications to program to improve retention of housing by formerly homeless veterans and veterans at risk of becoming homeless.

Sec. 303. Modifications to homeless veterans reintegration programs.

Sec. 304. Expansion and extension of Department of Veterans Affairs housing assistance for homeless veterans.

Sec. 305. Training and technical assistance provided by Secretary of Veterans Affairs to certain entities.

Sec. 306. Modification of eligibility requirements for entities collaborating with the Secretary of Veterans Affairs to provide case management services to homeless veterans in the Department of Housing and Urban Development-Department of Veterans Affairs supported housing program.

Sec. 307. Department of Veterans Affairs sharing of information relating to coordinated entry processes for housing and services operated under Department of Housing and Urban Development Continuum of Care Program.

Sec. 308. Department of Veterans Affairs communication with employees responsible for homelessness assistance programs.

Sec. 309. System for sharing and reporting data.

Sec. 310. Pilot program on grants for health care for homeless veterans.

Sec. 311. Pilot program on award of grants for substance use disorder recovery for homeless veterans.

Sec. 312. Report by Comptroller General of the United States on affordable housing for veterans.

Sec. 313. Study on financial and credit counseling.

TITLE IV—OTHER MATTERS

Sec. 401. Department of Veterans Affairs supply chain resiliency.

Sec. 402. Improvements to equal employment opportunity functions of Department of Veterans Affairs.

Sec. 403. Department of Veterans Affairs Information Technology Reform Act of 2022.

Sec. 404. Report on information technology dashboard information.

Sec. 405. Improvements to transparency of law enforcement operations of Department of Veterans Affairs.

Sec. 406. Plan for reduction of backlog of Freedom of Information Act requests.

2354

*Sec. 407. Medal of Honor special pension technical correction.**Sec. 408. Imposition of cap on employees of the Department of Veterans Affairs who provide equal employment opportunity counseling.****TITLE I—HEALTH CARE******MATTERS******Subtitle A—Access to Care******SEC. 101. EXPANSION OF ELIGIBILITY FOR HOSPITAL CARE,
MEDICAL SERVICES, AND NURSING HOME
CARE FROM THE DEPARTMENT OF VETERANS
AFFAIRS TO INCLUDE VETERANS OF WORLD
WAR II.***

*(a) IN GENERAL.—Section 1710(a)(2)(E) of title 38, United States Code, is amended by striking “of the Mexican border period or of World War I;” and inserting “of—
“(i) the Mexican border period;
“(ii) World War I; or
“(iii) World War II;”.*

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on March 31, 2023.

SEC. 102. DEPARTMENT OF VETERANS AFFAIRS TREATMENT AND RESEARCH OF PROSTATE CANCER.

(a) FINDINGS.—Congress makes the following findings:

(1) Prostate cancer is the number one cancer diagnosed in the Veterans Health Administration.

(2) A 1996 report published by the National Academy of Sciences, Engineering, and Medicine es-

2355

1 *tablished a link between prostate cancer and exposure*
2 *to herbicides, such as Agent Orange.*

3 *(3) It is essential to acknowledge that due to*
4 *these circumstances, certain veterans are made aware*
5 *that they are high-risk individuals when it comes to*
6 *the potential to develop prostate cancer.*

7 *(4) In being designated as “high risk”, it is es-*
8 *sential that veterans are proactive in seeking earlier*
9 *preventative clinical services for the early detection*
10 *and successful treatment of prostate cancer, whether*
11 *that be through the Veterans Health Administration*
12 *or through a community provider.*

13 *(5) Clinical preventative services and initial de-*
14 *tection are some of the most important components in*
15 *the early detection of prostate cancer for veterans at*
16 *high risk of prostate cancer.*

17 *(6) For veterans with prostate cancer, including*
18 *prostate cancer that has metastasized, precision oncol-*
19 *ogy, including biomarker-driven clinical trials and*
20 *innovations underway through the Prostate Cancer*
21 *Foundation and Department of Veterans Affairs part-*
22 *nership, represents one of the most promising areas of*
23 *interventions, treatments, and cures for such veterans*
24 *and their families.*

25 *(b) ESTABLISHMENT OF CLINICAL PATHWAY.—*

2356

1 (1) *IN GENERAL.*—Not later than 365 days after
2 the date of the enactment of this Act, the Secretary of
3 Veterans Affairs shall establish an interdisciplinary
4 clinical pathway for all stages of prostate cancer,
5 from early detection to end of life care. The clinical
6 pathway shall be established in the National Surgery
7 Office of the Department of Veterans Affairs in close
8 collaboration with the National Program Office of
9 Oncology, the Office of Research and Development,
10 and other relevant entities of the Department, includ-
11 ing Primary Care.

12 (2) *ELEMENTS.*—The national clinical pathway
13 established under this subsection shall include the fol-
14 lowing elements:

15 (A) A diagnosis pathway for prostate can-
16 cer that includes early screening and diagnosis
17 protocol, including screening recommendations
18 for veterans with evidence-based risk factors.

19 (B) A treatment pathway that details the
20 respective roles of each office of the Department
21 that will interact with veterans receiving pros-
22 tate cancer care, including treatment protocol
23 recommendations for veterans with evidence-
24 based risk factors.

2357

1 (C) *Treatment recommendations for all*
2 *stages of prostate cancer that reflect nationally*
3 *recognized standards for oncology, including Na-*
4 *tional Comprehensive Cancer Network guidelines.*
5 *xt>*

6 (D) *A suggested protocol timeframe for each*
7 *point of care, from early screening to treatment*
8 *and end-of-life care, based on severity and stage*
9 *of cancer.*

10 (E) *A plan that includes, as appropriate,*
11 *both Department medical facilities and commu-*
12 *nity-based partners and providers and research*
13 *centers specializing in prostate cancer, especially*
14 *such centers that have entered into partnerships*
15 *with the Department.*

16 (3) *COLLABORATION AND COORDINATION.—In es-*
17 *tablishing the clinical pathway required under this*
18 *section, the Secretary may collaborate and coordinate*
19 *with—*

20 (A) *the National Institutes of Health;*

21 (B) *the National Cancer Institute;*

22 (C) *the National Institute on Minority*
23 *Health and Health Disparities;*

24 (D) *the Centers for Disease Control and*
25 *Prevention;*

2358

1 *(E) the Centers for Medicare and Medicaid*
2 *Services;*

3 *(F) the Patient-Centered Outcomes Research*
4 *Institute;*

5 *(G) the Food and Drug Administration;*

6 *(H) the Department of Defense; and*

7 *(I) other Institutes and Centers as the Sec-*
8 *retary determines necessary.*

9 *(4) CONSULTATION REQUIREMENT.—In estab-*
10 *lishing the clinical pathway required under this sec-*
11 *tion, the Secretary shall consult with, and incorporate*
12 *feedback from, veterans who have received prostate*
13 *cancer care at Department medical facilities as well*
14 *as experts in multi-disciplinary cancer care and clin-*
15 *ical research.*

16 *(5) PUBLICATION.—The Secretary shall—*

17 *(A) publish the clinical pathway established*
18 *under this subsection on a publicly available De-*
19 *partment website; and*

20 *(B) update the clinical pathway as needed*
21 *by review of the medical literature and available*
22 *evidence-based guidelines at least annually, in*
23 *accordance with the criteria under paragraph*
24 *(2).*

2359

1 (c) *DEVELOPMENT OF COMPREHENSIVE PROSTATE*
2 *CANCER PROGRAM AND IMPLEMENTATION OF THE PROS-*
3 *TATE CANCER CLINICAL PATHWAY.*—

4 (1) *ESTABLISHMENT.*—*Not later than 180 days*
5 *after the date of the enactment of this Act, the Sec-*
6 *retary shall submit to Congress a plan to establish a*
7 *prostate cancer program using the comprehensive*
8 *prostate cancer clinical pathway developed under sub-*
9 *section (b).*

10 (2) *PROGRAM REQUIREMENTS.*—*The comprehen-*
11 *sive prostate cancer program shall—*

12 (A) *receive direct oversight from the Deputy*
13 *Undersecretary for Health of the Department of*
14 *Veterans Affairs;*

15 (B) *include a yearly program implementa-*
16 *tion evaluation to facilitate replication for other*
17 *disease states or in other healthcare institutions;*

18 (C) *be metric driven and include the devel-*
19 *opment of biannual reports on the quality of*
20 *prostate cancer care, which shall be provided to*
21 *the leadership of the Department, medical cen-*
22 *ters, and providers and made publicly available*
23 *in an electronic form; and*

24 (D) *include an education plan for patients*
25 *and providers.*

2360

1 (3) *PROGRAM IMPLEMENTATION EVALUATION.*—

2 *The Secretary shall establish a program evaluation*
3 *tool to learn best practices and to inform the Depart-*
4 *ment and Congress regarding further use of the dis-*
5 *ease specific model of care delivery.*

6 (4) *PROSTATE CANCER RESEARCH.*—*The Sec-*
7 *retary shall submit to Congress a plan that provides*
8 *for continual funding through the Office of Research*
9 *and Development of the Department of Veterans for*
10 *supporting prostate cancer research designed to posi-*
11 *tion the Department as a national resource for pros-*
12 *tate cancer detection and treatment. Such plan*
13 *shall—*

14 (A) *include details regarding the funding of*
15 *and coordination between the National Precision*
16 *Oncology Program of the Department and the*
17 *PCF–VA Precision Oncology Centers of Excel-*
18 *lence as related to the requirements of this Act;*
19 *and*

20 (B) *affirm that no funding included in such*
21 *funding plan is duplicative in nature.*

22 (d) *REPORT ON NATIONAL REGISTRY.*—*The Secretary*
23 *of Veterans Affairs shall submit to Congress a report on*
24 *the barriers and challenges associated with creating a na-*
25 *tional prostate cancer registry. Such report shall include*

2361

1 *recommendations for centralizing data about veterans with*
2 *prostate cancer for the purpose of improving outcomes and*
3 *serving as a resource for providers.*

4 *(e) DEFINITIONS.—In this section:*

5 *(1) CLINICAL PATHWAY.—The term “clinical*
6 *pathway” means a health care management tool de-*
7 *signed around research and evidence-backed practices*
8 *that provides direction for the clinical care and treat-*
9 *ment of a specific episode of a condition or ailment.*

10 *(2) EVIDENCE-BASED RISK FACTORS.—The term*
11 *“evidence-based risk factors” includes race, ethnicity,*
12 *socioeconomic status, geographic location, exposure*
13 *risks, genetic risks, including family history, and*
14 *such other factors as the Secretary determines appro-*
15 *priate.*

16 ***Subtitle B—Health Care Employees***

17 ***SEC. 111. THIRD PARTY REVIEW OF APPOINTEES IN VET-***
18 ***ERANS HEALTH ADMINISTRATION WHO HAD A***
19 ***LICENSE TERMINATED FOR CAUSE AND NO-***
20 ***TICE TO INDIVIDUALS TREATED BY THOSE***
21 ***APPOINTEES IF DETERMINED THAT AN EPI-***
22 ***SODE OF CARE OR SERVICES THAT THEY RE-***
23 ***CEIVED WAS BELOW THE STANDARD OF CARE.***

24 *(a) THIRD PARTY REVIEW.—*

2362

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary of
3 Veterans Affairs shall enter into a contract or other
4 agreement with an organization that is not part of
5 the Federal Government to conduct a clinical review
6 for quality management of hospital care or medical
7 services furnished by covered providers.

8 (2) *QUALIFICATIONS.*—The Secretary shall en-
9 sure that each review of a covered provider under this
10 subsection is performed by an individual who is li-
11 censed in the same specialty as the covered provider.

12 (b) *NOTICE TO PATIENTS TREATED BY COVERED PRO-*
13 *VIDERS.*—With respect to hospital care or medical services
14 furnished by a covered provider under the laws adminis-
15 tered by the Secretary, if a clinical review for quality man-
16 agement under subsection (a) determines that the standard
17 of care was not met during an episode of care, the Secretary
18 shall notify the individual who received such care or serv-
19 ices from the covered provider as described in applicable
20 policy of the Veterans Health Administration.

21 (c) *DEFINITIONS.*—In this section:

22 (1) *COVERED PROVIDER.*—The term “covered
23 provider” means an individual who—

2363

1 (A) was appointed to the Veterans Health
2 Administration under section 7401 of title 38,
3 United States Code; and

4 (B) before such appointment, had a license
5 terminated for cause by a State licensing board
6 for hospital care or medical services provided in
7 a facility that is not a facility of the Veterans
8 Health Administration.

9 (2) HOSPITAL CARE OR MEDICAL SERVICES.—
10 The terms “hospital care” and “medical services”
11 have the meanings given those terms in section 1701
12 of title 38, United States Code.

13 **SEC. 112. COMPLIANCE WITH REQUIREMENTS FOR EXAM-**
14 **INING QUALIFICATIONS AND CLINICAL ABILI-**
15 **TIES OF HEALTH CARE PROFESSIONALS OF**
16 **DEPARTMENT OF VETERANS AFFAIRS.**

17 (a) IN GENERAL.—Subchapter I of chapter 74 of title
18 38, United States Code, is amended by adding at the end
19 the following new section:

20 **“§ 7414. Compliance with requirements for examining**
21 **qualifications and clinical abilities of**
22 **health care professionals**

23 “(a) COMPLIANCE WITH CREDENTIALING REQUIRE-
24 MENTS.—The Secretary shall ensure that each medical cen-
25 ter of the Department, in a consistent manner—

2364

1 “(1) *compiles, verifies, and reviews documenta-*
2 *tion for each health care professional of the Depart-*
3 *ment at such medical center regarding, at a min-*
4 *imum—*

5 “(A) *the professional licensure, certification,*
6 *or registration of the health care professional;*

7 “(B) *whether the health care professional*
8 *holds a Drug Enforcement Administration reg-*
9 *istration; and*

10 “(C) *the education, training, experience,*
11 *malpractice history, and clinical competence of*
12 *the health care professional; and*

13 “(2) *continuously monitors any changes to the*
14 *matters under paragraph (1), including with respect*
15 *to suspensions, restrictions, limitations, probations,*
16 *denials, revocations, and other changes, relating to the*
17 *failure of a health care professional to meet generally*
18 *accepted standards of clinical practice in a manner*
19 *that presents reasonable concern for the safety of pa-*
20 *tients.*

21 “(b) *REGISTRATION REGARDING CONTROLLED SUB-*
22 *STANCES.—(1) Except as provided in paragraph (2), the*
23 *Secretary shall ensure that each covered health care profes-*
24 *sional holds an active Drug Enforcement Administration*
25 *registration.*

2365

1 “(2) *The Secretary shall—*

2 “(A) *determine the circumstances in which a*
3 *medical center of the Department must obtain a*
4 *waiver under section 302(d) of the Controlled Sub-*
5 *stances Act (21 U.S.C. 822(d)) with respect to covered*
6 *health care professionals; and*

7 “(B) *establish a process for medical centers to re-*
8 *quest such waivers.*

9 “(3) *In carrying out paragraph (1), the Secretary*
10 *shall ensure that each medical center of the Department*
11 *monitors the Drug Enforcement Administration registra-*
12 *tions of covered health care professionals at such medical*
13 *center in a manner that ensures the medical center is made*
14 *aware of any change in status in the registration by not*
15 *later than seven days after such change in status.*

16 “(4) *If a covered health care professional does not hold*
17 *an active Drug Enforcement Administration registration,*
18 *the Secretary shall carry out any of the following actions,*
19 *as the Secretary determines appropriate:*

20 “(A) *Obtain a waiver pursuant to paragraph*
21 *(2).*

22 “(B) *Transfer the health care professional to a*
23 *position that does not require prescribing, dispensing,*
24 *administering, or conducting research with controlled*
25 *substances.*

2366

1 “(C) *Take appropriate actions under subchapter*
2 *V of this chapter, with respect to an employee of the*
3 *Department, or take appropriate contract adminis-*
4 *tration actions, with respect to a contractor of the De-*
5 *partment.*

6 “(c) *REVIEWS OF CONCERNS RELATING TO QUALITY*
7 *OF CLINICAL CARE.—(1) The Secretary shall ensure that*
8 *each medical center of the Department, in a consistent man-*
9 *ner, carries out—*

10 “(A) *ongoing, retrospective, and comprehensive*
11 *monitoring of the performance and quality of the*
12 *health care delivered by each health care professional*
13 *of the Department located at the medical center, in-*
14 *cluding with respect to the safety of such care; and*

15 “(B) *timely and documented reviews of such care*
16 *if an individual notifies the Secretary of any poten-*
17 *tial concerns relating to a failure of a health care*
18 *professional of the Department to meet generally ac-*
19 *cepted standards of clinical practice in a manner that*
20 *presents reasonable concern for the safety of patients.*

21 “(2) *The Secretary shall establish a policy to carry out*
22 *paragraph (1), including with respect to—*

23 “(A) *determining the period by which a medical*
24 *center of the Department must initiate the review of*
25 *a concern described in subparagraph (B) of such*

2367

1 *paragraph following the date on which the concern is*
2 *received; and*

3 *“(B) ensuring the compliance of each medical*
4 *center with such policy.*

5 *“(d) COMPLIANCE WITH REQUIREMENTS FOR RE-*
6 *PORTING QUALITY OF CARE CONCERNS.—If the Secretary*
7 *substantiates a concern relating to the clinical competency*
8 *of, or quality of care delivered by, a health care professional*
9 *of the Department (including a former health care profes-*
10 *sional of the Department), the Secretary shall ensure that*
11 *the appropriate medical center of the Department timely*
12 *notifies the following entities of such concern, as appro-*
13 *priate:*

14 *“(1) The appropriate licensing, registration, or*
15 *certification body in each State in which the health*
16 *care professional is licensed, registered, or certified.*

17 *“(2) The Drug Enforcement Administration.*

18 *“(3) The National Practitioner Data Bank estab-*
19 *lished pursuant to the Health Care Quality Improve-*
20 *ment Act of 1986 (42 U.S.C. 11101 et seq.).*

21 *“(4) Any other relevant entity.*

22 *“(e) PROHIBITION ON CERTAIN SETTLEMENT AGREE-*
23 *MENT TERMS.—(1) The Secretary may not enter into a set-*
24 *tlement agreement relating to an adverse action against a*
25 *health care professional of the Department if such agree-*

2368

1 *ment includes terms that require the Secretary to conceal*
2 *from the personnel file of the employee a serious medical*
3 *error or lapse in clinical practice that constitutes a substan-*
4 *tial failure to meet generally accepted standards of clinical*
5 *practice as to raise reasonable concern for the safety of pa-*
6 *tients.*

7 “(2) *Nothing in paragraph (1) limits—*

8 “(A) *the right of an employee to appeal a qual-*
9 *ity of care determination; or*

10 “(B) *the rights of an employee under sections*
11 *1214 and 1221 of title 5.*

12 “(f) *TRAINING.—Not less frequently than annually, the*
13 *Secretary shall provide mandatory training on the fol-*
14 *lowing duties to employees of the Department who are re-*
15 *sponsible for performing such duties:*

16 “(1) *Compiling, validating, or reviewing the cre-*
17 *dentials of health care professionals of the Depart-*
18 *ment.*

19 “(2) *Reviewing the quality of clinical care deliv-*
20 *ered by health care professionals of the Department.*

21 “(3) *Taking adverse privileging actions or mak-*
22 *ing determinations relating to other disciplinary ac-*
23 *tions or employment actions against health care pro-*
24 *fessionals of the Department for reasons relating to*
25 *the failure of a health care professional to meet gen-*

2369

1 *erally accepted standards of clinical practice in a*
2 *manner that presents reasonable concern for the safety*
3 *of patients.*

4 “(4) *Making notifications under subsection (d).*

5 “(g) *DEFINITIONS.—In this section:*

6 “(1) *The term ‘controlled substance’ has the*
7 *meaning given that term in section 102 of the Con-*
8 *trolled Substances Act (21 U.S.C. 802).*

9 “(2) *The term ‘covered health care professional’*
10 *means an individual employed in a position as a*
11 *health care professional of the Department, or a con-*
12 *tractor of the Department, that requires the indi-*
13 *vidual to be authorized to prescribe, dispense, admin-*
14 *ister, or conduct research with, controlled substances.*

15 “(3) *The term ‘Drug Enforcement Administra-*
16 *tion registration’ means registration with the Drug*
17 *Enforcement Administration under section 303 of the*
18 *Controlled Substances Act (21 U.S.C. 823) 302 of the*
19 *Controlled Substances Act (21 U.S.C. 822) by health*
20 *care practitioners authorized to dispense, prescribe,*
21 *administer, or conduct research with, controlled sub-*
22 *stances.*

23 “(4) *The term ‘health care professional of the De-*
24 *partment’ means an individual working for the De-*
25 *partment in a position described in section 7401 of*

2370

1 *this title, including a contractor of the Department*
2 *serving in such a position.”.*

3 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
4 *the beginning of such chapter is amended by inserting after*
5 *the item relating to section 7413 the following new item:*

 “7414. *Compliance with requirements for examining qualifications and clinical*
 abilities of health care professionals.”.

6 (c) *DEADLINE FOR IMPLEMENTATION.*—*The Secretary*
7 *of Veterans Affairs shall commence the implementation of*
8 *section 7414 of title 38, United States Code, as added by*
9 *subsection (a), by the following dates:*

10 (1) *With respect to subsections (a), (c)(2), (d),*
11 *and (f) of such section, not later than 180 days after*
12 *the date of the enactment of this Act.*

13 (2) *With respect to subsection (c)(1) of such sec-*
14 *tion, not later than one year after the date of the en-*
15 *actment of this Act.*

16 (3) *With respect to subsection (b)(2) of such sec-*
17 *tion, not later than 18 months after the date of the*
18 *enactment of this Act.*

19 (d) *AUDITS AND REPORTS.*—

20 (1) *AUDITS.*—

21 (A) *IN GENERAL.*—*The Secretary of Vet-*
22 *erans Affairs shall carry out annual audits of*
23 *the compliance of medical centers of the Depart-*
24 *ment of Veterans Affairs with the matters re-*

2371

1 *quired by section 7414 of title 38, United States*
2 *Code, as added by subsection (a).*

3 *(B) CONDUCT OF AUDITS.—In carrying out*
4 *audits under subparagraph (A), the Secretary—*
5 *(i) may not authorize the medical cen-*
6 *ter being audited to conduct the audit; and*
7 *(ii) may enter into an agreement with*
8 *another department or agency of the Fed-*
9 *eral Government or a nongovernmental en-*
10 *tity to conduct such audits.*

11 *(2) REPORTS.—*

12 *(A) IN GENERAL.—Not later than one year*
13 *after the date of the enactment of this Act, and*
14 *annually thereafter for five years, the Secretary*
15 *of Veterans Affairs shall submit to the Committee*
16 *on Veterans' Affairs of the Senate and the Com-*
17 *mittee on Veterans' Affairs of the House of Rep-*
18 *resentatives a report on the audits conducted*
19 *under paragraph (1).*

20 *(B) ELEMENTS.—Each report submitted*
21 *under subparagraph (A) shall include a sum-*
22 *mary of the compliance by each medical center*
23 *of the Department of Veterans Affairs with the*
24 *matters required by section 7414 of title 38,*
25 *United States Code, as added by subsection (a).*

2372

1 (C) *INITIAL REPORT.*—*The Secretary shall*
2 *include in the first report submitted under sub-*
3 *paragraph (A) the following:*

4 (i) *A description of the progress made*
5 *by the Secretary in implementing section*
6 *7414 of title 38, United States Code, as*
7 *added by subsection (a), including any mat-*
8 *ters under such section that the Secretary*
9 *has not fully implemented.*

10 (ii) *An analysis of the feasibility, ad-*
11 *visability, and cost of requiring*
12 *credentialing employees of the Department*
13 *to be trained by an outside entity and to*
14 *maintain a credentialing certification.*

15 (e) *REPORT ON UPDATES TO POLICY OF THE DEPART-*
16 *MENT OF VETERANS AFFAIRS FOR REPORTING PATIENT*
17 *SAFETY CONCERNS TO APPROPRIATE STATE AND OTHER*
18 *ENTITIES.*—

19 (1) *IN GENERAL.*—*Not later than 90 days after*
20 *the date of the enactment of this Act, the Secretary of*
21 *Veterans Affairs shall submit to the Committee on*
22 *Veterans' Affairs of the Senate and the Committee on*
23 *Veterans' Affairs of the House of Representatives a re-*
24 *port on the efforts of the Department of Veterans Af-*
25 *fairs to update policies and practices for employees of*

2373

1 *medical centers of the Department, Veterans Inte-*
2 *grated Service Networks, and the Veterans Health Ad-*
3 *ministration to report to State licensing boards, the*
4 *National Practitioner Data Bank established pursu-*
5 *ant to the Health Care Quality Improvement Act of*
6 *1986 (42 U.S.C. 11101 et seq.), and any other rel-*
7 *evant entity health care professionals who are em-*
8 *ployed by or separated from employment with the De-*
9 *partment and whose behavior and clinical practice so*
10 *substantially failed to meet generally accepted stand-*
11 *ards of clinical practice as to raise reasonable concern*
12 *for the safety of patients.*

13 (2) *CONSULTATION.—The report required by*
14 *paragraph (1) shall include a description of the ef-*
15 *forts of the Department to consult with—*

16 (A) *State licensing boards;*

17 (B) *the Centers for Medicare & Medicaid*
18 *Services;*

19 (C) *the National Practitioner Data Bank;*
20 *and*

21 (D) *the exclusive representative of employees*
22 *of the Department appointed under section*
23 *7401(1) of title 38, United States Code.*

2374

1 ***Subtitle C—Care From Non-Depart-***
2 ***ment of Veterans Affairs Pro-***
3 ***viders***

4 ***CHAPTER 1—WAIT TIMES FOR CARE***

5 ***SEC. 121. CALCULATION OF WAIT TIME FOR PURPOSES OF***
6 ***ELIGIBILITY UNDER VETERANS COMMUNITY***
7 ***CARE PROGRAM.***

8 *Section 1703(d) of title 38, United States Code, is*
9 *amended by adding at the end the following new paragraph:*

10 *“(4) In determining under paragraph (1)(D) whether*
11 *the Department is able to furnish care or services in a man-*
12 *ner that complies with designated access standards devel-*
13 *oped by the Secretary under section 1703B of this title, for*
14 *purposes of calculating a wait time for a veteran to schedule*
15 *an appointment at a medical facility of the Department,*
16 *the Secretary shall measure from the date of request for the*
17 *appointment, unless a later date has been agreed to by the*
18 *veteran in consultation with a health care provider of the*
19 *Department, to the first next available appointment date*
20 *relevant to the requested medical service.”.*

21 ***SEC. 122. PLAN REGARDING INFORMING VETERANS OF EX-***
22 ***PECTED WAIT TIMES FOR APPOINTMENTS***
23 ***FOR CARE.***

24 *(a) IN GENERAL.—Not later than October 1, 2023, the*
25 *Secretary of Veterans Affairs shall develop a plan to ensure*

2375

1 *that veterans eligible for care or services pursuant to section*
2 *1703(d)(1) of title 38, United States Code, including vet-*
3 *erans making their own appointments using advanced tech-*
4 *nology, are informed of the expected number of days between*
5 *the date on which the veteran requested care until—*

6 *(1) the date on which the veteran will be able to*
7 *receive care through a non-Department of Veterans*
8 *Affairs provider under such section;*

9 *(2) the date on which the veteran will be able to*
10 *receive care through a provider of the Department;*

11 *(3) the date on which—*

12 *(A) the Department will schedule an ap-*
13 *pointment for care through a non-Department*
14 *provider under such section; or*

15 *(B) for veterans making their own appoint-*
16 *ments using advanced technology, the veteran*
17 *would be able to schedule an appointment for*
18 *care through a provider of the Department or*
19 *through a non-Department provider under such*
20 *section;*

21 *(4) the date on which the Department will sched-*
22 *ule an appointment for care through a provider of the*
23 *Department.*

2376

1 (b) *IMPLEMENTATION.*—*The Secretary shall imple-*
2 *ment the plan required under subsection (a) not later than*
3 *three years after the date of the enactment of this Act.*

4 (c) *MATTERS TO BE INCLUDED.*—*The Secretary shall*
5 *include in the plan required under subsection (a) a list of*
6 *the information technology systems, contracting mecha-*
7 *nisms, staff, legislative authorities, pilot programs, and*
8 *other components that the Secretary determines necessary*
9 *to implement the plan within the three-year implementa-*
10 *tion deadline under subsection (b), as well as their associ-*
11 *ated milestones and resource requirements.*

12 (d) *UPDATES.*—*Not less frequently than quarterly, the*
13 *Secretary shall brief the Committee on Veterans' Affairs of*
14 *the Senate and the Committee on Veterans' Affairs of the*
15 *House of Representatives and submit to those committees*
16 *a report in writing regarding the status of the implementa-*
17 *tion of the plan required under subsection (a), to include*
18 *an assessment of the progress of the Secretary in meeting*
19 *the three-year implementation deadline under subsection*
20 *(b).*

2377

1 **CHAPTER 2—IMPROVEMENT OF**
2 **PROVISION OF CARE**
3 **SEC. 125. MODIFICATIONS TO ACCESS STANDARDS FOR**
4 **CARE FURNISHED THROUGH COMMUNITY**
5 **CARE PROGRAM OF DEPARTMENT OF VET-**
6 **ERANS AFFAIRS.**

7 (a) *ACCESS STANDARDS.*—Section 1703B of title 38,
8 *United States Code*, is amended—

9 (1) *by striking subsections (f) and (g) and in-*
10 *serting the following:*

11 “(f)(1) *Subject to paragraph (3), the Secretary shall*
12 *meet the access standards established under subsection (a)*
13 *when furnishing hospital care, medical services, or extended*
14 *care services to a covered veteran under section 1703 of this*
15 *title and shall ensure that meeting such access standards*
16 *is reflected in the contractual requirements of Third Party*
17 *Administrators.*

18 “(2) *The Secretary shall ensure that health care pro-*
19 *viders specified under section 1703(c) of this title are able*
20 *to comply with the access standards established under sub-*
21 *section (a) for such providers.*

22 “(3)(A) *A Third Party Administrator may request a*
23 *waiver to the requirement under this subsection to meet the*
24 *access standards established under subsection (a) if—*

2378

1 “(i)(I) the scarcity of available providers or fa-
2 cilities in the region precludes the Third Party Ad-
3 ministrator from meeting those access standards; or

4 “(II) the landscape of providers or facilities has
5 changed, and certain providers or facilities are not
6 available such that the Third Party Administrator is
7 not able to meet those access standards; and

8 “(ii) to address the scarcity of available pro-
9 viders or the change in the provider or facility land-
10 scape, as the case may be, the Third Party Adminis-
11 trator has contracted with other providers or facilities
12 that may not meet those access standards but are the
13 currently available providers or facilities most acces-
14 sible to veterans within the region of responsibility of
15 the Third Party Administrator.

16 “(B) Any waiver requested by a Third Party Adminis-
17 trator under subparagraph (A) must be requested in writ-
18 ing and submitted to the Office of Integrated Veteran Care
19 of the Department for approval by that office.

20 “(C) As part of any waiver request under subpara-
21 graph (A), a Third Party Administrator must include con-
22 clusive evidence and documentation that the access stand-
23 ards established under subsection (a) cannot be met because
24 of scarcity of available providers or changes to the land-
25 scape of providers or facilities.

2379

1 “(D) *In evaluating a waiver request under subpara-*
2 *graph (A), the Secretary shall consider the following:*

3 “(i) *The number and geographic distribution of*
4 *eligible health care providers available within the geo-*
5 *graphic area and specialty referenced in the waiver*
6 *request.*

7 “(ii) *The prevailing market conditions within*
8 *the geographic area and specialty referenced in the*
9 *waiver request, which shall include the number and*
10 *distribution of health care providers contracting with*
11 *other health care plans (including commercial plans*
12 *and the Medicare program under title XVIII of the*
13 *Social Security Act (42 U.S.C. 1395 et seq.)) oper-*
14 *ating in the geographic area and specialty referenced*
15 *in the waiver request.*

16 “(iii) *Whether the service area is comprised of*
17 *highly rural, rural, or urban areas or some combina-*
18 *tion of such areas.*

19 “(iv) *How significantly the waiver request dif-*
20 *fers from the access standards established under sub-*
21 *section (a).*

22 “(v) *The rates offered to providers in the geo-*
23 *graphic area covered by the waiver.*

2380

1 “(E) *The Secretary shall not consider inability to con-*
2 *tract as a valid sole rationale for granting a waiver under*
3 *subparagraph (A).*

4 “(g)(1) *The Secretary shall publish in the Federal Reg-*
5 *ister and on a publicly available internet website of the De-*
6 *partment the designated access standards established under*
7 *this section for purposes of section 1703(d)(1)(D) of this*
8 *title.*

9 “(2) *The Secretary shall publish on a publicly avail-*
10 *able internet website of the Department the access standards*
11 *established under subsection (a).”; and*

12 *(2) in subsection (i), by adding at the end the*
13 *following new paragraphs:*

14 “(3) *The term ‘inability to contract’, with re-*
15 *spect to a Third Party Administrator, means the in-*
16 *ability of the Third Party Administrator to success-*
17 *fully negotiate and establish a community care net-*
18 *work contract with a provider or facility.*

19 “(4) *The term ‘Third Party Administrator’*
20 *means an entity that manages a provider network*
21 *and performs administrative services related to such*
22 *network within the Veterans Community Care Pro-*
23 *gram under section 1703 of this title.”.*

2381

1 (b) *PREVENTION OF SUSPENSION OF VETERANS COM-*
2 *MUNITY CARE PROGRAM.*—Section 1703(a) of such title is
3 *amended by adding at the end the following new paragraph:*

4 “(4) *Nothing in this section shall be construed to au-*
5 *thorize the Secretary to suspend the program established*
6 *under paragraph (1).”.*

7 **SEC. 126. STRATEGIC PLAN TO ENSURE CONTINUITY OF**
8 **CARE IN THE CASE OF THE REALIGNMENT OF**
9 **A MEDICAL FACILITY OF THE DEPARTMENT.**

10 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
11 *that the Veterans Health Administration should ensure that*
12 *veterans do not experience a lapse of care when*
13 *transitioning in receiving care due to the realignment of*
14 *a medical facility of the Department of Veterans Affairs.*

15 (b) *DEVELOPMENT OF STRATEGIC PLAN.*—

16 (1) *IN GENERAL.*—The Secretary of Veterans Af-
17 *airs, acting through the Office of Integrated Veteran*
18 *Care, the Chief Strategy Office, the Office of Asset En-*
19 *terprise Management, or any successor office that has*
20 *similar and related functions, shall develop and peri-*
21 *odically update a strategic plan to ensure continuity*
22 *of health care through care furnished at a facility of*
23 *the Department or through the Community Care Pro-*
24 *gram for veterans impacted by the realignment of a*
25 *medical facility of the Department.*

2382

1 (2) *ELEMENTS.—The strategic plan required*
2 *under paragraph (1) shall include, at a minimum,*
3 *the following:*

4 (A) *An assessment of the progress of the De-*
5 *partment in identifying impending realignments*
6 *of medical facilities of the Department and the*
7 *impact of such realignments on access of veterans*
8 *to care, including any impact on the network of*
9 *health care providers under the Community Care*
10 *Program.*

11 (B) *The progress of the Department in es-*
12 *tablishing operated sites of care and related ac-*
13 *tivities to address the impact of such a realign-*
14 *ment.*

15 (C) *An outline of collaborative actions and*
16 *processes the Department can take to address po-*
17 *tential gaps in health care created by such a re-*
18 *alignment, including actions and processes to be*
19 *taken by the Office of Integrated Veteran Care,*
20 *the Chief Strategy Office, and the Office of Asset*
21 *Enterprise Management of the Department.*

22 (D) *A description of how the Department*
23 *can identify to Third Party Administrators*
24 *changes in the catchment areas of medical facili-*
25 *ties to be realigned and develop a process with*

2383

1 *Third Party Administrators to strengthen pro-*
2 *vider coverage in advance of such realignments.*

3 (3) *SUBMITTAL TO CONGRESS.*—*Not later than*
4 *180 days after the date of the enactment of this Act,*
5 *the Under Secretary for Health of the Department*
6 *shall submit to the Committee on Veterans' Affairs of*
7 *the Senate and the Committee on Veterans' Affairs of*
8 *the House of Representatives the plan developed under*
9 *paragraph (1).*

10 (c) *DEFINITIONS.*—*In this section:*

11 (1) *COMMUNITY CARE PROGRAM.*—*The term*
12 *“Community Care Program” means the Veterans*
13 *Community Care Program under section 1703 of title*
14 *38, United States Code.*

15 (2) *REALIGNMENT.*—*The term “realignment”,*
16 *with respect to a facility of the Department of Vet-*
17 *erans Affairs, includes—*

18 (A) *any action that changes the number of*
19 *facilities or relocates services, functions, or per-*
20 *sonnel positions; and*

21 (B) *strategic collaborations between the De-*
22 *partment and non-Federal Government entities,*
23 *including tribal organizations and Urban In-*
24 *Indian Organizations.*

2384

1 (3) *THIRD PARTY ADMINISTRATOR.*—*The term*
2 *“Third Party Administrator” means an entity that*
3 *manages a provider network and performs adminis-*
4 *trative services related to such network within the*
5 *Veterans Community Care Program under section*
6 *1703 of title 38, United States Code.*

7 (4) *TRIBAL ORGANIZATION.*—*The term “tribal*
8 *organization” has the meaning given that term in*
9 *section 4 of the Indian Self-Determination and Edu-*
10 *cation Assistance Act (25 U.S.C. 5304).*

11 (5) *URBAN INDIAN ORGANIZATION.*—*The term*
12 *“Urban Indian Organization” has the meaning given*
13 *that term in section 4 of the Indian Health Care Im-*
14 *provement Act (25 U.S.C. 1603).*

15 **CHAPTER 3—COMMUNITY CARE SELF-**
16 **SCHEDULING PILOT PROGRAM**

17 **SEC. 131. DEFINITIONS.**

18 *In this chapter:*

19 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
20 *TEES.*—*The term “appropriate congressional commit-*
21 *tees” means—*

22 (A) *the Committee on Veterans’ Affairs and*
23 *the Committee on Appropriations of the Senate;*
24 *and*

2385

1 (B) the Committee on Veterans' Affairs and
2 the Committee on Appropriations of the House of
3 Representatives.

4 (2) COVERED VETERAN.—The term “covered vet-
5 eran” means a covered veteran under section 1703(b)
6 of title 38, United States Code.

7 (3) PILOT PROGRAM.—The term “pilot program”
8 means the pilot program required under section
9 132(a).

10 (4) VETERANS COMMUNITY CARE PROGRAM.—The
11 term “Veterans Community Care Program” means
12 the program to furnish hospital care, medical services,
13 and extended care services to covered veterans under
14 section 1703 of title 38, United States Code.

15 **SEC. 132. PILOT PROGRAM ESTABLISHING COMMUNITY**
16 **CARE APPOINTMENT SELF-SCHEDULING**
17 **TECHNOLOGY.**

18 (a) PILOT PROGRAM.—Not later than one year after
19 the date of the enactment of this Act, the Secretary of Vet-
20 erans Affairs shall commence a pilot program under which
21 covered veterans eligible for hospital care, medical services,
22 or extended care services under subsection (d)(1) of section
23 1703 of title 38, United States Code, may use a technology
24 that has the capabilities specified in section 133(a) to sched-
25 ule and confirm medical appointments with health care

2386

1 *providers participating in the Veterans Community Care*
2 *Program.*

3 (b) *EXPANSION OR DEVELOPMENT OF NEW TECH-*
4 *NOLOGY.—In carrying out the pilot program, the Secretary*
5 *may expand capabilities of an existing appointment self-*
6 *scheduling technology of the Department of Veterans Affairs*
7 *or purchase a new appointment self-scheduling technology.*

8 (c) *COMPETITION.—In contracting for the expansion*
9 *of capabilities of an existing appointment self-scheduling*
10 *technology of the Department or the purchase of a new ap-*
11 *pointment self-scheduling technology under the pilot pro-*
12 *gram, the Secretary shall comply with section 3301 of title*
13 *41, United States Code, and award any such contract not*
14 *later than 270 days after the date of the enactment of this*
15 *Act.*

16 (d) *SELECTION OF LOCATIONS.—The Secretary shall*
17 *select not fewer than two Veterans Integrated Services Net-*
18 *works of the Department in which to carry out the pilot*
19 *program.*

20 (e) *DURATION OF PILOT PROGRAM.—*

21 (1) *IN GENERAL.—Except as provided in para-*
22 *graph (2), the Secretary shall carry out the pilot pro-*
23 *gram for an 18-month period.*

24 (2) *EXTENSION.—The Secretary may extend the*
25 *duration of the pilot program and may expand the*

2387

1 *selection of Veterans Integrated Services Networks*
2 *under subsection (d) if the Secretary determines that*
3 *the pilot program is reducing the wait times of vet-*
4 *erans seeking hospital care, medical services, or ex-*
5 *tended care services under the Veterans Community*
6 *Care Program.*

7 (f) *OUTREACH.*—*The Secretary shall ensure that vet-*
8 *erans participating in the Veterans Community Care Pro-*
9 *gram in Veterans Integrated Services Networks in which*
10 *the pilot program is being carried out are informed about*
11 *the pilot program.*

12 **SEC. 133. APPOINTMENT SELF-SCHEDULING CAPABILITIES.**

13 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*
14 *shall ensure that the appointment self-scheduling technology*
15 *used in the pilot program includes the following capabili-*
16 *ties:*

17 (1) *Capability to self-schedule, modify, and can-*
18 *cel appointments directly online for primary care,*
19 *specialty care, and mental health care under the Vet-*
20 *erans Community Care Program with regard to each*
21 *category of eligibility under section 1703(d)(1) of title*
22 *38, United States Code.*

23 (2) *Capability to support appointments for the*
24 *provision of health care under the Veterans Commu-*

2388

1 *nity Care Program regardless of whether such care is*
2 *provided in person or through telehealth services.*

3 *(3) Not fewer than two of the following capabili-*
4 *ties:*

5 *(A) Capability to view appointment avail-*
6 *ability in real time to the extent practicable.*

7 *(B) Capability to load relevant patient in-*
8 *formation from the Decision Support Tool of the*
9 *Department or any other information technology*
10 *system of the Department used to determine the*
11 *eligibility of veterans for health care under sec-*
12 *tion 1703(d)(1) of title 38, United States Code.*

13 *(C) Capability to search for providers and*
14 *facilities participating in the Veterans Commu-*
15 *nity Care Program based on distance from the*
16 *residential address of a veteran.*

17 *(D) Capability to filter provider results by*
18 *clinical expertise, ratings, reviews, sex, languages*
19 *spoken, and other criteria as determined by the*
20 *Secretary.*

21 *(E) Capability to provide telephonic and*
22 *electronic contact information for all such pro-*
23 *viders that do not offer online scheduling at the*
24 *time.*

2389

1 (F) Capability to store and print authoriza-
2 tion letters for veterans for health care under the
3 Veterans Community Care Program.

4 (G) Capability to provide prompts or re-
5 minders to veterans to schedule initial appoint-
6 ments or follow-up appointments.

7 (H) Capability to be used 24 hours per day,
8 seven days per week.

9 (I) Capability to ensure veterans who self-
10 schedule appointments through the appointment
11 self-scheduling technology have scheduled such
12 appointment with a provider possessing the re-
13 quired specialty and clinical expertise.

14 (J) Capability to integrate with the Vet-
15 erans Health Information Systems and Tech-
16 nology Architecture of the Department and the
17 health record deployed by the Electronic Health
18 Record Modernization program, or any successor
19 information technology system or health record
20 of the Department.

21 (K) Capability to integrate with informa-
22 tion technology systems of Third Party Adminis-
23 trators.

24 (b) INDEPENDENT VALIDATION AND VERIFICATION.—

2390

1 (1) *IN GENERAL.*—*The Comptroller General of*
2 *the United States shall evaluate whether the appoint-*
3 *ment self-scheduling technology used in the pilot pro-*
4 *gram includes the capabilities required under sub-*
5 *section (a) and successfully performs such capabili-*
6 *ties.*

7 (2) *BRIEFING.*—*Not later than 30 days after the*
8 *date on which the Comptroller General completes the*
9 *evaluation under paragraph (1), the Comptroller*
10 *General shall brief the appropriate congressional com-*
11 *mittees on such evaluation.*

12 (c) *CERTIFICATION.*—*Not later than 18 months after*
13 *commencement of the pilot program, the Secretary shall cer-*
14 *tify to the Committee on Veterans' Affairs of the Senate and*
15 *the Committee on Veterans' Affairs of the House of Rep-*
16 *resentatives whether the appointment self-scheduling tech-*
17 *nology used in the pilot program and any other patient*
18 *self-scheduling technology developed or used by the Depart-*
19 *ment of Veterans Affairs to schedule appointments under*
20 *the Veterans Community Care Program as of the date of*
21 *the certification includes the capabilities required under*
22 *subsection (a).*

23 (d) *THIRD PARTY ADMINISTRATOR DEFINED.*—*In this*
24 *section, the term "Third Party Administrator" means an*
25 *entity that manages a provider network and performs ad-*

2391

1 *ministrative services related to such network within the Vet-*
2 *erans Community Care Program under section 1703 of title*
3 *38, United States Code.*

4 **SEC. 134. REPORT.**

5 *Not later than 180 days after the date of the enactment*
6 *of this Act, and every 180 days thereafter, the Secretary*
7 *of Veterans Affairs shall submit to the appropriate congres-*
8 *sional committees a report that includes—*

9 *(1) an assessment by the Secretary of the pilot*
10 *program during the 180-day period preceding the*
11 *date of the report, including—*

12 *(A) the cost of the pilot program;*

13 *(B) the volume of usage of the appointment*
14 *self-scheduling technology under the pilot pro-*
15 *gram;*

16 *(C) the quality of the pilot program;*

17 *(D) patient satisfaction with the pilot pro-*
18 *gram;*

19 *(E) benefits to veterans of using the pilot*
20 *program;*

21 *(F) the feasibility of allowing self-scheduling*
22 *for different specialties under the pilot program;*

23 *(G) participation in the pilot program by*
24 *health care providers under the Veterans Com-*
25 *munity Care Program; and*

2392

1 (H) such other findings and conclusions
2 with respect to the pilot program as the Sec-
3 retary considers appropriate; and

4 (2) such recommendations as the Secretary con-
5 siders appropriate regarding—

6 (A) extension of the pilot program to other
7 or all Veterans Integrated Service Networks of
8 the Department of Veterans Affairs; and

9 (B) making the pilot program permanent.

10 **CHAPTER 4—ADMINISTRATION OF NON-**
11 **DEPARTMENT CARE**

12 **SEC. 141. CREDENTIALING VERIFICATION REQUIREMENTS**
13 **FOR PROVIDERS OF NON-DEPARTMENT OF**
14 **VETERANS AFFAIRS HEALTH CARE SERVICES.**

15 (a) CREDENTIALING VERIFICATION REQUIREMENTS.—

16 (1) IN GENERAL.—Subchapter I of chapter 17 of
17 title 38, United States Code, is amended by inserting
18 after section 1703E the following new section:

19 **“§ 1703F. Credentialing verification requirements for**
20 **providers of non-Department health care**
21 **services**

22 “(a) IN GENERAL.—The Secretary shall ensure that
23 Third Party Administrators and credentials verification or-
24 ganizations comply with the requirements specified in sub-
25 section (b) to help ensure certain health care providers are

2393

1 *excluded from providing non-Department health care serv-*
2 *ices.*

3 “(b) *REQUIREMENTS SPECIFIED.—The Secretary shall*
4 *require Third Party Administrators and credentials*
5 *verification organizations to carry out the following:*

6 “(1) *Hold and maintain an active credential*
7 *verification accreditation from a national health care*
8 *accreditation body.*

9 “(2) *Conduct initial verification of provider his-*
10 *tory and license sanctions for all States and United*
11 *States territories for a period of time—*

12 “(A) *that includes the period before the pro-*
13 *vider began providing non-Department health*
14 *care services; and*

15 “(B) *dating back not less than 10 years.*

16 “(3) *Not less frequently than every three years,*
17 *perform recredentialing, including verifying provider*
18 *history and license sanctions for all States and*
19 *United States territories.*

20 “(4) *Implement continuous monitoring of each*
21 *provider through the National Practitioner Data*
22 *Bank established pursuant to the Health Care Quality*
23 *Improvement Act of 1986 (42 U.S.C. 11101 et seq.).*

24 “(5) *Perform other forms of credentialing*
25 *verification as the Secretary considers appropriate.*

2394

1 “(c) *DEFINITIONS.—In this section:*

2 “(1) *The term ‘credentials verification organiza-*
3 *tion’ means an entity that manages the provider*
4 *credentialing process and performs credentialing*
5 *verification for non-Department providers that par-*
6 *ticipate in the Veterans Community Care Program*
7 *under section 1703 of this title through a Veterans*
8 *Care Agreement.*

9 “(2) *The term ‘Third Party Administrator’*
10 *means an entity that manages a provider network*
11 *and performs administrative services related to such*
12 *network within the Veterans Community Care Pro-*
13 *gram under section 1703 of this title.*

14 “(3) *The term ‘Veterans Care Agreement’ means*
15 *an agreement for non-Department health care services*
16 *entered into under section 1703A of this title.*

17 “(4) *The term ‘non-Department health care serv-*
18 *ices’ means services—*

19 “(A) *provided under this subchapter at non-*
20 *Department facilities (as defined in section 1701*
21 *of this title);*

22 “(B) *provided under section 101 of the Vet-*
23 *erans Access, Choice, and Accountability Act of*
24 *2014 (Public Law 113–146; 38 U.S.C. 1701*
25 *note);*

2395

1 “(C) purchased through the Medical Com-
2 munity Care account of the Department; or

3 “(D) purchased with amounts deposited in
4 the Veterans Choice Fund under section 802 of
5 the Veterans Access, Choice, and Accountability
6 Act of 2014 (Public Law 113–146; 38 U.S.C.
7 1701 note).”.

8 (2) *CLERICAL AMENDMENT.*—The table of sec-
9 tions at the beginning of such subchapter is amended
10 by inserting after the item relating to section 1703E
11 the following new item:

 “1703F. Credentialing verification requirements for providers of non-Department
 health care services.”.

12 (b) *DEADLINE FOR IMPLEMENTATION.*—Not later than
13 180 days after the date of the enactment of this Act, the
14 Secretary of Veterans Affairs shall commence the implemen-
15 tation of section 1703F of title 38, United States Code, as
16 added by subsection (a)(1).

17 **SEC. 142. CLAIMS FOR PAYMENT FROM DEPARTMENT OF**
18 **VETERANS AFFAIRS FOR EMERGENCY TREAT-**
19 **MENT FURNISHED TO VETERANS.**

20 (a) *TREATMENT FOR NON-SERVICE-CONNECTED DIS-*
21 *ABILITIES.*—

22 (1) *IN GENERAL.*—Section 1725 of title 38,
23 United States Code, is amended—

2396

1 (A) by redesignating subsection (f) as sub-
2 section (h); and

3 (B) by inserting after subsection (e) the fol-
4 lowing new subsections (f) and (g):

5 “(f) *SUBMITTAL OF CLAIMS FOR DIRECT PAYMENT.*—
6 *An individual or entity seeking payment under subsection*
7 *(a)(2) for treatment provided to a veteran in lieu of reim-*
8 *bursement to the veteran shall submit a claim for such pay-*
9 *ment not later than 180 days after the latest date on which*
10 *such treatment was provided.*

11 “(g) *HOLD HARMLESS.*—*No veteran described in sub-*
12 *section (b) may be held liable for payment for emergency*
13 *treatment described in such subsection if—*

14 “(1) *a claim for direct payment was submitted*
15 *by an individual or entity under subsection (f); and*

16 “(2) *such claim was submitted after the deadline*
17 *established by such subsection due to—*

18 “(A) *an administrative error made by the*
19 *individual or entity, such as submission of the*
20 *claim to the wrong Federal agency, under the*
21 *wrong reimbursement authority (such as section*
22 *1728 of this title), or submission of the claim*
23 *after the deadline; or*

2397

1 “(B) an administrative error made by the
2 Department, such as misplacement of a paper
3 claim or deletion of an electronic claim.”.

4 (b) *TREATMENT FOR AND IN CONNECTION WITH SERV-*
5 *ICE-CONNECTED DISABILITIES.*—Section 1728 of such title
6 *is amended—*

7 (1) *by redesignating subsection (c) as subsection*
8 *(d); and*

9 (2) *by inserting after subsection (b) the following*
10 *new subsection (c):*

11 “(c) No veteran described in subsection (a) may be held
12 liable for payment for emergency treatment described in
13 such subsection if—

14 “(1) a claim for direct payment was submitted
15 by an individual or entity under subsection (b)(2);
16 and

17 “(2) such claim was submitted after a deadline
18 established by the Secretary for purposes of this sec-
19 tion due to—

20 “(A) an administrative error made by the
21 individual or entity, such as submission of the
22 claim to the wrong Federal agency or submission
23 of the claim after the deadline; or

2398

1 “(B) an administrative error made by the
2 Department, such as misplacement of a paper
3 claim or deletion of an electronic claim.”.

4 (c) *CONFORMING AMENDMENTS.*—Such title is amend-
5 *ed—*

6 (1) in section 1705A(d), by striking “section
7 1725(f)” and inserting “section 1725(h)”;

8 (2) in section 1725(b)(3)(B), by striking “sub-
9 section (f)(2)(B) or (f)(2)(C)” and inserting “sub-
10 section (h)(2)(B) or (h)(2)(C)”;

11 (3) in section 1728(d), as redesignated by sub-
12 section (b)(4), by striking “section 1725(f)(1)” and
13 inserting “section 1725(h)(1)”;

14 (4) in section 1781(a)(4), by striking “section
15 1725(f)” and inserting “section 1725(h)”;

16 (5) in section 1787(b)(3), by striking “section
17 1725(f)” and inserting “section 1725(h)”.

18 **SEC. 143. PUBLICATION OF CLARIFYING INFORMATION FOR**
19 **NON-DEPARTMENT OF VETERANS AFFAIRS**
20 **PROVIDERS.**

21 (a) *IN GENERAL.*—The Secretary of Veterans Affairs
22 shall publish on one or more publicly available internet
23 websites of the Department of Veterans Affairs, including
24 the main internet website regarding emergency care author-

2399

1 ization for non-Department providers, the following infor-
2 mation:

3 (1) *A summary table or similar resource that*
4 *provides a list of all authorities of the Department to*
5 *authorize emergency care from non-Department pro-*
6 *viders and, for each such authority, the corresponding*
7 *deadline for submission of claims.*

8 (2) *An illustrated summary of steps, such as a*
9 *process map, with a checklist for the submission of*
10 *clean claims that non-Department providers can fol-*
11 *low to assure compliance with the claims-filing proc-*
12 *ess of the Department.*

13 (3) *Contact information for the appropriate of-*
14 *fice or service line of the Department to address proc-*
15 *ess questions from non-Department providers.*

16 (b) *PERIODIC REVIEW.*—*Not less frequently than once*
17 *every 180 days, the Secretary shall review the information*
18 *published under subsection (a) to ensure that such informa-*
19 *tion is current.*

20 (c) *CLEAN CLAIMS DEFINED.*—*In this section, the*
21 *term “clean claims” means clean electronic claims and*
22 *clean paper claims (as those terms are defined in section*
23 *1703D(i) of title 38, United States Code).*

2400

1 **SEC. 144. INAPPLICABILITY OF CERTAIN PROVIDERS TO**
2 **PROVIDE NON-DEPARTMENT OF VETERANS**
3 **AFFAIRS CARE.**

4 *Section 108 of the VA MISSION Act of 2018 (Public*
5 *Law 115–182; 38 U.S.C. 1701 note) is amended—*

6 *(1) by redesignating subsections (d) and (e) as*
7 *subsections (e) and (f), respectively; and*

8 *(2) by inserting after subsection (c) the following*
9 *new subsection (d):*

10 *“(d) APPLICATION.—The requirement to deny or re-*
11 *voke the eligibility of a health care provider to provide non-*
12 *Department health care services to veterans under sub-*
13 *section (a) shall apply to any removal under paragraph*
14 *(1) of such subsection or violation under paragraph (2) of*
15 *such subsection that occurred on or after a date determined*
16 *by the Secretary that is not less than five years before the*
17 *date of the enactment of this Act.”.*

18 ***Subtitle D—Improvement of Rural***
19 ***Health and Telehealth***

20 **SEC. 151. ESTABLISHMENT OF STRATEGIC PLAN REQUIRE-**
21 **MENT FOR OFFICE OF CONNECTED CARE OF**
22 **DEPARTMENT OF VETERANS AFFAIRS.**

23 *(a) FINDINGS.—Congress makes the following findings:*

24 *(1) The COVID–19 pandemic caused the Depart-*
25 *ment of Veterans Affairs to exponentially increase*
26 *telehealth and virtual care modalities, including VA*

2401

1 *Video Connect, to deliver health care services to vet-*
2 *eran patients.*

3 *(2) Between January 2020 and January 2021,*
4 *the number of telehealth appointments offered by the*
5 *Department increased by 1,831 percent.*

6 *(3) The Department maintains strategic partner-*
7 *ships, such as the Digital Divide Consult, with a goal*
8 *of ensuring veterans who reside in rural, highly rural,*
9 *or medically underserved areas have access to high-*
10 *quality telehealth services offered by the Department.*

11 *(4) As of 2019, veterans who reside in rural and*
12 *highly rural areas make up approximately $\frac{1}{3}$ of vet-*
13 *eran enrollees in the patient enrollment system, and*
14 *are on average, older than their veteran peers in*
15 *urban areas, experience higher degrees of financial in-*
16 *stability, and live with a greater number of complex*
17 *health needs and comorbidities.*

18 *(5) The Federal Communications Commission*
19 *estimated in 2020 that 15 percent of veteran house-*
20 *holds do not have an internet connection.*

21 *(6) Under the Coronavirus Aid, Relief, and Eco-*
22 *nomic Security Act (Public Law 116–136), Congress*
23 *granted the Department additional authority to enter*
24 *into short-term agreements or contracts with private*
25 *sector telecommunications companies to provide cer-*

2402

1 tain broadband services for the purposes of providing
2 expanded mental health services to isolated veterans
3 through telehealth or VA Video Connect during a pub-
4 lic health emergency.

5 (7) The authority described in paragraph (6)
6 was not utilized to the fullest extent by the Depart-
7 ment.

8 (8) Though the Department has made significant
9 progress in expanding telehealth services offered to
10 veterans who are enrolled in the patient enrollment
11 system, significant gaps still exist to ensure all vet-
12 erans receive equal and high-quality access to virtual
13 care.

14 (9) Questions regarding the efficacy of using tele-
15 health for certain health care services and specialties
16 remain, and should be further studied.

17 (10) The Department continues to expand tele-
18 health and virtual care offerings for primary care,
19 mental health care, specialty care, urgent care, and
20 even remote intensive care units.

21 (b) SENSE OF CONGRESS.—It is the sense of Congress
22 that the telehealth services offered by the Department of Vet-
23 erans Affairs should be routinely measured and evaluated
24 to ensure the telehealth technologies and modalities delivered
25 to veteran patients to treat a wide variety of health condi-

2403

1 *tions are as effective as in-person treatment for primary*
2 *care, mental health care, and other forms of specialty care.*

3 *(c) DEVELOPMENT OF STRATEGIC PLAN.—*

4 *(1) IN GENERAL.—Not later than one year after*
5 *the date of the enactment of this Act, the Secretary of*
6 *Veterans Affairs, acting through the Office of Con-*
7 *connected Care of the Department of Veterans Affairs,*
8 *shall develop a strategic plan to ensure the effective-*
9 *ness of the telehealth technologies and modalities de-*
10 *livered by the Department to veterans who are en-*
11 *rolled in the patient enrollment system.*

12 *(2) UPDATE.—*

13 *(A) IN GENERAL.—The Secretary shall up-*
14 *date the strategic plan required under paragraph*
15 *(1) not less frequently than once every three*
16 *years following development of the plan.*

17 *(B) CONSULTATION.—The Secretary shall*
18 *prepare any update required under subpara-*
19 *graph (A) in consultation with the following:*

20 *(i) The Chief Officer of the Office of*
21 *Connected Care of the Department.*

22 *(ii) The Executive Director of Tele-*
23 *health Services of the Office of Connected*
24 *Care.*

2404

1 (iii) *The Executive Director of Con-*
2 *nected Health of the Office of Connected*
3 *Care.*

4 (iv) *The Executive Director of the Of-*
5 *fice of Rural Health of the Department.*

6 (v) *The Executive Director of Solution*
7 *Delivery, IT Operations and Services of the*
8 *Office of Information and Technology of the*
9 *Department.*

10 (3) *ELEMENTS.—The strategic plan required*
11 *under paragraph (1), and any update to that plan*
12 *under paragraph (2), shall include, at a minimum,*
13 *the following:*

14 (A) *A comprehensive list of all health care*
15 *specialties the Department is currently deliv-*
16 *ering by telehealth or virtual care.*

17 (B) *An assessment of the effectiveness and*
18 *patient outcomes for each type of health care spe-*
19 *cialty delivered by telehealth or virtual care by*
20 *the Department.*

21 (C) *An assessment of satisfaction of veterans*
22 *in receiving care through telehealth or virtual*
23 *care disaggregated by age group and by Veterans*
24 *Integrated Service Network.*

2405

1 (D) *An assessment of the percentage of vir-*
2 *tual visits delivered by the Department through*
3 *each modality including standard telephone tele-*
4 *health, VA Video Connect, and the Accessing*
5 *Telehealth through Local Area Stations program*
6 *of the Department.*

7 (E) *An outline of all current partnerships*
8 *maintained by the Department to bolster tele-*
9 *health or virtual care services for veterans.*

10 (F) *An assessment of the barriers faced by*
11 *the Department in delivering telehealth or vir-*
12 *tual care services to veterans residing in rural*
13 *and highly rural areas, and the strategies the*
14 *Department is deploying beyond purchasing*
15 *hardware for veterans who are enrolled in the*
16 *patient enrollment system.*

17 (G) *A detailed plan illustrating how the De-*
18 *partment is working with other Federal agencies,*
19 *including the Department of Health and Human*
20 *Services, the Department of Agriculture, the Fed-*
21 *eral Communications Commission, and the Na-*
22 *tional Telecommunications and Information Ad-*
23 *ministration, to enhance connectivity in rural,*
24 *highly rural, and medically underserved areas to*
25 *better reach all veterans.*

2406

1 (H) *The feasibility and advisability of*
2 *partnering with Federally qualified health cen-*
3 *ters, rural health clinics, and critical access hos-*
4 *pitals to fill the gap for health care services that*
5 *exists for veterans who reside in rural and high-*
6 *ly rural areas.*

7 (I) *An evaluation of the number of veterans*
8 *who are enrolled in the patient enrollment sys-*
9 *tem who have previously received care under the*
10 *Veterans Community Care Program under sec-*
11 *tion 1703 of title 38, United States Code.*

12 (d) *SUBMITTAL TO CONGRESS.—Not later than 180*
13 *days after the development of the strategic plan under para-*
14 *graph (1) of subsection (c), and not later than 180 days*
15 *after each update under paragraph (2) of such subsection*
16 *thereafter, the Secretary shall submit to the Committee on*
17 *Veterans' Affairs of the Senate and the Committee on Vet-*
18 *erans' Affairs of the House of Representatives a report that*
19 *includes the following:*

20 (1) *The completed strategic plan or update, as*
21 *the case may be.*

22 (2) *An identification of areas of improvement by*
23 *the Department in the delivery of telehealth and vir-*
24 *tual care services to veterans who are enrolled in the*

2407

1 *patient enrollment system, with a timeline for im-*
2 *provements to be implemented.*

3 *(e) DEFINITIONS.—*

4 *(1) PATIENT ENROLLMENT SYSTEM.—The term*
5 *“patient enrollment system” means the system of an-*
6 *nual patient enrollment of the Department of Vet-*
7 *erans Affairs established and operated under section*
8 *1705(a) of title 38, United States Code.*

9 *(2) RURAL; HIGHLY RURAL.—The terms “rural”*
10 *and “highly rural” have the meanings given those*
11 *terms in the Rural-Urban Commuting Areas coding*
12 *system of the Department of Agriculture.*

13 *(3) VA VIDEO CONNECT.—The term “VA Video*
14 *Connect” means the program of the Department of*
15 *Veterans Affairs to connect veterans with their health*
16 *care team from anywhere, using encryption to ensure*
17 *a secure and private connection.*

18 **SEC. 152. COMPTROLLER GENERAL REPORT ON TRANSPOR-**
19 **TATION SERVICES BY THIRD PARTIES FOR**
20 **RURAL VETERANS.**

21 *(a) REPORT REQUIRED.—Not later than 540 days*
22 *after the date of the enactment of this Act, the Comptroller*
23 *General of the United States shall submit to the Committee*
24 *on Veterans’ Affairs of the Senate and the Committee on*
25 *Veterans’ Affairs of the House of Representatives a report*

2408

1 *on the program the establishment of which was facilitated*
2 *under section 111A(b) of title 38, United States Code.*

3 *(b) CONTENTS.—The report submitted under sub-*
4 *section (a) shall include the following:*

5 *(1) A description of the program described in*
6 *such subsection, including descriptions of the fol-*
7 *lowing:*

8 *(A) The purpose of the program.*

9 *(B) The activities carried out under the*
10 *program.*

11 *(2) An assessment of the sufficiency of the pro-*
12 *gram with respect to the purpose of the program.*

13 *(3) An assessment of the cost effectiveness of the*
14 *program in comparison to alternatives.*

15 *(4) An assessment of the health benefits for vet-*
16 *erans who have participated in the program.*

17 *(5) An assessment of the sufficiency of staffing of*
18 *employees of the Department of Veterans Affairs who*
19 *are responsible for facilitating the maintenance of the*
20 *program.*

21 *(6) An assessment, with respect to the purpose of*
22 *the program, of the number of vehicles owned by and*
23 *operating in conjunction with the program.*

24 *(7) An assessment of the awareness and usage of*
25 *the program by veterans and their families.*

2409

1 (8) *An assessment of other options for transpor-*
2 *tation under the program, such as local taxi compa-*
3 *nies and ridesharing programs such as Uber and*
4 *Lyft.*

5 **SEC. 153. COMPTROLLER GENERAL REPORT ON TELE-**
6 **HEALTH SERVICES OF THE DEPARTMENT OF**
7 **VETERANS AFFAIRS.**

8 (a) *IN GENERAL.*—*Not later than 18 months after the*
9 *date of the enactment of this Act, the Comptroller General*
10 *of the United States shall submit to the Committee on Vet-*
11 *erans' Affairs of the Senate and the Committee on Veterans'*
12 *Affairs of the House of Representatives a report on tele-*
13 *health services provided by the Department of Veterans Af-*
14 *fairs.*

15 (b) *ELEMENTS.*—*The report required by subsection (a)*
16 *shall include an assessment of the following:*

17 (1) *The telehealth and virtual health care pro-*
18 *grams of the Department of Veterans Affairs, includ-*
19 *ing VA Video Connect.*

20 (2) *The challenges faced by the Department in*
21 *delivering telehealth and virtual health care to vet-*
22 *erans who reside in rural and highly rural areas due*
23 *to lack of connectivity in many rural areas.*

2410

1 (3) *Any mitigation strategies used by the De-*
2 *partment to overcome connectivity barriers for vet-*
3 *erans who reside in rural and highly rural areas.*

4 (4) *The partnerships entered into by the Office*
5 *of Connected Care of the Department in an effort to*
6 *bolster telehealth services.*

7 (5) *The extent to which the Department has ex-*
8 *amined the effectiveness of health care services pro-*
9 *vided to veterans through telehealth in comparison to*
10 *in-person treatment.*

11 (6) *Satisfaction of veterans with respect to the*
12 *telehealth services provided by the Department.*

13 (7) *The use by the Department of telehealth ap-*
14 *pointments in comparison to referrals to care under*
15 *the Veterans Community Care Program under section*
16 *1703 of title 38, United States Code.*

17 (8) *Such other areas as the Comptroller General*
18 *considers appropriate.*

19 ***Subtitle E—Care for Aging***
20 ***Veterans***

21 ***SEC. 161. STRATEGY FOR LONG-TERM CARE FOR AGING***
22 ***VETERANS.***

23 (a) *IN GENERAL.—The Secretary of Veterans Affairs*
24 *shall develop a strategy for the long-term care of veterans.*

2411

1 (b) *ELEMENTS.*—*The strategy developed under sub-*
2 *section (a) shall—*

3 (1) *identify current and future needs for the*
4 *long-term care of veterans based on demographic data*
5 *and availability of services both from the Department*
6 *of Veterans Affairs and from non-Department pro-*
7 *viders in the community, include other Federal Gov-*
8 *ernment, non-Federal Government, nonprofit, for*
9 *profit, and other entities;*

10 (2) *identify the current and future needs of vet-*
11 *erans for both institutional and non-institutional*
12 *long-term care (for example, home-based and commu-*
13 *nity-based services), taking into account the needs of*
14 *growing veteran population groups, including women*
15 *veterans, veterans with traumatic brain injury, vet-*
16 *erans with memory loss, and other population groups*
17 *with unique needs; and*

18 (3) *address new and different care delivery mod-*
19 *els, including by—*

20 (A) *assessing the implications of such mod-*
21 *els for the design of facilities and how those fa-*
22 *cilities may need to change;*

23 (B) *examining the workforce needed to sup-*
24 *port aging populations of veterans as they grow*

2412

1 *and receive long-term care through different*
2 *trends of care delivery; and*

3 *(C) considering the feasibility and advis-*
4 *ability of implementing a veteran-focused inde-*
5 *pendent provider model for non-institutional*
6 *care.*

7 *(c) REPORT.—Not later than one year after the date*
8 *of the enactment of this Act, the Secretary shall submit to*
9 *Congress a report on the strategy developed under sub-*
10 *section (a).*

11 **SEC. 162. IMPROVEMENT OF STATE VETERANS HOMES.**

12 *(a) STANDARDIZED SHARING AGREEMENTS.—The*
13 *Secretary of Veterans Affairs shall develop a standardized*
14 *process throughout the Department of Veterans Affairs for*
15 *entering into sharing agreements between State homes and*
16 *medical centers of the Department.*

17 *(b) PROVISION OF MEDICATION TO CATASTROPH-*
18 *ICALLY DISABLED VETERANS.—Section 1745(b) of title 38,*
19 *United States Code, is amended by adding at the end the*
20 *following new paragraph:*

21 *“(3) Any veteran who has been determined by*
22 *the Secretary to be catastrophically disabled, as de-*
23 *finied in section 17.36(e) of title 38, Code of Federal*
24 *Regulations, or successor regulations, and on whose*
25 *behalf the Secretary is paying a per diem for nursing*

2413

1 *home or domiciliary care in a State home under this*
2 *chapter.”.*

3 (c) *OVERSIGHT OF INSPECTIONS.*—

4 (1) *MONITORING.*—*The Secretary shall monitor*
5 *any contractor used by the Department to conduct in-*
6 *spections of State homes, including by reviewing the*
7 *inspections conducted by each such contractor for*
8 *quality not less frequently than quarterly.*

9 (2) *REPORTING OF DEFICIENCIES.*—*The Sec-*
10 *retary shall require that any deficiencies of a State*
11 *home noted during the inspection of the State home*
12 *be reported to the Secretary.*

13 (3) *TRANSPARENCY.*—*The Secretary shall pub-*
14 *lish the results of any inspection of a State home, and*
15 *any associated corrective actions planned by the State*
16 *home, on a publicly available internet website of the*
17 *Department.*

18 (d) *STATE HOME DEFINED.*—*In this section, the term*
19 *“State home” has the meaning given that term in section*
20 *101(19) of title 38, United States Code.*

21 **SEC. 163. GERIATRIC PSYCHIATRY PILOT PROGRAM AT**
22 **STATE VETERANS HOMES.**

23 (a) *IN GENERAL.*—*Not later than one year after the*
24 *date of the enactment of this Act, the Secretary of Veterans*
25 *Affairs shall commence the conduct of a pilot program*

2414

1 *under which the Secretary shall provide geriatric psychi-*
2 *atry assistance to eligible veterans at State homes.*

3 *(b) DURATION.—The Secretary shall carry out the*
4 *pilot program under this section for a two-year period.*

5 *(c) TYPE OF ASSISTANCE.—Assistance provided under*
6 *the pilot program under this section may include—*

7 *(1) direct provision of geriatric psychiatry serv-*
8 *ices, including health care if feasible;*

9 *(2) payments to non-Department of Veterans Af-*
10 *fairs providers in the community to provide such*
11 *services;*

12 *(3) collaboration with other Federal agencies to*
13 *provide such services; or*

14 *(4) such other forms of assistance as the Sec-*
15 *retary considers appropriate.*

16 *(d) CONSIDERATION OF LOCAL AREA NEEDS.—In pro-*
17 *viding assistance under the pilot program under this sec-*
18 *tion, the Secretary shall consider the geriatric psychiatry*
19 *needs of the local area, including by considering—*

20 *(1) State homes with a high proportion of resi-*
21 *dents with unmet mental health needs;*

22 *(2) State homes located in mental health care*
23 *health professional shortage areas designated under*
24 *section 332 of the Public Health Service Act (42*
25 *U.S.C. 254e); or*

2415

1 (3) *State homes located in rural or highly rural*
2 *areas.*

3 (e) *DEFINITIONS.—In this section, the terms “State*
4 *home” and “veteran” have the meanings given those terms*
5 *in section 101 of title 38, United States Code.*

6 **SEC. 164. SUPPORT FOR AGING VETERANS AT RISK OF OR**
7 **EXPERIENCING HOMELESSNESS.**

8 (a) *IN GENERAL.—The Secretary of Veterans Affairs*
9 *shall work with public housing authorities and local organi-*
10 *zations to assist aging homeless veterans in accessing exist-*
11 *ing housing and supportive services, including health serv-*
12 *ices like home-based and community-based services from the*
13 *Department of Veterans Affairs or from non-Department*
14 *providers in the community.*

15 (b) *PAYMENT FOR SERVICES.—The Secretary may,*
16 *and is encouraged to, pay for services for aging homeless*
17 *veterans described in subsection (a).*

18 **SEC. 165. SECRETARY OF VETERANS AFFAIRS CONTRACT**
19 **AUTHORITY FOR PAYMENT OF CARE FOR VET-**
20 **ERANS IN NON-DEPARTMENT OF VETERANS**
21 **AFFAIRS MEDICAL FOSTER HOMES.**

22 (a) *AUTHORITY.—*

23 (1) *IN GENERAL.—Section 1720 of title 38,*
24 *United States Code, is amended by adding at the end*
25 *the following new subsection:*

2416

1 “(h)(1) *During the five-year period beginning on the*
2 *date of the enactment of the Joseph Maxwell Cleland and*
3 *Robert Joseph Dole Memorial Veterans Benefits and Health*
4 *Care Improvement Act of 2022, and subject to paragraph*
5 *(3)—*

6 “(A) *at the request of a veteran for whom the*
7 *Secretary is required to provide nursing home care*
8 *under section 1710A of this title, the Secretary may*
9 *place the veteran in a medical foster home that meets*
10 *Department standards, at the expense of the United*
11 *States, pursuant to a contract, agreement, or other*
12 *arrangement entered into between the Secretary and*
13 *the medical foster home for such purpose; and*

14 “(B) *the Secretary may pay for care of a veteran*
15 *placed in a medical foster home before such date of*
16 *enactment, if the home meets Department standards,*
17 *pursuant to a contract, agreement, or other arrange-*
18 *ment entered into between the Secretary and the med-*
19 *ical foster home for such purpose.*

20 “(2) *A veteran on whose behalf the Secretary pays for*
21 *care in a medical foster home under paragraph (1) shall*
22 *agree, as a condition of such payment, to accept home*
23 *health services furnished by the Secretary under section*
24 *1717 of this title.*

2417

1 “(3) *In any year, not more than a daily average of*
2 *900 veterans receiving care in a medical foster home, wheth-*
3 *er placed before, on, or after the date of the enactment of*
4 *the Joseph Maxwell Cleland and Robert Joseph Dole Memo-*
5 *rial Veterans Benefits and Health Care Improvement Act*
6 *of 2022, may have their care covered at the expense of the*
7 *United States under paragraph (1).*

8 “(4) *The prohibition under section 1730(b)(3) of this*
9 *title shall not apply to a veteran whose care is covered at*
10 *the expense of the United States under paragraph (1).*

11 “(5) *In this subsection, the term ‘medical foster home’*
12 *means a home designed to provide non-institutional, long-*
13 *term, supportive care for veterans who are unable to live*
14 *independently and prefer a family setting.’.*

15 (2) *EFFECTIVE DATE.*—Subsection (h) of section
16 *1720 of title 38, United States Code, as added by*
17 *paragraph (1), shall take effect 90 days after the date*
18 *of the enactment of this Act.*

19 (b) *ONGOING MONITORING OF MEDICAL FOSTER*
20 *HOME PROGRAM.*—

21 (1) *IN GENERAL.*—The Secretary of Veterans Af-
22 *airs shall create a system to monitor and assess the*
23 *workload for the Department of Veterans Affairs in*
24 *carrying out the authority under section 1720(h) of*

2418

1 *title 38, United States Code, as added by subsection*
2 *(a)(1), including by tracking—*

3 *(A) requests by veterans to be placed in a*
4 *medical foster home under such section;*

5 *(B) denials of such requests, including the*
6 *reasons for such denials;*

7 *(C) the total number of medical foster homes*
8 *applying to participate under such section,*
9 *disaggregated by those approved and those de-*
10 *nied approval by the Department to participate;*

11 *(D) veterans receiving care at a medical fos-*
12 *ter home at the expense of the United States; and*

13 *(E) veterans receiving care at a medical fos-*
14 *ter home at their own expense.*

15 *(2) REPORT.—Based on the monitoring and as-*
16 *sessments conducted under paragraph (1), the Sec-*
17 *retary shall identify and submit to Congress a report*
18 *on such modifications to implementing section*
19 *1720(h) of title 38, United States Code, as added by*
20 *subsection (a)(1), as the Secretary considers necessary*
21 *to ensure the authority under such section is func-*
22 *tioning as intended and care is provided to veterans*
23 *under such section as intended.*

24 *(3) MEDICAL FOSTER HOME DEFINED.—In this*
25 *subsection, the term “medical foster home” has the*

2419

1 *meaning given that term in section 1720(h) of title*
2 *38, United States Code, as added by subsection (a)(1).*
3 *(c) COMPTROLLER GENERAL REPORT.—Not later than*
4 *each of three years and six years after the date of the enact-*
5 *ment of this Act, the Comptroller General of the United*
6 *States shall submit to Congress a report—*

7 *(1) assessing the implementation of this section*
8 *and the amendments made by this section;*

9 *(2) assessing the impact of the monitoring and*
10 *modifications under subsection (b) on care provided*
11 *under section 1720(h) of title 38, United States Code,*
12 *as added by subsection (a)(1); and*

13 *(3) setting forth recommendations for improve-*
14 *ments to the implementation of such section, as the*
15 *Comptroller General considers appropriate.*

16 ***Subtitle F—Foreign Medical***
17 ***Program***

18 ***SEC. 171. ANALYSIS OF FEASIBILITY AND ADVISABILITY OF***
19 ***EXPANDING ASSISTANCE AND SUPPORT TO***
20 ***CAREGIVERS TO INCLUDE CAREGIVERS OF***
21 ***VETERANS IN THE REPUBLIC OF THE PHIL-***
22 ***IPPINES.***

23 *(a) FINDINGS.—Congress makes the following findings:*

24 *(1) Although section 161 of the VA MISSION*
25 *Act of 2018 (Public Law 115–182; 132 Stat. 1438)*

2420

1 *expanded the program of comprehensive assistance for*
2 *family caregivers of the Department of Veterans Af-*
3 *airs under section 1720G(a) of title 38, United States*
4 *Code, to veterans of all eras, it did not expand the*
5 *program to family caregivers for veterans overseas.*

6 *(2) Although caregivers for veterans overseas can*
7 *access online resources as part of the program of sup-*
8 *port services for caregivers of veterans under sub-*
9 *section (b) section 1720G of such title, those caregivers*
10 *are not currently eligible for the comprehensive serv-*
11 *ices and benefits provided under subsection (a) of*
12 *such section.*

13 *(3) The Department has an outpatient clinic*
14 *and a regional benefits office in Manila, Republic of*
15 *the Philippines, and the Foreign Medical Program of*
16 *the Department under section 1724 of such title is*
17 *used heavily in the Republic of the Philippines by*
18 *veterans who live in that country.*

19 *(4) Due to the presence of facilities of the De-*
20 *partment in the Republic of the Philippines and the*
21 *number of veterans who reside there, that country is*
22 *a suitable test case to analyze the feasibility and ad-*
23 *visability of expanding caregiver support to care-*
24 *givers of veterans overseas.*

2421

1 (b) *ANALYSIS.*—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of Veterans Af-
3 fairs shall complete an analysis of the feasibility and advis-
4 ability of making assistance and support under section
5 1720G(a) of title 38, United States Code, available to care-
6 givers of veterans in the Republic of the Philippines.

7 (c) *REPORT.*—Not later than 180 days after the con-
8 clusion of the analysis conducted under subsection (b), the
9 Secretary shall submit to the Committee on Veterans' Af-
10 fairs of the Senate and the Committee on Veterans' Affairs
11 of the House of Representatives a report that includes the
12 following:

13 (1) *The results of such analysis.*

14 (2) *An assessment of the number of veterans who*
15 *are enrolled in the patient enrollment system and re-*
16 *side in the Republic of the Philippines.*

17 (3) *An assessment of the number of veterans re-*
18 *siding in the Republic of the Philippines with a dis-*
19 *ability rating from the Department of not less than*
20 *70 percent.*

21 (4) *An assessment of the number of veterans who*
22 *are enrolled in the patient enrollment system and re-*
23 *side in the Republic of the Philippines that have a*
24 *caregiver to provide them personal care services de-*

2422

1 scribed in section 1720G(a)(C) of title 38, United
2 States Code.

3 (5) *An assessment of the staffing needs and asso-*
4 *ciated costs of making assistance and support avail-*
5 *able to caregivers of veterans in the Republic of the*
6 *Philippines.*

7 (6) *An assessment of the infrastructure needs*
8 *and associated costs of making assistance and support*
9 *available to caregivers of veterans in the Republic of*
10 *the Philippines.*

11 (7) *An assessment of the local transportation*
12 *challenges to making assistance and support available*
13 *to caregivers of veterans in the Republic of the Phil-*
14 *ippines.*

15 (8) *An assessment of how the Secretary would*
16 *determine payment rates for caregivers of veterans in*
17 *the Republic of the Philippines to account for*
18 *variances in living standards in the Republic of the*
19 *Philippines.*

20 (9) *Such other elements as the Secretary con-*
21 *siders appropriate.*

22 (d) *DEFINITIONS.—In this section:*

23 (1) *CAREGIVER.—The term “caregiver” has the*
24 *meaning given that term in section 1720G(d) of title*
25 *38, United States Code.*

2423

1 (2) *PATIENT ENROLLMENT SYSTEM.*—*The term*
2 *“patient enrollment system” means the system of an-*
3 *nuual patient enrollment of the Department of Vet-*
4 *erans Affairs established and operated under section*
5 *1705(a) of such title.*

6 (3) *VETERAN.*—*The term “veteran” has the*
7 *meaning given that term in section 101(2) of such*
8 *title.*

9 **SEC. 172. COMPTROLLER GENERAL REPORT ON FOREIGN**
10 **MEDICAL PROGRAM OF DEPARTMENT OF VET-**
11 **ERANS AFFAIRS.**

12 (a) *IN GENERAL.*—*Not later than two years after the*
13 *date of the enactment of this Act, the Comptroller General*
14 *of the United States shall submit to the Committee on Vet-*
15 *erans’ Affairs of the Senate and the Committee on Veterans’*
16 *Affairs of the House of Representatives a report on the For-*
17 *ign Medical Program.*

18 (b) *ELEMENTS.*—*The report required by subsection (a)*
19 *shall include, for the most recent five fiscal years for which*
20 *data are available, an assessment of the following:*

21 (1) *The number of veterans who live overseas and*
22 *are eligible for the Foreign Medical Program.*

23 (2) *The number of veterans who live overseas, are*
24 *registered for the Foreign Medical Program, and use*
25 *such program.*

2424

1 (3) *The number of veterans who live overseas, are*
2 *registered for the Foreign Medical Program, and do*
3 *not use such program.*

4 (4) *The number of veterans who are eligible for*
5 *care furnished by the Department of Veterans Affairs,*
6 *live in the United States, including territories of the*
7 *United States, and make use of such care, including*
8 *through the Veterans Community Care Program*
9 *under section 1703 of title 38, United States Code.*

10 (5) *Any challenges faced by the Department in*
11 *administering the Foreign Medical Program, includ-*
12 *ing—*

13 (A) *outreach to veterans on eligibility for*
14 *such program and ensuring veterans who live*
15 *overseas are aware of such program;*

16 (B) *executing timely reimbursements of*
17 *claims by veterans under such program; and*

18 (C) *need for and use of translation services.*

19 (6) *Any trends relating to—*

20 (A) *the timeliness of processing by the De-*
21 *partment of claims under the Foreign Medical*
22 *Program and reimbursement of veterans under*
23 *such program;*

2425

1 *(B) types of care or treatment sought by*
2 *veterans who live overseas that is reimbursed*
3 *under such program; and*

4 *(C) types of care or treatment eligible for*
5 *reimbursement under such program that veterans*
6 *have difficulty accessing overseas.*

7 *(7) Any barriers or obstacles cited by veterans*
8 *who live overseas who are registered for the Foreign*
9 *Medical Program, including any differences between*
10 *veterans who use the program and veterans who do*
11 *not.*

12 *(8) Satisfaction of veterans who live overseas*
13 *with the Foreign Medical Program.*

14 *(9) Such other areas as the Comptroller General*
15 *considers appropriate.*

16 *(c) FOREIGN MEDICAL PROGRAM DEFINED.—In this*
17 *section, the term “Foreign Medical Program” means the*
18 *program under which the Secretary of Veterans Affairs pro-*
19 *vides hospital care and medical services under section 1724*
20 *of title 38, United States Code.*

2426

1 ***Subtitle G—Research Matters***

2 ***SEC. 181. INAPPLICABILITY OF PAPERWORK REDUCTION***

3 ***ACT.***

4 (a) *IN GENERAL.*—Subchapter II of chapter 73 of title
5 38, United States Code, is amended by adding at the end
6 the following new section:

7 ***“§ 7330D. Inapplicability of Paperwork Reduction Act***
8 ***to research activities***

9 “Subchapter I of chapter 35 of title 44 (commonly re-
10 ferred to as the ‘Paperwork Reduction Act’) shall not apply
11 to the voluntary collection of information during the con-
12 duct of research by the Veterans Health Administration, in-
13 cluding the Office of Research and Development, or individ-
14 uals or entities affiliated with the Veterans Health Admin-
15 istration.”.

16 (b) *CLERICAL AMENDMENT.*—The table of sections at
17 the beginning of such subchapter is amended by inserting
18 after the item relating to section 7330C the following new
19 item:

20 “(1) “7330D. Inapplicability of Paperwork Re-
21 duction Act to research activities.”.

22 ***SEC. 182. RESEARCH AND DEVELOPMENT.***

23 (a) *OFFICE OF RESEARCH AND DEVELOPMENT.*—
24 Chapter 73 of title 38, United States Code, is amended by
25 adding at the end the following new subchapter:

2427

1 “SUBCHAPTER V—RESEARCH AND
2 DEVELOPMENT

3 **“§ 7381. Office of Research and Development**

4 “(a) OFFICE OF RESEARCH AND DEVELOPMENT.—
5 *There is in the Veterans Health Administration an Office*
6 *of Research and Development (in this section referred to as*
7 *the ‘Office’).*

8 “(b) PURPOSES.—*The function of the Office is to serve*
9 *veterans through a full spectrum of research (including pre-*
10 *clinical, clinical, and health systems science), technology*
11 *transfer, and application.*

12 “(c) CHIEF RESEARCH AND DEVELOPMENT OFFI-
13 *CER.—The head of the Office is the Chief Research and De-*
14 *velopment Officer.*

15 “(d) ORGANIZATION AND PERSONNEL.—*The Office*
16 *shall be organized in such manner, and its personnel shall*
17 *perform such duties and have such titles, as the Secretary*
18 *may prescribe.*

19 **“§ 7382. Research personnel**

20 “(a) WAIVER OF INTERGOVERNMENTAL PERSONNEL
21 *ACT MOBILITY PROGRAM LIMITS.—The Secretary may*
22 *waive the limit on the period and number of assignments*
23 *required under section 3372(a) of title 5 with respect to an*
24 *individual who performs research for the Department under*
25 *the mobility program under subchapter VI of chapter 33*

2428

1 *of such title (commonly referred to as the ‘Intergovern-*
2 *mental Personnel Act Mobility Program’).*

3 “(b) *OUTSIDE EARNED INCOME FOR RESEARCH FOR*
4 *THE DEPARTMENT.—(1) Compensation from a nonprofit*
5 *corporation established under subchapter IV of this chapter,*
6 *or a university affiliated with the Department, may be*
7 *paid, without regard to section 209 of title 18, to an em-*
8 *ployee described in paragraph (2), for research conducted*
9 *pursuant to section 7303 of this title if—*

10 “(A) *the research has been approved in accord-*
11 *ance with procedures prescribed by the Under Sec-*
12 *retary for Health;*

13 “(B) *the employee conducts research under the*
14 *supervision of personnel of the Department; and*

15 “(C) *the Secretary agreed to the terms of such*
16 *compensation in writing.*

17 “(2) *An employee described in this subsection is an*
18 *employee who has an appointment within the Department,*
19 *whether with or without compensation, and without regard*
20 *to the source of such compensation.”.*

21 (b) *CLERICAL AMENDMENT.—The table of sections at*
22 *the beginning of such chapter is amended by adding at the*
23 *end the following new items:*

“SUBCHAPTER V—RESEARCH AND DEVELOPMENT

“7381. *Office of Research and Development.*

“7382. *Research personnel.”.*

2429

1 **SEC. 183. EXPANSION OF HIRING AUTHORITIES FOR CER-**
2 **TAIN CLASSES OF RESEARCH OCCUPATIONS.**

3 *Section 7401(3) of title 38, United States Code, is*
4 *amended by inserting “statisticians, economists,*
5 *informaticists, data scientists, and” after “blind rehabilita-*
6 *tion outpatient specialists.”.*

7 **SEC. 184. COMPTROLLER GENERAL STUDY ON DEDICATED**
8 **RESEARCH TIME FOR CERTAIN PERSONNEL**
9 **OF THE DEPARTMENT OF VETERANS AF-**
10 **FAIRS.**

11 *(a) STUDY.—The Comptroller General of the United*
12 *States shall conduct a study on the amount of time dedi-*
13 *cated for research for clinician-scientists appointed by the*
14 *Secretary of Veterans Affairs.*

15 *(b) ELEMENTS.—The study under subsection (a) shall*
16 *include the following:*

17 *(1) A review of the policies and practices of the*
18 *Department of Veterans Affairs regarding the time*
19 *dedicated for research for the personnel specified in*
20 *subsection (a).*

21 *(2) An assessment of the effect of such policies*
22 *and practices on the following:*

23 *(A) The recruitment and retention efforts of*
24 *the Department.*

25 *(B) The productivity of the personnel speci-*
26 *fied in subsection (a) with respect to research.*

2430

1 (C) *The efficient use of resources available*
2 *for research on issues relating to the health of*
3 *veterans.*

4 (c) *REPORT.—Not later than two years after the date*
5 *of the enactment of this Act, the Comptroller General shall*
6 *submit to the Committee on Veterans’ Affairs of the Senate*
7 *and the Committee on Veterans’ Affairs of the House of Rep-*
8 *resentatives a report detailing the findings of the study con-*
9 *ducted under subsection (a).*

10 ***Subtitle H—Mental Health Care***

11 ***SEC. 191. ANALYSIS OF FEASIBILITY AND ADVISABILITY OF*** 12 ***DEPARTMENT OF VETERANS AFFAIRS PRO-*** 13 ***VIDING EVIDENCE-BASED TREATMENTS FOR*** 14 ***THE DIAGNOSIS OF TREATMENT-RESISTANT*** 15 ***DEPRESSION.***

16 (a) *FINDINGS.—Congress makes the following findings:*

17 (1) *A systematic review in 2019 of the economics*
18 *and quality of life relating to treatment-resistant de-*
19 *pression summarized that major depressive disorder*
20 *(in this subsection referred to as “MDD”) is a global*
21 *public health concern and that treatment-resistant de-*
22 *pression in particular represents a key unmet need.*
23 *The findings of that review highlighted the need for*
24 *improved therapies for treatment-resistant depression*

2431

1 *to reduce disease burden, lower medical costs, and im-*
2 *prove the quality of life of patients.*

3 *(2) The Clinical Practice Guideline for the Man-*
4 *agement of MDD (in this subsection referred to as the*
5 *“CPG”) developed jointly by the Department of Vet-*
6 *erans Affairs and the Department of Defense defines*
7 *treatment-resistant depression as at least two ade-*
8 *quate treatment trials and lack of full response to*
9 *each.*

10 *(3) The CPG recommends electro-convulsive ther-*
11 *apy (in this subsection referred to as “ECT”) as a*
12 *treatment strategy for patients who have failed mul-*
13 *tiple other treatment strategies.*

14 *(4) The CPG recommends offering repetitive*
15 *transcranial magnetic stimulation (in this subsection*
16 *referred to as “rTMS”), an intervention that is indi-*
17 *cated by the Food and Drug Administration, for*
18 *treatment during a major depressive episode in pa-*
19 *tients with treatment-resistant MDD.*

20 *(5) The final report of the Creating Options for*
21 *Veterans’ Expedited Recovery Commission (commonly*
22 *referred to as the “COVER Commission”) established*
23 *under section 931 of the Jason Simcakoski Memorial*
24 *and Promise Act (title IX of Public Law 114–198; 38*
25 *U.S.C. 1701 note) found that treatment-resistant de-*

2432

1 *pression is a major issue throughout the mental*
2 *health treatment system, and that an estimated 50*
3 *percent of depressed patients are inadequately treated*
4 *by available interventions.*

5 *(6) The COVER Commission also reported data*
6 *collected from the Department of Veterans Affairs that*
7 *found that only approximately 1,166 patients*
8 *throughout the Department were referred for ECT in*
9 *2018 and only approximately 772 patients were re-*
10 *ferred for rTMS during that year.*

11 *(b) ANALYSIS.—Not later than 180 days after the date*
12 *of the enactment of this Act, the Secretary of Veterans Af-*
13 *fairs shall complete an analysis of the feasibility and advis-*
14 *ability of making repetitive transcranial magnetic stimula-*
15 *tion available at all medical facilities of the Department*
16 *of Veterans Affairs and electro-convulsive therapy available*
17 *at one medical center located within each Veterans Inte-*
18 *grated Service Network for the treatment of veterans who*
19 *are enrolled in the patient enrollment system and have a*
20 *diagnosis of treatment-resistant depression.*

21 *(c) INCLUSION OF ASSESSMENT OF REPORT.—The*
22 *analysis conducted under subsection (b) shall include an as-*
23 *essment of the final report of the COVER Commission sub-*
24 *mitted under section 931(e)(2) of the Jason Simcakoski Me-*

2433

1 *morial and Promise Act (title IX of Public Law 114–198;*
2 *38 U.S.C. 1701 note).*

3 *(d) REPORT.—Not later than 180 days after the con-*
4 *clusion of the analysis conducted under subsection (b), the*
5 *Secretary shall submit to the Committee on Veterans’ Af-*
6 *fairs of the Senate and the Committee on Veterans’ Affairs*
7 *of the House of Representatives a report that includes the*
8 *following:*

9 *(1) The results of such analysis.*

10 *(2) An assessment of the number of veterans who*
11 *are enrolled in the patient enrollment system and who*
12 *have a diagnosis of treatment-resistant depression per*
13 *Veterans Integrated Service Network during the two-*
14 *year period preceding the date of the report.*

15 *(3) An assessment of the number of the veterans*
16 *who are enrolled in the patient enrollment system*
17 *who have a diagnosis of treatment-resistant depres-*
18 *sion and who have received or are currently receiving*
19 *repetitive transcranial magnetic stimulation or*
20 *electro-convulsive therapy as a treatment modality*
21 *during the two-year period preceding the date of the*
22 *report.*

23 *(4) An assessment of the number and locations*
24 *of medical centers of the Department that currently*
25 *provide repetitive transcranial magnetic stimulation*

2434

1 to veterans who are enrolled in the patient enrollment
2 system and who have a diagnosis of treatment-resist-
3 ant depression.

4 (5) *An assessment of the number and locations*
5 *of medical centers of the Department that currently*
6 *provide electro-convulsive therapy to veterans who are*
7 *enrolled in the patient enrollment system and who*
8 *have a diagnosis of treatment-resistant depression.*

9 (e) *PATIENT ENROLLMENT SYSTEM DEFINED.—In this*
10 *section, the term “patient enrollment system” means the*
11 *system of annual patient enrollment of the Department of*
12 *Veterans Affairs established and operated under section*
13 *1705(a) of title 38, United States Code.*

14 **SEC. 192. MODIFICATION OF RESOURCE ALLOCATION SYS-**
15 **TEM TO INCLUDE PEER SPECIALISTS.**

16 (a) *IN GENERAL.—Not later than one year after the*
17 *date of the enactment of this Act, the Secretary of Veterans*
18 *Affairs shall modify the Veterans Equitable Resource Allo-*
19 *cation system, or successor system, to ensure that resource*
20 *allocations under such system, or successor system, include*
21 *peer specialists appointed under section 7402(b)(13) of title*
22 *38, United States Code.*

23 (b) *VETERANS EQUITABLE RESOURCE ALLOCATION*
24 *SYSTEM DEFINED.—In this section, the term “Veterans Eq-*
25 *uitable Resource Allocation system” means the resource al-*

2435

1 *location system established pursuant to section 429 of the*
2 *Departments of Veterans Affairs and House and Urban De-*
3 *velopment, and Independent Agencies Appropriations Act,*
4 *1997 (Public Law 104–204; 110 Stat. 2929).*

5 **SEC. 193. GAP ANALYSIS OF PSYCHOTHERAPEUTIC INTER-**
6 **VENTIONS OF THE DEPARTMENT OF VET-**
7 **ERANS AFFAIRS.**

8 (a) *IN GENERAL.*—Not later than 270 days after the
9 date of the enactment of this Act, the Secretary of Veterans
10 Affairs shall complete a gap analysis throughout the entire
11 health care system of the Veterans Health Administration
12 on the use and availability of psychotherapeutic interven-
13 tions recommended in widely used clinical practice guide-
14 lines as recommended in the final report of the COVER
15 Commission submitted under section 931(e)(2) of the Jason
16 Simcakoski Memorial and Promise Act (title IX of Public
17 Law 114–198; 38 U.S.C. 1701 note).

18 (b) *ELEMENTS.*—The gap analysis required under sub-
19 section (a) shall include the following:

20 (1) *An assessment of the psychotherapeutic inter-*
21 *ventions available and routinely delivered to veterans*
22 *at medical centers of the Department of Veterans Af-*
23 *fairs within each Veterans Integrated Service Network*
24 *of the Department.*

2436

1 (2) *An assessment of the barriers faced by med-*
2 *ical centers of the Department in offering certain psy-*
3 *chotherapeutic interventions and why those interven-*
4 *tions are not widely implemented or are excluded*
5 *from implementation throughout the entire health*
6 *care system of the Veterans Health Administration.*

7 (c) *REPORT AND PLAN.*—Not later than 180 days after
8 *completing the gap analysis under subsection (a), the Sec-*
9 *retary shall submit to the Committee on Veterans' Affairs*
10 *of the Senate and the Committee on Veterans' Affairs of*
11 *the House of Representatives—*

12 (1) *a report on the results of the analysis; and*

13 (2) *a plan with measurable, time-limited steps*
14 *for the Department to implement—*

15 (A) *to address the gaps that limit access of*
16 *veterans to care; and*

17 (B) *to treat various mental health condi-*
18 *tions across the entire health care system of the*
19 *Veterans Health Administration.*

20 **SEC. 193A. PROHIBITION ON COLLECTION OF COPAYMENTS**
21 **FOR FIRST THREE MENTAL HEALTH CARE**
22 **OUTPATIENT VISITS OF VETERANS.**

23 (a) *PROHIBITION ON COLLECTION.*—Chapter 17 of
24 *title 38, United States Code, is amended by inserting after*
25 *section 1722B the following new section (and conforming*

2437

1 *the table of sections at the beginning of such chapter accord-*
2 *ingly):*

3 ***“§ 1722C. Copayments: prohibition on collection of co-***
4 ***payments for first three mental health***
5 ***care outpatient visits of veterans***

6 *“(a) PROHIBITION.—Except as provided in subsection*
7 *(b), notwithstanding section 1710(g) of this title or any*
8 *other provision of law, the Secretary may not impose or*
9 *collect a copayment for the first three mental health care*
10 *outpatient visits of a veteran in a calendar year for which*
11 *the veteran would otherwise be required to pay a copayment*
12 *under the laws administered by the Secretary.*

13 *“(b) COPAYMENT FOR MEDICATIONS.—The prohibition*
14 *under subsection (a) shall not apply with respect to the im-*
15 *position or collection of copayments for medications pursu-*
16 *ant to section 1722A of this title.*

17 *“(c) MENTAL HEALTH CARE OUTPATIENT VISIT DE-*
18 *FINED.—In this section, the term ‘mental health care out-*
19 *patient visit’ means an outpatient visit with a qualified*
20 *mental health professional for the primary purpose of seek-*
21 *ing mental health care or treatment for substance abuse dis-*
22 *order.*

23 *“(d) SUNSET.—This section shall terminate on the*
24 *date that is five years after the date of the enactment of*
25 *the Joseph Maxwell Cleland and Robert Joseph Dole Memo-*

2438

1 *rial Veterans Benefits and Health Care Improvement Act*
2 *of 2022.”.*

3 *(b) APPLICABILITY.—The amendment made by sub-*
4 *section (a) shall apply with respect to mental health care*
5 *outpatient visits occurring on or after the date that is 180*
6 *days after the date of the enactment of this Act.*

7 ***Subtitle I—Other Matters***

8 ***SEC. 194. REQUIREMENT FOR ONGOING INDEPENDENT AS-***
9 ***SESSMENTS OF HEALTH CARE DELIVERY SYS-***
10 ***TEMS AND MANAGEMENT PROCESSES OF THE***
11 ***DEPARTMENT OF VETERANS AFFAIRS.***

12 *(a) ONGOING ASSESSMENTS.—Subchapter I of chapter*
13 *17 of title 38, United States Code, is amended by inserting*
14 *after section 1704 the following new section:*

15 ***“§ 1704A. Independent assessments of health care de-***
16 ***livery systems and management processes***

17 *“(a) INDEPENDENT ASSESSMENTS.—(1) Not less fre-*
18 *quently than once every 10 years, the Secretary shall enter*
19 *into one or more contracts with a private sector entity or*
20 *entities described in subsection (d) to conduct an inde-*
21 *pendent assessment of the hospital care, medical services,*
22 *and other health care furnished by the Department.*

23 *“(2) Each assessment required under paragraph (1)*
24 *shall address each of the following:*

2439

1 “(A) Current and projected demographics and
2 unique health care needs of the patient population
3 served by the Department.

4 “(B) The accuracy of models and forecasting
5 methods used by the Department to project health care
6 demand, including with respect to veteran demo-
7 graphics, rates of use of health care furnished by the
8 Department, the inflation of health care costs, and
9 such other factors as may be determined relevant by
10 the Secretary.

11 “(C) The reliability and accuracy of models and
12 forecasting methods used by the Department to project
13 the budgetary needs of the Veterans Health Adminis-
14 tration and how such models and forecasting methods
15 inform budgetary trends.

16 “(D) The authorities and mechanisms under
17 which the Secretary may furnish hospital care, med-
18 ical services, and other health care at facilities of the
19 Department and non-Department facilities, including
20 through Federal and private sector partners and at
21 joint medical facilities, and the effect of such authori-
22 ties and mechanisms on eligibility and access to care.

23 “(E) The organization, workflow processes, and
24 tools used by the Department to support clinical staff-
25 ing, access to care, effective length-of-stay manage-

2440

1 *ment and care transitions, positive patient experi-*
2 *ence, accurate documentation, and subsequent coding*
3 *of inpatient services.*

4 *“(F) The efforts of the Department to recruit and*
5 *retain staff at levels necessary to carry out the func-*
6 *tions of the Veterans Health Administration and the*
7 *process used by the Department to determine staffing*
8 *levels necessary for such functions.*

9 *“(G) The staffing level at each medical facility*
10 *of the Department and the productivity of each health*
11 *care provider at the medical facility, compared with*
12 *health care industry performance metrics, which may*
13 *include the following:*

14 *“(i) An assessment of the case load of, and*
15 *number of patients treated by, each health care*
16 *provider at such medical facility during an aver-*
17 *age week.*

18 *“(ii) An assessment of the time spent by*
19 *each such health care provider on matters other*
20 *than the case load of the health care provider, in-*
21 *cluding time spent by the health care provider as*
22 *follows:*

23 *“(I) At a medical facility that is affili-*
24 *ated with the Department.*

25 *“(II) Conducting research.*

2441

1 “(III) Training or supervising other
2 health care professionals of the Department.

3 “(iii) An assessment of the complexity of
4 health care conditions per patient treated by
5 each health care provider at such medical facil-
6 ity during an average week.

7 “(H) The information technology strategies of the
8 Department with respect to furnishing and managing
9 health care, including an identification of any weak-
10 nesses or opportunities with respect to the technology
11 used by the Department, especially those strategies
12 with respect to clinical documentation of hospital
13 care, medical services, and other health care, includ-
14 ing any clinical images and associated textual re-
15 ports, furnished by the Department in facilities of the
16 Department or non-Department facilities.

17 “(I) Business processes of the Veterans Health
18 Administration, including processes relating to fur-
19 nishing non-Department health care, insurance iden-
20 tification, third-party revenue collection, and vendor
21 reimbursement, including an identification of mecha-
22 nisms as follows:

23 “(i) To avoid the payment of penalties to
24 vendors.

2442

1 “(ii) To increase the collection of amounts
2 owed to the Department for hospital care, med-
3 ical services, or other health care provided by the
4 Department for which reimbursement from a
5 third party is authorized and to ensure that such
6 amounts collected are accurate.

7 “(iii) To increase the collection of any other
8 amounts owed to the Department with respect to
9 hospital care, medical services, or other health
10 care and to ensure that such amounts collected
11 are accurate.

12 “(iv) To increase the accuracy and timeli-
13 ness of payments by the Department to vendors
14 and providers.

15 “(v) To reduce expenditures while improv-
16 ing the quality of care furnished.

17 “(J) The purchase, distribution, and use of phar-
18 maceuticals, medical and surgical supplies, medical
19 devices, and health care-related services by the De-
20 partment, including the following:

21 “(i) The prices paid for, standardization of,
22 and use by, the Department with respect to the
23 following:

24 “(I) Pharmaceuticals.

25 “(II) Medical and surgical supplies.

2443

1 “(III) *Medical devices.*

2 “(ii) *The use by the Department of group*
3 *purchasing arrangements to purchase pharma-*
4 *ceuticals, medical and surgical supplies, medical*
5 *devices, and health care-related services.*

6 “(iii) *The strategy and systems used by the*
7 *Department to distribute pharmaceuticals, med-*
8 *ical and surgical supplies, medical devices, and*
9 *health care-related services to Veterans Inte-*
10 *grated Service Networks and medical facilities of*
11 *the Department.*

12 “(K) *The competency of Department leadership*
13 *with respect to culture, accountability, reform readi-*
14 *ness, leadership development, physician alignment,*
15 *employee engagement, succession planning, and per-*
16 *formance management.*

17 “(L) *The effectiveness of the authorities and pro-*
18 *grams of the Department to educate and train health*
19 *personnel pursuant to section 7302 of this title.*

20 “(M) *The conduct of medical and prosthetic re-*
21 *search of the Department.*

22 “(N) *The provision of assistance by the Depart-*
23 *ment to Federal agencies and personnel involved in*
24 *responding to a disaster or emergency.*

2444

1 “(O) *Such additional matters as may be deter-*
2 *mined relevant by the Secretary.*

3 “(b) *TIMING.—The private sector entity or entities car-*
4 *rying out an assessment pursuant to subsection (a) shall*
5 *complete such assessment not later than 18 months after*
6 *entering into the contract described in such paragraph.*

7 “(c) *LEVERAGING OF EXISTING DATA AND CON-*
8 *TRACTS.—To the extent practicable, the private sector enti-*
9 *ty or entities carrying out an assessment pursuant to sub-*
10 *section (a) shall—*

11 “(1) *make maximum use of existing data that*
12 *has been compiled by the Department, compiled for*
13 *the Department, or purchased by the Department, in-*
14 *cluding data that has been collected for—*

15 “(A) *the performance of quadrennial market*
16 *assessments under section 7330C of this title;*

17 “(B) *the quarterly publication of informa-*
18 *tion on staffing and vacancies with respect to the*
19 *Veterans Health Administration pursuant to sec-*
20 *tion 505 of the VA MISSION Act of 2018 (Pub-*
21 *lic Law 115–182; 38 U.S.C. 301 note); and*

22 “(C) *the conduct of annual audits pursuant*
23 *to section 3102 of the Johnny Isakson and David*
24 *P. Roe, M.D. Veterans Health Care and Benefits*

2445

1 *Improvement Act of 2020 (Public Law 116–315;*
2 *38 U.S.C. 1701 note).*

3 “(2) *maximize the use of existing contracts and*
4 *other agreements of the Department for studies, anal-*
5 *ysis, data collection, or research in order to efficiently*
6 *fulfill the requirements of this section.*

7 “(d) *PRIVATE SECTOR ENTITIES DESCRIBED.—A pri-*
8 *vate sector entity described in this subsection is a private*
9 *entity that—*

10 “(1) *has experience and proven outcomes in opti-*
11 *mizing the performance of national health care deliv-*
12 *ery systems, including the Veterans Health Adminis-*
13 *tration, other federal health care systems, and systems*
14 *in the private, non-profit, or public health care sector;*

15 “(2) *specializes in implementing large-scale or-*
16 *ganizational and cultural transformations, especially*
17 *with respect to health care delivery systems; and*

18 “(3) *is not currently under contract with the De-*
19 *partment to provide direct or indirect patient care or*
20 *related clinical care services or supplies under the*
21 *laws administered by the Secretary.*

22 “(e) *PROGRAM INTEGRATOR.—(1) If the Secretary en-*
23 *ters into contracts with more than one private sector entity*
24 *under subsection (a) with respect to a single assessment*

2446

1 *under such subsection, the Secretary shall designate one*
2 *such entity as the program integrator.*

3 “(2) *The program integrator designated pursuant to*
4 *paragraph (1) shall be responsible for coordinating the out-*
5 *comes of the assessments conducted by the private sector en-*
6 *tities pursuant to such contracts.*

7 “(f) *REPORTS.—(1)(A) Not later than 60 days after*
8 *completing an assessment pursuant to subsection (a), the*
9 *private sector entity or entities carrying out such assess-*
10 *ment shall submit to the Secretary and the Committee on*
11 *Veterans’ Affairs of the Senate and the Committee on Vet-*
12 *erans’ Affairs of the House of Representatives a report on*
13 *the findings and recommendations of the private sector enti-*
14 *ty or entities with respect to such assessment.*

15 “(B) *Each report under subparagraph (A) with respect*
16 *to an assessment shall include an identification of the fol-*
17 *lowing:*

18 “(i) *Any changes with respect to the matters in-*
19 *cluded in such assessment since the date that is the*
20 *later of the following:*

21 “(I) *The date on which the independent as-*
22 *essment under section 201 of the Veterans Ac-*
23 *cess, Choice, and Accountability Act of 2014*
24 *(Public Law 113–146; 38 U.S.C. 1701 note) was*
25 *completed.*

2447

1 “(II) *The date on which the last assessment*
2 *under subsection (a) was completed.*

3 “(ii) *Any recommendations regarding matters to*
4 *be covered by subsequent assessments under subsection*
5 *(a), including any additional matters to include for*
6 *assessment or previously assessed matters to exclude.*

7 “(2) *Not later than 30 days after receiving a report*
8 *under paragraph (1), the Secretary shall publish such re-*
9 *port in the Federal Register and on a publicly accessible*
10 *internet website of the Department.*

11 “(3) *Not later than 90 days after receiving a report*
12 *under paragraph (1), the Secretary shall submit to the*
13 *Committee on Veterans’ Affairs of the Senate and the Com-*
14 *mittee on Veterans’ Affairs of the House of Representatives*
15 *a report outlining the feasibility and advisability of imple-*
16 *menting the recommendations made by the private sector*
17 *entity or entities in such report received, including an iden-*
18 *tification of the timeline, cost, and any legislative authori-*
19 *ties necessary for such implementation.*

20 “(g) *SUNSET.—The requirement to enter into contracts*
21 *under subsection (a) shall terminate on December 31,*
22 *2055.”.*

23 “(b) *CLERICAL AMENDMENTS.—The table of sections at*
24 *the beginning of such subchapter is amended by inserting*

2448

1 *after the item relating to section 1704 the following new*
2 *item:*

“1704A. Independent assessments of health care delivery systems and management processes.”.

3 *(c) DEADLINE FOR INITIAL ASSESSMENT.—The initial*
4 *assessment under section 1704A of title 38, United States*
5 *Code, as added by subsection (a), shall be completed by not*
6 *later than December 31, 2025.*

7 **SEC. 195. IMPROVED TRANSPARENCY OF, ACCESS TO, AND**
8 **USABILITY OF DATA PROVIDED BY DEPART-**
9 **MENT OF VETERANS AFFAIRS.**

10 *(a) REVIEW OF TIMELINESS AND QUALITY OF CARE*
11 *DATA.—*

12 *(1) IN GENERAL.—Not later than 180 days after*
13 *the date of the enactment of this Act, the Secretary of*
14 *Veterans Affairs shall complete a review of data that*
15 *is publicly available on the Access to Care internet*
16 *website of the Department of Veterans Affairs (or suc-*
17 *cessor website)) (in this section referred to as the*
18 *“Website”).*

19 *(2) ANALYSIS.—The review under paragraph (1)*
20 *shall include an analysis of the access to and*
21 *usability of the publicly available data on the*
22 *Website, including a review of the availability of the*
23 *following data:*

2449

1 (A) *Any numeric indicators relating to*
2 *timely care, effective care, safety, and veteran-*
3 *centered care that the Secretary collects at med-*
4 *ical facilities of the Department pursuant to sec-*
5 *tion 1703C of title 38, United States Code.*

6 (B) *The patient wait times information re-*
7 *quired by subsection (a) of section 206 of the Vet-*
8 *erans Access, Choice, and Accountability Act of*
9 *2014 (Public Law 113–146; 128 Stat. 1780); and*

10 (C) *the patient safety, quality of care, and*
11 *outcome measures required by subsection (b) of*
12 *such section 206.*

13 (3) *CONSULTATION.—In conducting the review*
14 *under paragraph (1) of data described in such para-*
15 *graph, the Secretary shall consult with veterans serv-*
16 *ice organizations, veterans, and caregivers of veterans*
17 *from geographically diverse areas and representing*
18 *different eras of service in the Armed Forces to gather*
19 *insights about potential modifications that could help*
20 *improve the understanding and use of such data.*

21 (4) *REPORT.—Not later than 30 days after com-*
22 *pleting the review under paragraph (1), the Secretary*
23 *shall submit to the Committee on Veterans' Affairs of*
24 *the Senate and the Committee on Veterans' Affairs of*
25 *the House of Representatives a report on the outcome*

2450

1 *of the review, including an assessment of how the Sec-*
2 *retary plans to modify the presentation of data de-*
3 *scribed in such paragraph in light of the findings of*
4 *the review.*

5 ***(b) REQUIREMENTS OF WEBSITE.—***

6 ***(1) IN GENERAL.—****Not later than one year after*
7 *the date of the enactment of this Act, in addition to*
8 *the requirements of section 206(b)(4) of the Veterans*
9 *Access, Choice, and Accountability Act of 2014 (Pub-*
10 *lic Law 113–146; 128 Stat. 1781), the Secretary shall*
11 *ensure that the Website meets the following require-*
12 *ments:*

13 ***(A) The Website is directly accessible***
14 ***from—***

15 ***(i) the main homepage of the publicly***
16 ***accessible internet website of the Depart-***
17 ***ment; and***

18 ***(ii) the main homepage of the publicly***
19 ***accessible internet website of each medical***
20 ***center of the Department.***

21 ***(B) Where practicable, the Website is orga-***
22 ***nized and searchable by each medical center of***
23 ***the Department.***

24 ***(C) The Website is easily understandable***
25 ***and usable by the general public.***

2451

1 (2) *CONSULTATION AND CONTRACT AUTHOR-*
2 *ITY.—In carrying out the requirements of paragraph*
3 *(1)(C), the Secretary—*

4 *(A) shall consult with—*

5 *(i) veterans service organizations; and*

6 *(ii) veterans and caregivers of veterans*
7 *from geographically diverse areas and rep-*
8 *resenting different eras of service in the*
9 *Armed Forces; and*

10 *(B) may enter into a contract to design the*
11 *Website with a company, non-profit entity, or*
12 *other entity specializing in website design that*
13 *has substantial experience in presenting health*
14 *care data and information in a easily under-*
15 *standable and usable manner to patients and*
16 *consumers.*

17 *(c) ACCURACY OF DATA.—*

18 *(1) ANNUAL PROCESS.—Not later than 18*
19 *months after the date of the enactment of this Act, the*
20 *Secretary shall develop and implement a process to*
21 *annually audit a generalizable subset of the data con-*
22 *tained on the Website to assess the accuracy and com-*
23 *pleteness of the data.*

24 *(2) CRITERIA.—The Secretary shall ensure that*
25 *each audit under paragraph (1)—*

2452

1 (A) determines the extent that the medical
2 record information, clinical information, data,
3 and documentation provided by each medical fa-
4 cility of the Department that is used to calculate
5 the information on the Website is accurate and
6 complete;

7 (B) identifies any deficiencies in the record-
8 ing of medical record information, clinical infor-
9 mation, or data by medical facilities of the De-
10 partment that affects the accuracy and complete-
11 ness of the information on the Website; and

12 (C) provides recommendations to medical
13 facilities of the Department on how to—

14 (i) improve the accuracy and complete-
15 ness of the medical record information, clin-
16 ical information, data, and documentation
17 that is used to calculate the information on
18 the Website; and

19 (ii) ensure that each medical facility of
20 the Department provides such information
21 in a uniform manner.

22 (3) ANNUAL REPORT.—Not later than two years
23 after the date of the enactment of this Act, and annu-
24 ally thereafter, the Secretary shall submit to the Com-
25 mittee on Veterans' Affairs of the Senate and the

2453

1 *Committee on Veterans’ Affairs of the House of Rep-*
2 *resentatives a report on the findings of each audit*
3 *under paragraph (1).*

4 ***TITLE II—BENEFITS MATTERS***
5 ***Subtitle A—Benefits Generally***

6 ***SEC. 201. IMPROVEMENTS TO PROCESS OF THE DEPART-***
7 ***MENT OF VETERANS AFFAIRS FOR CLOTHING***
8 ***ALLOWANCE CLAIMS.***

9 *(a) SHORT TITLE.—This section may be cited as the*
10 *.*

11 *(b) PROCESS FOR CLOTHING ALLOWANCE CLAIMS.—*
12 *Section 1162 of title 38, United States Code, is amended—*

13 *(1) by striking “The Secretary under” and in-*
14 *serting:*

15 *“(a) ELIGIBILITY REQUIREMENTS.—The Secretary,*
16 *under”;*

17 *(2) in paragraph (2)—*

18 *(A) by striking “which (A) a physician”*
19 *and inserting: “which—”*

20 *“(A) a physician”; and*

21 *(B) by striking “, and (B) the Secretary”*
22 *and inserting the following: “; and*

23 *“(B) the Secretary”; and*

24 *(3) by adding at the end the following new sub-*
25 *sections:*

2454

1 “(b) *CONTINUOUS NATURE OF PAYMENTS.*—*Payments*
2 *made to a veteran under subsection (a) shall continue on*
3 *an automatically recurring annual basis until the earlier*
4 *of the following:*

5 “(1) *The date on which the veteran elects to no*
6 *longer receive such payments.*

7 “(2) *The date on which the Secretary determines*
8 *the veteran is no longer eligible pursuant to sub-*
9 *section (c).*

10 “(c) *REVIEWS OF CLAIMS.*—(1) *The Secretary shall,*
11 *in accordance with this subsection, conduct reviews of a*
12 *claim on which a clothing allowance for a veteran under*
13 *subsection (a) is based to determine the continued eligibility*
14 *of the veteran for such allowance.*

15 “(2) *The Secretary shall prescribe standards for deter-*
16 *mining whether a claim for a clothing allowance is based*
17 *on a veteran’s wearing or use of a prosthetic, orthopedic*
18 *appliance (including a wheelchair), or medication whose*
19 *wear or tear or irreparable damage on a veteran’s*
20 *outergarments or clothing is as likely as not subject to no*
21 *change for the duration of such wearing or use.*

22 “(3)(A) *If the Secretary determines, pursuant to*
23 *standards prescribed under paragraph (2), that a claim for*
24 *a clothing allowance is based on wear or tear or irreparable*
25 *damage that is as likely as not subject to no change, the*

2455

1 *veteran shall continue to be deemed eligible for receipt of*
2 *a clothing allowance under this section until the Sec-*
3 *retary—*

4 “(i) *receives notice under subparagraph (B); or*
5 “(ii) *finds otherwise under subparagraph (C) or*
6 *(D).*

7 “(B) *The Secretary shall require a veteran who is re-*
8 *ceiving a clothing allowance under subsection (a), based on*
9 *the wearing or use of a prosthetic, orthopedic appliance (in-*
10 *cluding a wheelchair), or medication, to notify the Sec-*
11 *retary when the veteran terminates the wearing or use of*
12 *such a prosthetic, orthopedic appliance, or medication.*

13 “(C) *For each veteran who is receiving a clothing al-*
14 *lowance under subsection (a), based on the wearing or use*
15 *of a prosthetic, orthopedic appliance (including a wheel-*
16 *chair), or medication, the Secretary shall periodically re-*
17 *view the veteran’s Department records for evidence that the*
18 *veteran has terminated the wearing or use of such a pros-*
19 *thetic, orthopedic appliance, or medication.*

20 “(D) *If a veteran who is receiving a clothing allowance*
21 *under subsection (a), based on the wearing or use of a pros-*
22 *thetic, orthopedic appliance (including a wheelchair), or*
23 *medication, has received such clothing allowance beyond the*
24 *prescribed or intended lifespan of such prosthetic, ortho-*

2456

1 *pedic appliance, or medication, the Secretary may periodi-*
2 *cally request the veteran to attest to continued usage.*

3 “(4) *If the Secretary determines that a claim for a*
4 *clothing allowance under subsection (a) does not meet the*
5 *requirements of paragraph (3)(A), then the Secretary may*
6 *require the veteran to recertify the veteran’s continued eligi-*
7 *bility for a clothing allowance under this section periodi-*
8 *cally, but not more frequently than once each year.*

9 “(5) *When reviewing a claim under this subsection, the*
10 *Secretary shall evaluate the evidence presented by the vet-*
11 *eran and such other relevant evidence as the Secretary de-*
12 *termines appropriate.*

13 “(d) *DETERMINATION REGARDING CONTINUED ELIGI-*
14 *BILITY.—If the Secretary determines, as the result of a re-*
15 *view of a claim conducted under subsection (c), that the*
16 *veteran who submitted such claim no longer meets the re-*
17 *quirements specified in subsection (a), the Secretary shall—*

18 “(1) *provide to the veteran notice of such deter-*
19 *mination that includes a description of applicable ac-*
20 *tions that may be taken following the determination,*
21 *including the actions specified in section 5104C of*
22 *this title; and*

23 “(2) *discontinue the clothing allowance based on*
24 *such claim.”.*

2457

1 (c) *APPLICABILITY.*—*The amendments made by sub-*
2 *section (b) shall apply with respect to—*

3 (1) *claims for clothing allowance submitted on or*
4 *after the date of the enactment of this Act; and*

5 (2) *claims for clothing allowance submitted prior*
6 *to the date of the enactment of this Act, if the veteran*
7 *who submitted such claim is in receipt of the clothing*
8 *allowance as of the date of the enactment of this Act.*

9 **SEC. 202. MEDICAL OPINIONS FOR CERTAIN VETERANS**
10 **WITH SERVICE-CONNECTED DISABILITIES**
11 **WHO DIE OF COVID-19.**

12 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*
13 *shall secure a medical opinion to determine if a service-*
14 *connected disability was the principal or contributory cause*
15 *of death before notifying the survivor of the final decision*
16 *in any case in which all of the following factors are met:*

17 (1) *A claim for compensation is filed under*
18 *chapter 13 of title 38, United States Code, with re-*
19 *spect to a veteran with one or more service-connected*
20 *disabilities who dies.*

21 (2) *The death certificate for the veteran identifies*
22 *Coronavirus Disease 2019 (COVID-19) as the prin-*
23 *cipal or contributory cause of death.*

2458

1 (3) *The death certificate does not clearly identify*
2 *any of the service-connected disabilities of the veteran*
3 *as the principal or contributory cause of death.*

4 (4) *A service-connected disability of the veteran*
5 *includes a condition more likely to cause severe illness*
6 *from COVID–19 as determined by the Centers for*
7 *Disease Control and Prevention.*

8 (5) *The claimant is not entitled to benefits under*
9 *section 1318 of such title.*

10 (6) *The evidence to support the claim does not*
11 *result in a preliminary finding in favor of the claim-*
12 *ant.*

13 (b) *OUTREACH.—The Secretary shall provide informa-*
14 *tion to veterans, dependents, and veterans service organiza-*
15 *tions about applying to dependency and indemnity com-*
16 *pensation when a veteran dies from COVID–19. The Sec-*
17 *retary shall provide such information through the website*
18 *of the Department of Veterans Affairs and via other out-*
19 *reach mechanisms.*

20 (c) *ANNUAL REPORT.—*

21 (1) *IN GENERAL.—Not later than one year after*
22 *the date of the enactment of this Act, and annually*
23 *thereafter for five years, the Secretary shall submit to*
24 *the Committee on Veterans' Affairs of the Senate and*
25 *the Committee on Veterans' Affairs of the House of*

2459

1 *Representatives a report on the effects of the require-*
2 *ment to secure medical opinions pursuant to such*
3 *subsection on dependency and indemnity compensa-*
4 *tion benefits under chapter 13 of title 38, United*
5 *States Code.*

6 (2) *CONTENTS.—Each report submitted under*
7 *paragraph (1) shall include, with respect to the year*
8 *for which the report is submitted, the following:*

9 (A) *The total number of dependency and in-*
10 *demnity compensation claims filed.*

11 (B) *The number and percentage of depend-*
12 *ency and indemnity compensation claims for*
13 *which a disposition has been made,*
14 *disaggregated by whether the disposition was a*
15 *grant, denial, deferral, or withdrawal.*

16 (C) *The accuracy rate for all dependency*
17 *and indemnity compensation claims.*

18 (D) *The total number of covered claims*
19 *filed.*

20 (E) *The number and percentage of covered*
21 *claims for which a disposition has been made,*
22 *disaggregated by whether the disposition was a*
23 *grant, denial, deferral, or withdrawal.*

24 (F) *The accuracy rate for covered claims.*

2460

1 (G) *The total number and cost of medical*
2 *opinions secured by the Secretary pursuant to*
3 *subsection (a).*

4 (d) *STUDY ON CLAIMS DENIED PRIOR TO ENACT-*
5 *MENT.—*

6 (1) *STUDY.—Not later than 180 days after the*
7 *date of the enactment of this Act, the Secretary shall*
8 *complete a study on covered claims that were denied*
9 *prior to the date of the enactment of this Act and sub-*
10 *mit to the Committee on Veterans' Affairs of the Sen-*
11 *ate and the Committee on Veterans' Affairs of the*
12 *House of Representatives a report on the findings of*
13 *the Secretary with respect to such study, including a*
14 *description of any improvements made as a result of*
15 *such study to trainings of the Department of Veterans*
16 *Affairs relating to dependency and indemnity com-*
17 *pensation claims.*

18 (2) *METHODOLOGY.—In carrying out the study*
19 *under paragraph (1), the Secretary shall use a statis-*
20 *tically valid, random sample of covered claims.*

21 (3) *ELEMENTS.—The study under paragraph (1)*
22 *shall include, with respect to covered claims denied*
23 *prior to the date of the enactment of this Act, the fol-*
24 *lowing elements:*

2461

1 (A) *A review of whether the individuals*
2 *processing such covered claims—*

3 (i) *correctly applied applicable laws,*
4 *regulations, and policies, operating proce-*
5 *dures, and guidelines of the Department of*
6 *Veterans Affairs relating to the adjudication*
7 *of dependency and indemnity compensation*
8 *claims; and*

9 (ii) *completed all necessary claim de-*
10 *velopment actions prior to making a dis-*
11 *position for the claim.*

12 (B) *An identification of—*

13 (i) *the total number of covered claims*
14 *reviewed under the study;*

15 (ii) *the number and percentage of such*
16 *covered claims the processing of which in-*
17 *volved errors;*

18 (iii) *the top five claims processing er-*
19 *rors and the number of such covered claims*
20 *the processing of which involved any of such*
21 *five errors.*

22 (e) *STUDY ON CLAIMS DENIED FOLLOWING ENACT-*
23 *MENT.—*

24 (1) *STUDY.—Not later than two years after the*
25 *date of the enactment of this Act, the Secretary shall*

2462

1 *complete a study on covered claims that have been de-*
2 *nied following the date of the enactment of this Act*
3 *and submit to the Committee on Veterans' Affairs of*
4 *the Senate and the Committee on Veterans' Affairs of*
5 *the House of Representatives a report on the findings*
6 *of the Secretary with respect to such study, including*
7 *a description of any improvements made as a result*
8 *of such study to trainings of the Department of Vet-*
9 *erans Affairs relating to dependency and indemnity*
10 *compensation claims.*

11 (2) *METHODOLOGY.—In carrying out the study*
12 *under paragraph (1), the Secretary shall use a statis-*
13 *tically valid, random sample of covered claims.*

14 (3) *ELEMENTS.—The study under paragraph (1)*
15 *shall include, with respect to covered claims denied*
16 *following the date of the enactment of this Act, each*
17 *of the elements specified in subsection (d)(3).*

18 (f) *COVERED CLAIM DEFINED.—In this section, the*
19 *term “covered claim” means a dependency and indemnity*
20 *compensation claim filed with respect to a veteran the death*
21 *certificate of whom identifies COVID–19 as the principal*
22 *or contributory cause of death.*

2463

1 **SEC. 203. ENHANCED LOAN UNDERWRITING METHODS.**

2 (a) *IN GENERAL.*—Section 3710 of title 38, United
3 States Code, is amended by adding at the end the following
4 new subsection:

5 “(i)(1) *The Secretary, in consultation with the advi-*
6 *sory group established under paragraph (3)(A), shall pre-*
7 *scribe regulations and issue guidance to assist lenders in*
8 *evaluating the sufficiency of the residual income of a vet-*
9 *eran pursuant to paragraph (2).*

10 “(2)(A) *Pursuant to the regulations and guidance pre-*
11 *scribed under paragraph (1), in the case of a loan to a vet-*
12 *eran to be guaranteed under this chapter, if the veteran pro-*
13 *vides to the lender an energy efficiency report described in*
14 *subparagraph (B) —*

15 “(i) *the evaluation by the lender of the suffi-*
16 *ciency of the residual income of the veteran shall in-*
17 *clude a consideration of the estimate of the expected*
18 *energy cost savings contained in the report; and*

19 “(ii) *the lender may apply the underwriting ex-*
20 *pertise of the lender in adjusting the residual income*
21 *of the veteran in accordance with the information in*
22 *the report.*

23 “(B) *An energy efficiency report described in this sub-*
24 *paragraph is a report made with respect to a home for*
25 *which a loan is to be guaranteed under this chapter that*
26 *includes each of the following:*

† HR 2617 EAS2

2464

1 “(i) *An estimate of the expected energy cost sav-*
2 *ings specific to the home, based on specific informa-*
3 *tion about the home, including savings relating to*
4 *electricity or natural gas, oil, and any other fuel reg-*
5 *ularly used to supply energy to the home.*

6 “(ii) *Any information required to be included*
7 *pursuant to the regulations and guidance and regula-*
8 *tions prescribed by the Secretary under paragraph*
9 *(1).*

10 “(iii) *Information with respect to the energy effi-*
11 *ciency of the home as determined pursuant to—*

12 “(I) *the Residential Energy Service Net-*
13 *work’s Home Energy Rating System (commonly*
14 *know as ‘HERS’) by an individual certified by*
15 *such Network; or*

16 “(II) *an other method determined appro-*
17 *priate by the Secretary, in consultation with the*
18 *advisory group under paragraph (3), including*
19 *with respect to third-party quality assurance*
20 *procedures.*

21 “(3)(A) *To assist the Secretary in carrying out this*
22 *subsection, the Secretary shall establish an advisory group*
23 *consisting of individuals representing the interests of—*

24 “(i) *mortgage lenders;*

25 “(ii) *appraisers;*

2465

1 “(iii) energy raters and residential energy con-
2 sumption experts;

3 “(iv) energy efficiency organizations;

4 “(v) real estate agents;

5 “(vi) home builders and remodelers;

6 “(vii) consumer advocates;

7 “(viii) veterans’ service organizations; and

8 “(ix) other persons determined appropriate by
9 the Secretary.

10 “(B) The advisory group established under subpara-
11 graph (A) shall not be subject to the Federal Advisory Com-
12 mittee Act (5 U.S.C. App.).

13 “(4) The Secretary shall ensure that marketing mate-
14 rials that the Secretary provides to veterans with respect
15 to loans guaranteed under this chapter include information
16 regarding the use of energy efficiency reports under this
17 subsection.

18 “(5) Not later than one year after the date on which
19 the Secretary issues the regulations and guidance pursuant
20 to paragraph (2), and every year thereafter, the Secretary
21 shall submit to Congress and make publicly available a re-
22 port that includes the following information for the year
23 covered by the report:

24 “(A) An enumeration of the number of loans
25 guaranteed under this chapter for which a veteran

2466

1 *provided to the Secretary an energy efficiency report*
2 *under this subsection, including the number of such*
3 *loans for which cost savings were taken into account*
4 *pursuant to paragraph (1).*

5 “(B) *Of the number of loans enumerated under*
6 *subparagraph (A), an enumeration of the default*
7 *rates and rates of foreclosure, including how such*
8 *enumeration compares with the default rates and*
9 *rates of foreclosure for guaranteed loans for which no*
10 *energy efficiency report is provided.”.*

11 ***(b) CLARIFICATION OF REQUIREMENTS REGARDING***
12 ***ENERGY EFFICIENCY STANDARDS.—Section 3704(f) of such***
13 ***title is amended by striking “such standards” and inserting***
14 ***the following: “the standards established under such section***
15 ***109, as in effect on the date of such construction”.***

16 ***SEC. 204. DEPARTMENT OF VETERANS AFFAIRS LOAN FEES.***

17 *The loan fee table in section 3729(b)(2) of title 38,*
18 *United States Code, is amended by striking “January 14,*
19 *2031” each place it appears and inserting “November 14,*
20 *2031”.*

2467

Subtitle B—Education**SEC. 211. NATIVE VETSUCCESS AT TRIBAL COLLEGES AND
UNIVERSITIES PILOT PROGRAM.**

(a) *SHORT TITLE.*—This section may be cited as the “Native VetSuccess at Tribal Colleges and Universities Pilot Program Act”.

(b) *PILOT PROGRAM.*—

(1) *IN GENERAL.*—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program to assess the feasibility and advisability of expanding the VetSuccess on Campus program to additional Tribal colleges and universities.

(2) *DESIGNATION.*—The pilot program carried out under paragraph (1) shall be known as the “Native VetSuccess at Tribal Colleges and Universities Pilot Program”.

(c) *DURATION.*—The Secretary shall carry out the pilot program required by subsection (b)(1) during the five-year period beginning on the date of the commencement of the pilot program.

(d) *PARAMETERS.*—Under the pilot program required by subsection (b)(1) the Secretary shall—

2468

1 (1) *identify three regional Native VetSuccess*
2 *service areas consisting of at least two participating*
3 *Tribal colleges or universities that do not already*
4 *have a VetSuccess program, counselor, or outreach co-*
5 *ordinator; and*

6 (2) *assign to each regional Native VetSuccess*
7 *service area a VetSuccess on Campus counselor and a*
8 *full-time Vet Center outreach coordinator, both of*
9 *whom shall—*

10 (A) *be based on one or more of the partici-*
11 *pating Tribal colleges or universities in the serv-*
12 *ice area; and*

13 (B) *provide for eligible students at such*
14 *participating colleges and universities with all*
15 *services for which such students would be eligible*
16 *under the VetSuccess on Campus program of the*
17 *Department of Veterans Affairs.*

18 (e) *ELIGIBLE STUDENTS.—For purposes of the pilot*
19 *program, an eligible student is a student who is a veteran,*
20 *member of the Armed Forces, or dependent of a veteran or*
21 *member of the Armed Forces who is eligible for any service*
22 *or benefit under the VetSuccess on Campus program of the*
23 *Department.*

24 (f) *CONSULTATION REQUIREMENT.—In developing the*
25 *pilot program required by subsection (b)(1), the Secretary*

2469

1 *shall, acting through the Veteran Readiness and Employ-*
2 *ment Program of the Department of Veterans Affairs and*
3 *in coordination with the Office of Tribal Government Rela-*
4 *tions of the Department, consult with Indian Tribes, and*
5 *Tribal organizations, and seek comment from the Advisory*
6 *Committee on Tribal and Indian Affairs of the Department,*
7 *and veterans service organizations regarding each of the fol-*
8 *lowing:*

9 (1) *The design of the pilot program.*

10 (2) *The process for selection of the three regional*
11 *Native VetSuccess service areas and participating*
12 *Tribal colleges and universities, taking into consider-*
13 *ation—*

14 (A) *the number of eligible students enrolled*
15 *in the college or university and in the regional*
16 *service area;*

17 (B) *the capacity of the colleges and univer-*
18 *sities in the regional service area to accommo-*
19 *date a full-time VetSuccess on Campus counselor*
20 *and a full-time Vet Center outreach coordinator;*

21 (C) *barriers in specific regional service*
22 *areas that prevent native veterans' access to ben-*
23 *efits and services under the laws administered by*
24 *the Secretary; and*

2470

1 (D) any other factor that the Secretary, in
2 consultation with Indian Tribes and Tribal or-
3 ganizations, and after considering input from
4 veterans service organizations and the Advisory
5 Committee on Tribal and Indian Affairs identi-
6 fies as relevant.

7 (3) The most effective way to provide culturally
8 competent outreach and services to eligible students at
9 Tribal colleges and universities.

10 (g) *OUTREACH TO COLLEGES AND UNIVERSITIES.*—
11 *The Secretary shall provide notice of the pilot program to*
12 *all Tribal colleges and universities and encourage all Tribal*
13 *colleges and universities to coordinate with each other to*
14 *create regional service areas to participate in the pilot pro-*
15 *gram.*

16 (h) *BRIEFINGS AND REPORTS.*—

17 (1) *IMPLEMENTATION BRIEFING.*—*Not later than*
18 *one year after the date of the enactment of this Act,*
19 *the Secretary shall provide the appropriate commit-*
20 *tees of Congress a briefing on—*

21 (A) *the design, structure, and objectives of*
22 *the pilot program required by subsection (b)(1);*
23 *and*

24 (B) *the three regional Native Vet Success*
25 *service areas and the Tribal colleges and univer-*

2471

1 *sities selected for participation in the pilot pro-*
2 *gram and the reason for the selection of such*
3 *service areas and such colleges and universities.*

4 *(2) REPORT.—*

5 *(A) IN GENERAL.—Not later than four*
6 *years after the date on which the Secretary com-*
7 *mences the pilot program under subsection*
8 *(b)(1), the Secretary shall submit to the appro-*
9 *priate committees of Congress a report on the*
10 *pilot program.*

11 *(B) CONTENTS.—The report submitted*
12 *under subparagraph (A) shall include each of the*
13 *following:*

14 *(i) The number of eligible students pro-*
15 *vided services through the pilot program.*

16 *(ii) The types of services that eligible*
17 *students received through the pilot program.*

18 *(iii) The graduation rate of eligible*
19 *students who received services through the*
20 *pilot program and graduation rate of eligi-*
21 *ble students who did not receive services*
22 *through the pilot program.*

23 *(iv) The rate of employment within*
24 *one year of graduation for eligible students*

2472

1 *who received services through the pilot pro-*
2 *gram.*

3 *(v) Feedback from each Tribal college*
4 *or university that participated in the pilot*
5 *program, including on the regional nature*
6 *of the program.*

7 *(vi) Analysis of the feasibility of ex-*
8 *panding a regionally based Native*
9 *VetSuccess at Tribal Colleges and Univer-*
10 *sities Program, including an explanation of*
11 *the challenges of such a model due to issues*
12 *with distance, communication, and coordi-*
13 *nation, and to the level of unmet services.*

14 *(vii) A detailed proposal regarding a*
15 *long-term extension of the pilot program,*
16 *including a budget, unless the Secretary de-*
17 *termines that such an extension is not ap-*
18 *propriate.*

19 *(i) DEFINITIONS.—In this section:*

20 *(1) APPROPRIATE COMMITTEE OF CONGRESS.—*
21 *The term “appropriate committees of Congress”*
22 *means—*

23 *(A) the Committee on Veterans’ Affairs and*
24 *the Committee on Indian Affairs of the Senate;*
25 *and*

2473

1 *(B) the Committee on Veterans' Affairs and*
2 *the Committee on Natural Resources of the*
3 *House of Representatives.*

4 *(2) CULTURALLY COMPETENT.—The term “cul-*
5 *turally competent” means considerate of the unique*
6 *values, customs, traditions, cultures, and languages of*
7 *Native American veterans.*

8 *(3) TRIBAL COLLEGE OR UNIVERSITY.—The term*
9 *“Tribal college or university” has the meaning given*
10 *the term “Tribal College or University” under section*
11 *316 of the Higher Education Act of 1965 (20 U.S.C.*
12 *1059c).*

13 *(4) TRIBAL ORGANIZATION.—The term “Tribal*
14 *organization” has the meaning given that term in*
15 *section 4 of the Indian Self-Determination and Edu-*
16 *cation Assistance Act (25 U.S.C. 5304).*

17 **SEC. 212. EDUCATION FOR SEPARATING MEMBERS OF THE**
18 **ARMED FORCES REGARDING REGISTERED AP-**
19 **PRENTICESHIPS.**

20 *Section 1144(b)(1) of title 10, United States Code, is*
21 *amended by inserting “(including apprenticeship programs*
22 *approved under chapters 30 through 36 of title 38)” after*
23 *“employment opportunities”.*

2474

1 **SEC. 213. WEBSITES REGARDING APPRENTICESHIP PRO-**
2 **GRAMS.**

3 (a) *WEBSITE UNDER THE JURISDICTION OF SEC-*
4 *RETARY OF LABOR.*—*The Assistant Secretary of Labor for*
5 *Veterans’ Employment and Training, in coordination with*
6 *the Secretary of Veterans Affairs, shall establish a user-*
7 *friendly website (or update an existing website) that is*
8 *available to the public on which veterans can find informa-*
9 *tion about apprenticeship programs registered under the*
10 *Act of August 16, 1937 (50 Stat. 664; commonly referred*
11 *to as the “National Apprenticeship Act”)* and approved
12 *under chapters 30 through 36 of title 38, United States*
13 *Code. Such information shall be searchable and sortable by*
14 *occupation and location, and include, with regard to each*
15 *such program, the following:*

16 (1) *A description, including any cost to a vet-*
17 *eran.*

18 (2) *Contact information.*

19 (3) *Whether the program has been endorsed by a*
20 *veterans service organization or nonprofit organiza-*
21 *tion that caters to veterans.*

22 (4) *Whether the program prefers to hire veterans.*

23 (5) *Each certification or degree an individual*
24 *earns by completing the program.*

25 (b) *COORDINATION WITH OTHER WEBSITE.*—*The As-*
26 *stant Secretary shall update all information regarding*

2475

1 *programs for veterans listed on apprenticeship.gov (or any*
2 *successor website) to include the information specified under*
3 *subsection (a).*

4 **SEC. 214. TRANSFER OF ENTITLEMENT TO POST-9/11 EDU-**
5 **CATIONAL ASSISTANCE PROGRAM OF DE-**
6 **PARTMENT OF VETERANS AFFAIRS.**

7 *(a) IN GENERAL.—Paragraph (4) of section 3319(h)*
8 *of title 38, United States Code, is amended to read as fol-*
9 *lows:*

10 *“(4) DEATH OF TRANSFEROR.—*

11 *“(A) IN GENERAL.—The death of an indi-*
12 *vidual transferring an entitlement under this*
13 *section shall not affect the use of the entitlement*
14 *by the dependent to whom the entitlement is*
15 *transferred.*

16 *“(B) DEATH PRIOR TO TRANSFER TO DES-*
17 *IGNATED TRANSFEREES.—(i) In the case of an*
18 *eligible individual whom the Secretary has ap-*
19 *proved to transfer the individual’s entitlement*
20 *under this section who, at the time of death, is*
21 *entitled to educational assistance under this*
22 *chapter and has designated a transferee or trans-*
23 *ferees under subsection (e) but has not trans-*
24 *ferred all of such entitlement to such transferee*
25 *or transferees, the Secretary shall transfer the en-*

2476

1 *titlement of the individual under this section by*
2 *evenly distributing the amount of such entitle-*
3 *ment between all such transferees who would not*
4 *be precluded from using some or all of the trans-*
5 *ferred benefits due to the expiration of time limi-*
6 *tations found in paragraph (5) of this subsection*
7 *or section 3321 of this title, notwithstanding the*
8 *limitations under subsection (f).*

9 “(ii) If a transferee cannot use all of the
10 *transferred benefits under clause (i) because of*
11 *expiration of a time limitation, the unused bene-*
12 *fits will be distributed among the other des-*
13 *ignated transferees who would not be precluded*
14 *from using some or all of the transferred benefits*
15 *due to expiration of time limitations found in*
16 *paragraph (5) of this subsection or section 3321*
17 *of this title, unless or until there are no trans-*
18 *ferees who would not be precluded from using the*
19 *transferred benefits because of expiration of a*
20 *time limitation.”.*

21 (b) *APPLICABILITY.—Paragraph (4)(B) of section*
22 *3319(h) of title 38, United States Code, shall apply with*
23 *respect to an eligible individual who dies on or after Novem-*
24 *ber 1, 2018.*

2477

1 **SEC. 215. USE OF ENTITLEMENT UNDER DEPARTMENT OF**
2 **VETERANS AFFAIRS SURVIVORS' AND DE-**
3 **PENDENTS' EDUCATIONAL ASSISTANCE PRO-**
4 **GRAM FOR SECONDARY SCHOOL EDUCATION.**

5 (a) *IN GENERAL.*—Section 3501(a)(6) of title 38,
6 *United States Code*, is amended—

7 (1) by striking “secondary school,”; and

8 (2) by striking “secondary school level” and in-
9 serting “postsecondary school level”.

10 (b) *EFFECTIVE DATE.*—The amendment made by sub-
11 section (a) shall take effect on August 1, 2026, and shall
12 apply with respect to an academic period that begins on
13 or after that date.

14 **SEC. 216. ESTABLISHMENT OF PROTECTIONS FOR A MEM-**
15 **BER OF THE ARMED FORCES WHO LEAVES A**
16 **COURSE OF EDUCATION, PAID FOR WITH CER-**
17 **TAIN EDUCATIONAL ASSISTANCE, TO PER-**
18 **FORM CERTAIN SERVICE.**

19 (a) *ESTABLISHMENT.*—Chapter 36 of title 38, *United*
20 *States Code*, amended by inserting after section 3691 the
21 following new section:

22 **“§ 3691A. Withdrawal or leave of absence from certain**
23 **education**

24 “(a) *IN GENERAL.*—(1) A covered member may, after
25 receiving orders to enter a period of covered service, with-
26 draw or take a leave of absence from covered education.

2478

1 “(2)(A) *The institution concerned may not take any*
2 *adverse action against a covered member on the basis that*
3 *such covered member withdraws or takes a leave of absence*
4 *under paragraph (1).*

5 “(B) *Adverse actions under subparagraph (A) include*
6 *the following:*

7 “(i) *The assignment of a failing grade to a cov-*
8 *ered member for covered education.*

9 “(ii) *The reduction of the grade point average of*
10 *a covered member for covered education.*

11 “(iii) *The characterization of any absence of a*
12 *covered member from covered education as unexcused.*

13 “(iv) *The assessment of any financial penalty*
14 *against a covered member.*

15 “(b) *WITHDRAWAL.—If a covered member withdraws*
16 *from covered education under subsection (a), the institution*
17 *concerned shall refund all tuition and fees (including pay-*
18 *ments for housing) for the academic term from which the*
19 *covered member withdraws.*

20 “(c) *LEAVE OF ABSENCE.—If a covered member takes*
21 *a leave of absence from covered education under subsection*
22 *(a), the institution concerned shall—*

23 “(1) *assign a grade of ‘incomplete’ (or equiva-*
24 *lent) to the covered member for covered education for*

2479

1 *the academic term from which the covered member*
2 *takes such leave of absence; and*

3 *“(2) to the extent practicable, permit the covered*
4 *member, upon completion of the period covered serv-*
5 *ice, to complete such academic term.*

6 *“(d) DEFINITIONS.—In this section:*

7 *“(1) The term ‘covered education’ means a course*
8 *of education—*

9 *“(A) at an institution of higher education;*
10 *and*

11 *“(B) paid for with educational assistance*
12 *furnished under a law administered by the Sec-*
13 *retary.*

14 *“(2) The term ‘covered member’ means a member*
15 *of the Armed Forces (including the reserve compo-*
16 *nents) enrolled in covered education.*

17 *“(3) The term ‘covered service’ means—*

18 *“(A) active service or inactive-duty train-*
19 *ing, as such terms are defined in section 101 of*
20 *title 10; or*

21 *“(B) State active duty, as defined in section*
22 *4303 of this title.*

23 *“(4) The term ‘institution concerned’ means,*
24 *with respect to a covered member, the institution of*

2480

1 *higher education where the covered member is enrolled*
2 *in covered education.*

3 “(5) The term ‘institution of higher education’
4 *has the meaning given such term in section 101 of the*
5 *Higher Education Act of 1965 (20 U.S.C. 1001).*

6 “(6) The term ‘period of covered service’ means
7 *the period beginning on the date on which a covered*
8 *member enters covered service and ending on the date*
9 *on which the covered member is released from covered*
10 *service or dies while in covered service.”.*

11 (b) CLERICAL AMENDMENT.—*The table of contents at*
12 *the beginning of such chapter is amended by inserting after*
13 *the item relating to section 3691 the following new item:*
 “3691A. Withdrawal or leave of absence from certain education.”.

14 ***Subtitle C—GI Bill National***
15 ***Emergency Extended Deadline Act***

16 ***SEC. 231. SHORT TITLE.***

17 *This subtitle may be cited as the “GI Bill National*
18 *Emergency Extended Deadline Act of 2022”.*

2481

1 **SEC. 232. EXTENSION OF TIME LIMITATION FOR USE OF EN-**
2 **TITLEMENT UNDER DEPARTMENT OF VET-**
3 **ERANS AFFAIRS EDUCATIONAL ASSISTANCE**
4 **PROGRAMS BY REASON OF SCHOOL CLO-**
5 **SURES DUE TO EMERGENCY AND OTHER SIT-**
6 **UATIONS.**

7 (a) *MONTGOMERY GI BILL.*—Section 3031 of title 38,
8 *United States Code*, is amended—

9 (1) in subsection (a), by inserting “and sub-
10 section (i)” after “through (g)”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(i)(1) *In the case of an individual eligible for edu-*
14 *cational assistance under this chapter who is prevented*
15 *from pursuing the individual’s chosen program of education*
16 *before the expiration of the 10-year period for the use of*
17 *entitlement under this chapter otherwise applicable under*
18 *this section because of a covered reason, as determined by*
19 *the Secretary, such 10-year period—*

20 “(A) *shall not run during the period the indi-*
21 *vidual is so prevented from pursuing such program;*
22 *and*

23 “(B) *shall again begin running on a date deter-*
24 *mined by the Secretary that is—*

25 “(i) *not earlier than the first day after the*
26 *individual is able to resume pursuit of a pro-*

2482

1 *gram of education with educational assistance*
2 *under this chapter; and*

3 “(i) *not later than 90 days after that day.*

4 “(2) *In this subsection, a covered reason is—*

5 “(A) *the temporary or permanent closure of an*
6 *educational institution by reason of an emergency sit-*
7 *uation; or*

8 “(B) *another reason that prevents the individual*
9 *from pursuing the individual’s chosen program of*
10 *education, as determined by the Secretary.”.*

11 ***(b) POST-9/11 EDUCATIONAL ASSISTANCE.— Section***
12 ***3321(b)(1) of such title is amended—***

13 *(1) by inserting “(A)” before “Subsections”;*

14 *(2) by striking “and (d)” and inserting “(d),*
15 *and (i)”;* and

16 *(3) by adding at the end the following new sub-*
17 *paragraph:*

18 “(B) *Subsection (i) of section 3031 of this title*
19 *shall apply with respect to the running of the 15-year*
20 *period described in paragraphs (4)(A) and (5)(A) of*
21 *this subsection in the same manner as such subsection*
22 *(i) applies under such section 3031 with respect to the*
23 *running of the 10-year period described in subsection*
24 *(a) of such section.”.*

2483

1 **SEC. 233. EXTENSION OF PERIOD OF ELIGIBILITY BY REA-**
2 **SON OF SCHOOL CLOSURES DUE TO EMER-**
3 **GENCY AND OTHER SITUATIONS UNDER DE-**
4 **PARTMENT OF VETERANS AFFAIRS TRAINING**
5 **AND REHABILITATION PROGRAM FOR VET-**
6 **ERANS WITH SERVICE-CONNECTED DISABIL-**
7 **ITIES.**

8 *Section 3103 of title 38, United States Code, is amend-*
9 *ed—*

10 *(1) in subsection (a), by striking “or (g)” and*
11 *inserting “(g), or (h)”;* and

12 *(2) by adding at the end the following new sub-*
13 *section:*

14 *“(h)(1) In the case of a veteran who is eligible for a*
15 *vocational rehabilitation program under this chapter and*
16 *who is prevented from participating in the vocational reha-*
17 *bilitation program within the period of eligibility pre-*
18 *scribed in subsection (a) because of a covered reason, as de-*
19 *termined by the Secretary, such period of eligibility—*

20 *“(A) shall not run during the period the veteran*
21 *is so prevented from participating in such program;*
22 *and*

23 *“(B) shall again begin running on a date deter-*
24 *mined by the Secretary that is—*

25 *“(i) not earlier than the first day after the*
26 *veteran is able to resume participation in a vo-*

2484

1 *cational rehabilitation program under this chap-*
2 *ter; and*

3 “(ii) *not later than 90 days after that day.*

4 “(2) *In this subsection, a covered reason is—*

5 “(A) *the temporary or permanent closure of an*
6 *educational institution by reason of an emergency sit-*
7 *uation; or*

8 “(B) *another reason that prevents the veteran*
9 *from participating in the vocational rehabilitation*
10 *program, as determined by the Secretary.”.*

11 **SEC. 234. PERIOD FOR ELIGIBILITY UNDER SURVIVORS’**
12 **AND DEPENDENTS’ EDUCATIONAL ASSIST-**
13 **ANCE PROGRAM OF DEPARTMENT OF VET-**
14 **ERANS AFFAIRS.**

15 *(a) IN GENERAL.—Section 3512 of title 38, United*
16 *States Code, is amended—*

17 *(1) by redesignating subsection (h) as subsection*
18 *(f); and*

19 *(2) by adding at the end the following new sub-*
20 *section:*

21 “(g) *Notwithstanding any other provision of this sec-*
22 *tion, the following persons may be afforded educational as-*
23 *sistance under this chapter at any time after August 1,*
24 *2023, and without regard to the age of the person:*

2485

1 “(1) *A person who first becomes an eligible per-*
2 *son on or after August 1, 2023.*

3 “(2) *A person who—*

4 “(A) *first becomes an eligible person before*
5 *August 1, 2023; and*

6 “(B) *becomes 18 years of age, or completes*
7 *secondary schooling, on or after August 1,*
8 *2023.”.*

9 (b) *CONFORMING AMENDMENTS.—Such section is fur-*
10 *ther amended—*

11 (1) *in subsection (a), by striking “The edu-*
12 *cational” and inserting “Except as provided in sub-*
13 *section (g), the educational”;*

14 (2) *in subsection (b)—*

15 (A) *in paragraph (1)(A), by inserting “sub-*
16 *section (g) or” after “provided in”; and*

17 (B) *in paragraph (2), by striking “Notwith-*
18 *standing” and inserting “Except as provided in*
19 *subsection (g), notwithstanding”; and*

20 (3) *in subsection (e), by striking “No person”*
21 *and inserting “Except as provided in subsection (g),*
22 *no person”.*

2486

1 ***Subtitle D—Rural Veterans Travel***
2 ***Enhancement***

3 ***SEC. 241. COMPTROLLER GENERAL OF THE UNITED STATES***
4 ***REPORT ON FRAUD, WASTE, AND ABUSE OF***
5 ***THE DEPARTMENT OF VETERANS AFFAIRS***
6 ***BENEFICIARY TRAVEL PROGRAM.***

7 (a) *STUDY AND REPORT REQUIRED.*—Not later than
8 *three years after the date of the enactment of this Act, the*
9 *Comptroller General of the United States shall—*

10 (1) *complete a study on fraud, waste, and abuse*
11 *of the benefits furnished under section 111 of title 38,*
12 *United States Code, that may have occurred during*
13 *the five-year period ending on the date of the enact-*
14 *ment of this Act; and*

15 (2) *submit to the Committee on Veterans' Affairs*
16 *of the Senate and the Committee on Veterans' Affairs*
17 *of the House of Representatives a report on the find-*
18 *ings of the Comptroller General with respect to the*
19 *study completed under paragraph (1).*

20 (b) *ELEMENTS.*—Study conducted under subsection
21 (a)(1) shall cover the following:

22 (1) *The quantity and monetary amount of*
23 *claims that have been adjudicated as fraudulent or*
24 *improper, disaggregated, to the extent possible, by*

2487

1 *general health care travel and by special mode of*
2 *transportation.*

3 *(2) Instances of potential fraud or improper*
4 *payments that may have occurred but were not de-*
5 *tected, disaggregated, to the extent possible, by general*
6 *health care travel and by special mode of transpor-*
7 *tation.*

8 *(3) The efforts of the Secretary of Veterans Af-*
9 *fairs to mitigate fraud and the effectiveness of the ef-*
10 *forts of the Secretary.*

11 *(4) Assessment of communication and training*
12 *provided by the Department of Veterans Affairs to*
13 *employees and contractors handling claims filed*
14 *under section 111 of such title regarding fraud.*

15 *(5) Such recommendations as the Comptroller*
16 *General may have for further mitigation of fraud,*
17 *waste, and abuse.*

18 **SEC. 242. COMPTROLLER GENERAL STUDY AND REPORT ON**
19 **EFFECTIVENESS OF DEPARTMENT OF VET-**
20 **ERANS AFFAIRS BENEFICIARY TRAVEL PRO-**
21 **GRAM MILEAGE REIMBURSEMENT AND DE-**
22 **DUCTIBLE AMOUNTS.**

23 *Not later than one year after the date of the enactment*
24 *of this Act, the Comptroller General of the United States*
25 *shall—*

2488

1 (1) *complete a study on—*

2 (A) *the efficacy of the current mileage reim-*
3 *bursement rate under subsection (a) of section*
4 *111 of title 38, United States Code, in miti-*
5 *gating the financial burden of transportation*
6 *costs for traveling to and from Department of*
7 *Veterans Affairs medical facilities for medical*
8 *care;*

9 (B) *the origins of the amount of the deduct-*
10 *ible under subsection (c) of such section and its*
11 *impact on the efficacy of the benefits provided*
12 *under such section in mitigating financial bur-*
13 *den on veterans seeking medical care; and*

14 (C) *developing such recommendations as the*
15 *Comptroller General may have for how this pro-*
16 *gram or another transportation assistance pro-*
17 *gram could further encourage veterans, especially*
18 *low-income veterans, to seek medical care, espe-*
19 *cially mental health care; and*

20 (2) *submit to the Committee on Veterans' Affairs*
21 *of the Senate and the Committee on Veterans' Affairs*
22 *of the House of Representatives a report on the find-*
23 *ings of the Comptroller General with respect to the*
24 *study completed under paragraph (1).*

2489

1 **SEC. 243. DEPARTMENT OF VETERANS AFFAIRS TRANSPOR-**
2 **TATION PILOT PROGRAM FOR LOW INCOME**
3 **VETERANS.**

4 (a) *PILOT PROGRAM REQUIRED.*—Not later than one
5 year after the date of the enactment of this Act, the Sec-
6 retary of Veterans Affairs shall commence carrying out a
7 pilot program to assess the feasibility and advisability of
8 providing payments authorized under subsection (a) of sec-
9 tion 111 of title 38, United States Code, 48 hours in ad-
10 vance of travel to eligible appointments to veterans and
11 other eligible individuals who are also eligible for a deduc-
12 tion waiver as provided by paragraphs (3) and (4) of sub-
13 section (c) of such section.

14 (b) *DURATION.*—The Secretary shall carry out the
15 pilot program during the five-year period beginning on the
16 date of the commencement of the pilot program.

17 (c) *LOCATIONS.*—The Secretary shall carry out the
18 pilot program at not fewer than five locations selected by
19 the Secretary for purposes of the pilot program.

20 (d) *REPORT.*—

21 (1) *IN GENERAL.*—Not later than 180 days after
22 the date of the completion of the pilot program, the
23 Secretary shall submit to Congress a report on the
24 findings of the Secretary with respect to the pilot pro-
25 gram.

2490

1 (2) *CONTENTS.*—*The report submitted under*
2 *paragraph (1) shall include the following:*

3 (A) *The number of individuals who bene-*
4 *fitted from the pilot program broken,*
5 *disaggregated by geographic location, race or eth-*
6 *nicity, age, disability rating, and sex.*

7 (B) *Average distance traveled by partici-*
8 *pants to appointments and average funds pro-*
9 *vided per appointment, disaggregated by geo-*
10 *graphic region.*

11 (C) *A description of any impediments to*
12 *carrying out the pilot program.*

13 (D) *An account of payments provided for*
14 *travel that did not occur or was authorized in-*
15 *correctly.*

16 (E) *An account of any attempts to retrieve*
17 *such payment.*

18 (F) *Recommendations of the Secretary for*
19 *legislative or administrative action to reduce im-*
20 *proper payments.*

21 (G) *An assessment of the feasibility and ad-*
22 *visability of providing payments as described in*
23 *subsection (a).*

2491

1 **SEC. 244. PILOT PROGRAM FOR TRAVEL COST REIMBURSE-**
2 **MENT FOR ACCESSING READJUSTMENT**
3 **COUNSELING SERVICES.**

4 (a) *PILOT PROGRAM REQUIRED.*—Not later than 270
5 days after the date of the enactment of this Act, the Sec-
6 retary shall establish and commence a pilot program, with-
7 in the Readjustment Counseling Services of the Veterans
8 Health Administration, to assess the feasibility and advis-
9 ability of providing payment to cover or offset financial dif-
10 ficulties of an individual in accessing or using transpor-
11 tation to and from the nearest Vet Center service site pro-
12 viding the necessary readjustment counseling services for
13 the individual's plan of service.

14 (b) *PARTICIPATION.*—

15 (1) *IN GENERAL.*—In carrying out the pilot pro-
16 gram required by subsection (a), the Secretary shall
17 limit participation—

18 (A) by individuals pursuant to paragraph

19 (2); and

20 (B) by Vet Centers pursuant to paragraph

21 (3).

22 (2) *PARTICIPATION BY INDIVIDUALS.*—

23 (A) *IN GENERAL.*—The Secretary shall

24 limit participation in the pilot program to indi-

25 viduals who are eligible for services at a partici-

2492

1 *pating Vet Center and experiencing financial*
2 *hardship.*

3 *(B) FINANCIAL HARDSHIP.—The Secretary*
4 *shall determine the meaning of “financial hard-*
5 *ship” for purposes of subparagraph (A).*

6 *(3) PARTICIPATION OF VET CENTERS.—Vet Cen-*
7 *ters participating in the program shall be chosen by*
8 *the Secretary from among those serving individuals*
9 *in areas designated by the Secretary as rural or high-*
10 *ly rural or Tribal lands.*

11 *(c) TRAVEL ALLOWANCES AND REIMBURSEMENTS.—*
12 *Under the pilot program required by subsection (a), the Sec-*
13 *retary shall provide a participating individual a travel al-*
14 *lowance or reimbursement at the earliest time practicable,*
15 *but not later than 10 business days after the date of the*
16 *appointment.*

17 *(d) DURATION.—The Secretary shall carry out the*
18 *pilot program required by subsection (a) during the five-*
19 *year period beginning on the date of the commencement of*
20 *the pilot program.*

21 *(e) LOCATIONS.—*

22 *(1) IN GENERAL.—The Secretary shall carry out*
23 *the pilot program at not fewer than five locations se-*
24 *lected by the Secretary for purposes of the pilot pro-*
25 *gram.*

2493

1 (2) *EXISTING INITIATIVE.*—

2 (A) *LOCATIONS PARTICIPATING IN EXISTING*
3 *INITIATIVE.*—*Of the locations selected under*
4 *paragraph (1), four shall be the locations par-*
5 *ticipating in the initiative commenced under sec-*
6 *tion 104(a) of the Honoring America’s Veterans*
7 *and Caring for Camp Lejeune Families Act of*
8 *2012 (Public Law 112–154), as most recently*
9 *amended by section 105 of the Continuing Ap-*
10 *propriations and Ukraine Supplemental Appro-*
11 *priations Act, 2023 (Public Law 117–180), as of*
12 *the date of the enactment of this Act.*

13 (B) *TERMINATION OF EXISTING INITIA-*
14 *TIVE.*—*Section 104(a) of the Honoring America’s*
15 *Veterans and Caring for Camp Lejeune Families*
16 *Act of 2012, as so amended, is further amended*
17 *by striking “September 30, 2023” and inserting*
18 *“the date on which the pilot program required by*
19 *subsection (a) of section 244 of the Joseph Max-*
20 *well Cleland and Robert Joseph Dole Memorial*
21 *Veterans Benefits and Health Care Improvement*
22 *Act of 2022 commences at each of the locations*
23 *described in subsection (e)(2)(A) of such section”.*

24 (f) *ANNUAL REPORTS.*—

2494

1 (1) *IN GENERAL.*—Not later than one year after
2 the date of the commencement of the pilot program re-
3 quired by subsection (a) and each year thereafter for
4 the duration of the pilot program, the Secretary shall
5 submit to the Committee on Veterans' Affairs of the
6 Senate and the Committee on Veterans' Affairs of the
7 House of Representatives a report on the findings of
8 the Secretary with respect to the pilot program.

9 (2) *CONTENTS.*—Each report submitted under
10 paragraph (1) shall include the following:

11 (A) *The number of individuals who bene-*
12 *fitted from the pilot program, disaggregated by*
13 *age, race or ethnicity, and sex, to the extent pos-*
14 *sible.*

15 (B) *The average distance traveled by each*
16 *individual per each Vet Center.*

17 (C) *The definition of financial hardship de-*
18 *termined by the Secretary under subsection*
19 *(b)(2)(B).*

20 (D) *A description of how the funds are dis-*
21 *tributed.*

22 (E) *The average amount of funds distrib-*
23 *uted per instance, disaggregated by Vet Center.*

2495

1 (F) A description of any impediments to the
2 Secretary in paying expenses or allowances
3 under the pilot program.

4 (G) An assessment of the potential for
5 fraudulent receipt of payment under the pilot
6 program and the recommendations of the Sec-
7 retary for legislative or administrative action to
8 reduce such fraud.

9 (H) Such recommendations for legislative or
10 administrative action as the Secretary considers
11 appropriate with respect to the payment of ex-
12 penses or allowances.

13 (g) VET CENTER DEFINED.—In this section, the term
14 “Vet Center” means a center for readjustment counseling
15 and related mental health services for veterans under section
16 1712A of title 38, United States Code.

17 **Subtitle E—VA Beneficiary Debt**
18 **Collection Improvement Act**

19 **SEC. 251. SHORT TITLE.**

20 This subtitle may be cited as the “VA Beneficiary Debt
21 Collection Improvement Act of 2022”.

22 **SEC. 252. PROHIBITION OF DEBT ARISING FROM OVERPAY-**
23 **MENT DUE TO DELAY IN PROCESSING BY THE**
24 **DEPARTMENT OF VETERANS AFFAIRS.**

25 (a) BAR TO RECOVERY.—

2496

1 (1) *IN GENERAL.*—Chapter 53 of title 38, United
2 *States Code*, is amended by inserting after section
3 5302A the following new section:

4 **“§5302B. Prohibition of debt arising from overpay-**
5 **ment due to delay in processing**

6 “(a) *LIMITATION.*—(1) *Except as provided in para-*
7 *graph (2), no individual may incur a debt to the United*
8 *States that—*

9 “(A) *arises from the participation of the indi-*
10 *vidual in a program or benefit administered by the*
11 *Under Secretary for Benefits; and*

12 “(B) *is attributable to the failure of an employee*
13 *or official of the Department to process information*
14 *provided by or on behalf of that individual within*
15 *applicable timeliness standards established by the*
16 *Secretary.*

17 “(2) *Nothing in this section shall be construed to affect*
18 *the penal and forfeiture provisions for fiduciaries set forth*
19 *in chapter 61 of this title.*

20 “(b) *NOTICE.*—(1) *If the Secretary determines that the*
21 *Secretary has made an overpayment to an individual, the*
22 *Secretary shall provide notice to the individual of the over-*
23 *payment.*

24 “(2) *Notice under paragraph (1) shall include a de-*
25 *tailed explanation of the right of the individual—*

2497

1 “(A) to dispute the overpayment, including a de-
2 tailed explanation of the process by which to dispute
3 the overpayment; or

4 “(B) to request a waiver of indebtedness.

5 “(c) *DELAY ON COLLECTION.*—(1) Subject to para-
6 graph (2), the Secretary may not take any action under
7 section 3711 of title 31 regarding an overpayment described
8 in a notice under subsection (b) of this section until the
9 date that is 90 days after the date the Secretary issues such
10 notice.

11 “(2) The Secretary may take action under section 3711
12 of title 31 regarding an overpayment described in a notice
13 under subsection (b) of this section before the date that is
14 90 days after the date the Secretary issues such notice if
15 the Secretary determines that delaying such action is—

16 “(A) likely to make repayment of such overpay-
17 ment more difficult for an individual;

18 “(B) likely to cause an unpaid debt to be re-
19 ferred to the Treasury Offset Program; or

20 “(C) not in the best interest of the individual.”.

21 (2) *CLERICAL AMENDMENT.*—The table of sec-
22 tions at the beginning of such chapter is amended by
23 inserting after the item relating to section 5302A the
24 following new item:

“5302B. Prohibition of debt arising from overpayment due to delay in proc-
 essing.”.

2498

1 (3) *DEADLINE.*—*The Secretary of Veterans Af-*
2 *fairs shall prescribe regulations to establish standards*
3 *under section 5302B(a)(2) of such title, as added by*
4 *subsection (a), not later than 180 days after the date*
5 *of the enactment of this Act.*

6 (b) *PLAN FOR IMPROVED NOTIFICATION AND COMMU-*
7 *NICATION OF DEBTS.*—

8 (1) *IN GENERAL.*—*Not later than 180 days after*
9 *the date of the enactment of this Act, and one year*
10 *thereafter, the Secretary of Veterans Affairs shall pro-*
11 *vide the Committee on Veterans' Affairs of the Senate*
12 *and the Committee on Veterans' Affairs of the House*
13 *of representatives a briefing and submit to such com-*
14 *mittees a report on the improvement of the notifica-*
15 *tion of and communication with individuals who re-*
16 *ceive overpayments made by the Secretary.*

17 (2) *CONTENTS.*—*Each report under paragraph*
18 *(1) shall include each of the following:*

19 (A) *The plan of the Secretary to carry out*
20 *each of the following:*

21 (i) *The development and implementa-*
22 *tion of a mechanism by which individuals*
23 *enrolled in the patient enrollment system*
24 *under section 1705 of title 38, United States*

2499

1 *Code, may view their monthly patient med-*
2 *ical statements electronically.*

3 (ii) *The development and implementa-*
4 *tion of a mechanism by which individuals*
5 *eligible for benefits under the laws adminis-*
6 *tered by the Secretary may receive elec-*
7 *tronic correspondence relating to debt and*
8 *overpayment information.*

9 (iii) *The development and implementa-*
10 *tion of a mechanism by which individuals*
11 *eligible for benefits under the laws adminis-*
12 *tered by the Secretary may access informa-*
13 *tion related to Department of Veterans Af-*
14 *airs debt electronically.*

15 (iv) *The improvement and clarification*
16 *of Department communications relating to*
17 *overpayments and debt collection, including*
18 *letters and electronic correspondence and in-*
19 *cluding information relating to the most*
20 *common reasons individuals eligible for*
21 *benefits under the laws administered by the*
22 *Secretary incur debts to the United States*
23 *and the process for requesting a waiver of*
24 *such debt. The Secretary shall develop such*
25 *improvements and clarifications in con-*

† HR 2617 EAS2

2500

1 *sultation with veterans service organiza-*
2 *tions, labor organizations that represent*
3 *employees of the Department, other relevant*
4 *nongovernmental organizations, the Com-*
5 *mittee on Veterans' Affairs of the Senate,*
6 *and the Committee on Veterans' Affairs of*
7 *the House of Representatives.*

8 *(B) A description of the current efforts and*
9 *plans for improving the accuracy of payments to*
10 *individuals entitled to benefits under the laws*
11 *administered by the Secretary, including specific*
12 *data matching agreements.*

13 *(C) A description of steps to be taken to im-*
14 *prove the identification of underpayments to*
15 *such individuals and to improve Department*
16 *procedures and policies to ensure that such indi-*
17 *viduals who are underpaid receive adequate com-*
18 *ensation payments.*

19 *(D) A list of actions completed, implemen-*
20 *tation steps, and timetables for each requirement*
21 *described in subparagraphs (A) through (C).*

22 *(E) A description of any new legislative au-*
23 *thority required to complete any such require-*
24 *ment.*

2501

1 **SEC. 253. PROHIBITION ON DEPARTMENT OF VETERANS AF-**
2 **FAIRS INTEREST AND ADMINISTRATIVE COST**
3 **CHARGES FOR DEBTS RELATING TO CERTAIN**
4 **BENEFITS PROGRAMS.**

5 (a) *IN GENERAL.*—Section 5315(a)(1) of title 38,
6 *United States Code*, is amended—

7 (1) by striking “other than a loan” and all that
8 follows through the semicolon and inserting “other
9 than—”; and

10 (2) by adding at the end the following new sub-
11 paragraphs:

12 “(A) a loan, loan-guaranty, or loan-insur-
13 ance program;

14 “(B) a disability compensation program;

15 “(C) a pension program; or

16 “(D) an educational assistance program.”.

17 (b) *EFFECTIVE DATE.*—The amendments made by sub-
18 section (a) shall apply with respect to an indebtedness that
19 occurs on or after the date of the enactment of this Act.

20 **SEC. 254. EXTENSION OF WINDOW TO REQUEST RELIEF**
21 **FROM RECOVERY OF DEBT ARISING UNDER**
22 **LAWS ADMINISTERED BY THE SECRETARY OF**
23 **VETERANS AFFAIRS.**

24 (a) *IN GENERAL.*—Section 5302(a) of title 38, *United*
25 *States Code*, is amended by striking “180 days” and insert-
26 ing “one year”.

2502

1 (b) *EFFECTIVE DATE.*—Subsection (a) shall take effect
2 on the date that is two years after the date of the enactment
3 of this Act.

4 **SEC. 255. REFORMS RELATING TO RECOVERY BY DEPART-**
5 **MENT OF VETERANS AFFAIRS OF AMOUNTS**
6 **OWED BY INDIVIDUALS TO THE UNITED**
7 **STATES.**

8 (a) *LIMITATION ON INDEBTEDNESS OFFSETS.*—Sub-
9 section (a) of section 5314 of title 38, United States Code,
10 is amended—

11 (1) by inserting “(1)” before “Subject to”; and
12 (2) by adding at the end the following new para-
13 graph:

14 “(2) The Secretary may not make a deduction under
15 paragraph (1) while the existence or amount of such indebt-
16 edness is disputed under section 5314A of this title.”.

17 (b) *ADMINISTRATIVE PROCESS FOR DISPUTE OF EX-*
18 *ISTENCE OR AMOUNT OF INDEBTEDNESS.*—

19 (1) *ESTABLISHMENT.*—Chapter 53 of title 38,
20 United States Code, is amended by inserting after sec-
21 tion 5314 the following new section:

22 **“§ 5314A. Dispute of indebtedness**

23 “(a) *ESTABLISHMENT.*—The Secretary shall prescribe
24 regulations that establish an administrative process for the
25 dispute of the existence or amount of an indebtedness de-

2503

1 scribed in section 5314(a)(1) of this title (without regard
2 to whether the Secretary has made a deduction under such
3 section regarding such indebtedness).

4 “(b) *STANDARDS.*—The process under subsection (a)
5 shall be efficient, effective, and equitable.

6 “(c) *TIMELINESS.*—The Secretary shall ensure that
7 each dispute under subsection (a) proceeds in accordance
8 with standards for timeliness prescribed by the Secretary
9 under this section.

10 “(d) *LIMITATION.*—The Secretary may not submit to
11 any debt collector (as defined in section 803 of the Fair
12 Debt Collection Practices Act (15 U.S.C. 1692a)) any dis-
13 pute pending under this section.

14 “(e) *RULE OF CONSTRUCTION.*—Nothing in this sec-
15 tion shall be construed to modify the procedures for seeking
16 review of a decision of the agency of original jurisdiction
17 described in section 5104C(a)(1) of this title.”.

18 (2) *EXISTING ADMINISTRATIVE PROCESS.*—The
19 Secretary of Veterans Affairs shall carry out section
20 5314A of such title, as added by paragraph (1), by
21 improving the administrative process of the Depart-
22 ment of Veterans Affairs for the dispute of the existing
23 or amount of an indebtedness that was in effect on the
24 day before the date of the enactment of this Act.

2504

1 (3) *IMPROVEMENTS TO DEPARTMENT WEBSITE*
2 *AND NOTICES.*—*In carrying out paragraph (2), the*
3 *Secretary shall—*

4 (A) *improve the website of the Department;*
5 *and*

6 (B) *ensure that such website and written*
7 *notices sent to a person about indebtedness de-*
8 *scribed in section 5314(a) of title 38, United*
9 *States Code, contain all information a person*
10 *needs to dispute such an indebtedness, including*
11 *a description of—*

12 (i) *the specific actions the person will*
13 *need to take in order to dispute the indebt-*
14 *edness;*

15 (ii) *the documentation that will be re-*
16 *quired for the dispute; and*

17 (iii) *how the documentation is to be*
18 *submitted.*

19 (4) *CLERICAL AMENDMENT.*—*The table of sec-*
20 *tions at the beginning of such chapter is amended by*
21 *inserting after the item relating to section 5314 the*
22 *following new item:*

 “5314A. *Dispute of indebtedness.*”.

23 (c) *LIMITATION ON AUTHORITY TO RECOVER*
24 *DEBTS.*—*Section 5302(a) of title 38, United States Code,*
25 *is amended—*

2505

- 1 (1) *by inserting “(1)” before “There”; and*
2 (2) *by adding at the end the following new para-*
3 *graph:*
4 “(2) *The Secretary may not seek to recover an indebt-*
5 *edness described in paragraph (1) if the Secretary deter-*
6 *mines that the cost to the Department to recover such in-*
7 *debtedness, as determined when the debt is established,*
8 *would exceed the amount of the indebtedness.”.*

9 ***TITLE III—HOMELESSNESS***
10 ***MATTERS***
11 ***SEC. 301. ADJUSTMENTS OF GRANTS AWARDED BY THE***
12 ***SECRETARY OF VETERANS AFFAIRS FOR COM-***
13 ***PREHENSIVE SERVICE PROGRAMS TO SERVE***
14 ***HOMELESS VETERANS.***

- 15 (a) *ELIMINATION OF MATCHING REQUIREMENT.—*
16 (1) *IN GENERAL.—Section 2011(c) of title 38,*
17 *United States Codes, is amended—*
18 (A) *by striking paragraph (2); and*
19 (B) *by redesignating paragraph (3) as*
20 *paragraph (2).*
21 (2) *APPLICABILITY.—The amendments made by*
22 *paragraph (1) shall apply with respect to any grant*
23 *awarded under section 2011 of title 38, United States*
24 *Code, on or after the date of the enactment of this Act.*

2506

1 (3) *DETERMINATION OF AMOUNT OF GRANT.*—On
2 or after the date that is five years after the date of
3 the enactment of this Act, the Secretary of Veterans
4 Affairs may determine the maximum amount of a
5 grant under section 2011 of title 38, United States
6 Code, which shall be not less than 70 percent of the
7 estimated cost of the project concerned.

8 (4) *SUNSET.*—Section 4201(b)(2) of the Johnny
9 Isakson and David P. Roe, M.D. Veterans Health
10 Care and Benefits Improvement Act of 2020 (Public
11 Law 116–315; 134 Stat. 5009; 38 U.S.C. 2011 note)
12 is amended—

13 (A) by striking “Subsection (c)(2)” and in-
14 serting the following:

15 “(A) *IN GENERAL.*—Subsection (c)(2)”;

16 (B) by adding at the end the following new
17 subparagraph:

18 “(B) *SUNSET.*—Subparagraph (A) shall
19 cease to be effective on the date of the enactment
20 of the Joseph Maxwell Cleland and Robert Jo-
21 seph Dole Memorial Veterans Benefits and
22 Health Care Improvement Act of 2022.”.

23 (b) *ELIMINATION OF PROPERTY DISPOSITION RE-*
24 *QUIREMENTS.*—

2507

1 (1) *IN GENERAL.*—A recipient of a grant award-
2 ed under section 2011 of title 38, United States Code,
3 on or after the date of the enactment of this Act for
4 a project described in subsection (b)(1) of such section
5 shall not be subject to any real property or equipment
6 disposition requirements relating to the grant under
7 section 61.67 of title 38, Code of Federal Regulations,
8 sections 200.311(c) and 200.313(e) of title 2, Code of
9 Federal Regulations, or successor regulations.

10 (2) *SUNSET.*—Section 4201(b)(6) of the Johnny
11 Isakson and David P. Roe, M.D. Veterans Health
12 Care and Benefits Improvement Act of 2020 (Public
13 Law 116–315; 134 Stat. 5010; 38 U.S.C. 2011 note)
14 is amended—

15 (A) by striking “During” and inserting the
16 following:

17 “(A) *IN GENERAL.*—During”; and

18 (B) by adding at the end the following new
19 subparagraph:

20 “(B) *SUNSET.*—Subparagraph (A) shall
21 cease to be effective on the date of the enactment
22 of the Joseph Maxwell Cleland and Robert Jo-
23 seph Dole Memorial Veterans Benefits and
24 Health Care Improvement Act of 2022.”.

2508

1 **SEC. 302. MODIFICATIONS TO PROGRAM TO IMPROVE RE-**
2 **TENTION OF HOUSING BY FORMERLY HOME-**
3 **LESS VETERANS AND VETERANS AT RISK OF**
4 **BECOMING HOMELESS.**

5 *Section 2013 of title 38, United States Code, is amend-*
6 *ed—*

7 *(1) by redesignating subsection (b) as subsection*
8 *(d);*

9 *(2) by inserting after subsection (a) the following*
10 *new subsections:*

11 *“(b) SERVICES.—Services provided under the program*
12 *shall include services to assist veterans described in sub-*
13 *section (a) with navigating resources provided by the Fed-*
14 *eral Government and State, local, and Tribal governments.*

15 *“(c) STAFFING.—In geographic areas where individ-*
16 *uals who meet the licensure and certification requirements*
17 *to provide services under the program are in high demand*
18 *as determined by the Secretary, such services may be pro-*
19 *vided through one or more individuals with a master’s de-*
20 *gree in social work who are undergoing training to meet*
21 *such requirements, if such individuals are under the super-*
22 *vision of an individual who meets such requirements.”; and*

23 *(3) in subsection (d), as redesignated by para-*
24 *graph (1), by adding at the end the following new*
25 *paragraph:*

2509

1 “(3) *The Secretary shall require each recipient of a*
2 *grant awarded under this subsection to submit to the Sec-*
3 *retary a report that describes the services provided or co-*
4 *ordinated with amounts under such grant.*”.

5 **SEC. 303. MODIFICATIONS TO HOMELESS VETERANS RE-**
6 **INTEGRATION PROGRAMS.**

7 (a) *IN GENERAL.*—Section 2021 of title 38, United
8 *States Code, is amended to read as follows:*

9 **“§ 2021. Homeless veterans reintegration programs**

10 “(a) *IN GENERAL.*—Subject to the availability of ap-
11 *propriations provided for such purpose, the Secretary of*
12 *Labor shall conduct, directly or through grant or contract,*
13 *such programs as that Secretary determines appropriate to*
14 *provide job training, counseling, and placement services*
15 *(including job readiness and literacy and skills training)*
16 *to expedite the reintegration into the labor force of—*

17 “(1) *homeless veterans, including—*

18 “(A) *veterans who were homeless but found*
19 *housing during the 60-day period preceding the*
20 *date on which the veteran begins to participate*
21 *in a program under this section; and*

22 “(B) *veterans who are at risk of homeless-*
23 *ness during the 60-day period beginning on the*
24 *date on which the veteran begins to participate*
25 *in a program under this section;*

2510

1 “(2) veterans participating in the Department of
2 *Housing and Urban Development-Department of Vet-*
3 *erans Affairs supported housing program for which*
4 *rental assistance is provided pursuant to section*
5 *8(o)(19) of the United States Housing Act of 1937 (42*
6 *U.S.C. 1437f(o)(19)) or the Tribal HUD-VA Sup-*
7 *portive Housing (Tribal HUD-VASH) program;*

8 “(3) Indians who are veterans and receiving as-
9 *sistance under the Native American Housing Assist-*
10 *ance and Self-Determination Act of 1996 (25 U.S.C.*
11 *4101 et seq.);*

12 “(4) veterans described in section 2023(d) of this
13 *title or any other veterans who are transitioning from*
14 *being incarcerated; and*

15 “(5) veterans participating in the Department of
16 *Veterans Affairs rapid rehousing and prevention pro-*
17 *gram authorized in section 2044 of this title.*

18 “(b) GRANTS.—(1) *In awarding grants for purposes*
19 *of conducting programs described in subsection (a), the Sec-*
20 *retary of Labor shall, to the maximum extent practicable,*
21 *consider applications for fundable grants from entities in*
22 *all States.*

23 “(2) *In each State in which no entity has been award-*
24 *ed a grant described in paragraph (1) as of the date of the*
25 *enactment of the Joseph Maxwell Cleland and Robert Jo-*

2511

1 *seph Dole Memorial Veterans Benefits and Health Care Im-*
2 *provement Act of 2022, the Secretary of Labor shall, in co-*
3 *ordination with the Director of Veterans' Employment and*
4 *Training in the State, organize and conduct an outreach*
5 *and education program to ensure communities are aware*
6 *of the programs conducted under this section and the bene-*
7 *fits of the programs.*

8 “(c) *TRAINING AND TECHNICAL ASSISTANCE.—(1) The*
9 *Secretary of Labor shall provide training and technical as-*
10 *sistance to entities seeking a grant or contract under this*
11 *section and recipients of a grant or contract under this sec-*
12 *tion regarding the planning, development, and provision of*
13 *services for which the grant or contract is awarded, includ-*
14 *ing before and during the grant application or contract*
15 *award period.*

16 “(2) *The training and technical assistance provided*
17 *under paragraph (1) shall include outreach and assistance*
18 *specifically designed for entities serving regions and popu-*
19 *lations underserved by the programs conducted under this*
20 *section.*

21 “(3) *The Secretary of Labor may provide training and*
22 *technical assistance under paragraph (1) directly or*
23 *through grants or contracts with such public or nonprofit*
24 *private entities as that Secretary considers appropriate.*

2512

1 “(d) *REQUIREMENT TO MONITOR EXPENDITURES OF*
2 *FUNDS.—(1) The Secretary of Labor shall collect such in-*
3 *formation as that Secretary considers appropriate to mon-*
4 *itor and evaluate the distribution and expenditure of funds*
5 *appropriated to carry out this section.*

6 “(2) *Information collected under paragraph (1) shall*
7 *include data with respect to the results or outcomes of the*
8 *services provided to each homeless veteran under this sec-*
9 *tion.*

10 “(3) *Information collected under paragraph (1) shall*
11 *be furnished in such form and manner as the Secretary of*
12 *Labor may specify.*

13 “(e) *ADMINISTRATION THROUGH ASSISTANT SEC-*
14 *RETARY OF LABOR FOR VETERANS’ EMPLOYMENT AND*
15 *TRAINING.—The Secretary of Labor shall carry out this sec-*
16 *tion through the Assistant Secretary of Labor for Veterans’*
17 *Employment and Training.*

18 “(f) *PROVISION OF SERVICES TO VETERANS IN CER-*
19 *TAIN INSTITUTIONS.—(1) The Attorney General of the*
20 *United States shall permit a recipient of a grant or con-*
21 *tract under this section or section 2023 of this title to pro-*
22 *vide services under this section or section 2023 of this title*
23 *to any veteran described in subsection (a)(4) who is resid-*
24 *ing in a penal institution under the jurisdiction of the Bu-*
25 *reau of Prisons.*

2513

1 “(2) *The recipient of a grant or contract under this*
2 *section may provide to officials of an institution described*
3 *in paragraph (1) information regarding the services pro-*
4 *vided to veterans under this section and section 2023 of this*
5 *title during the 18-month period preceding the release or*
6 *discharge of a veteran from the institution.*

7 “(g) *REPORT ON SERVICES PROVIDED.—(1) The Sec-*
8 *retary of Labor shall require each recipient of a grant or*
9 *contract under this section to submit to that Secretary a*
10 *report on the services provided and veterans served using*
11 *grant or contract amounts not later than 90 days after the*
12 *end of each program year, beginning with the program year*
13 *the begins after the date of the enactment of the Joseph Max-*
14 *well Cleland and Robert Joseph Dole Memorial Veterans*
15 *Benefits and Health Care Improvement Act of 2022.*

16 “(2) *To the extent practicable, each report submitted*
17 *under paragraph (1) shall—*

18 “(A) *disaggregate the number of veterans served*
19 *by—*

20 “(i) *sex;*

21 “(ii) *age;*

22 “(iii) *race;*

23 “(iv) *ethnicity;*

24 “(v) *approximate era in which the veteran*
25 *served in the Armed Forces;*

2514

1 “(vi) the highest level of education attained;

2 “(vii) the average period of time the veteran
3 was unemployed or underemployed before receiv-
4 ing services under this section and while receiv-
5 ing such services; and

6 “(viii) housing status as of—

7 “(I) the date on which the veteran is
8 first enrolled in services under this section;
9 and

10 “(II) any subsequent date, if such data
11 is available; and

12 “(B) include data on the number of veterans re-
13 ceiving services under this section who are eligible for
14 health care and benefits provided by the Department
15 of Veterans Affairs.

16 “(h) *REPORTS TO CONGRESS.*—(1) Not less frequently
17 than every two years, the Secretary of Labor shall submit
18 to Congress a report on the programs conducted under this
19 section. The Secretary of Labor shall include in the report
20 the following:

21 “(A) An evaluation of services furnished to vet-
22 erans under this section.

23 “(B) An analysis of the information collected
24 under subsection (d).

25 “(C) An identification of—

2515

1 “(i) the total number of applications for
2 grants under this section that the Secretary of
3 Labor received during the fiscal year preceding
4 the date on which the report is submitted; and
5 “(ii) the number of such applications that
6 were denied.

7 “(D) With respect to each State in which no en-
8 tity was awarded a grant under this section during
9 the fiscal year preceding the date on which the report
10 is submitted—

11 “(i) an identification of the top five reasons
12 why entities that applied for such a grant were
13 not awarded the grant; and

14 “(ii) information regarding the specific cri-
15 teria used to score the applications and an ex-
16 planation of if, how, or why such criteria dif-
17 fered from the previous fiscal year.

18 “(2) Not later than 180 days after the end of the pro-
19 gram year that begins after the date of the enactment of
20 the Joseph Maxwell Cleland and Robert Joseph Dole Memo-
21 rial Veterans Benefits and Health Care Improvement Act
22 of 2022, and not later than 120 days after the end of each
23 program year thereafter, the Secretary of Labor shall sub-
24 mit to the Committee on Veterans’ Affairs of the Senate and

2516

1 *the Committee on Veterans' Affairs of the House of Rep-*
2 *resentatives a report setting forth the following:*

3 “(A) *Data obtained from the reports submitted*
4 *under subsection (g), disaggregated by geographic lo-*
5 *cation.*

6 “(B) *The number of grants and contracts not*
7 *awarded under this section due to insufficient funds.*

8 “(C) *The number of returning recipients of*
9 *grants or contracts that were and were not awarded*
10 *grants or contracts under this section during the most*
11 *recent application cycle.*

12 “(D) *The number of applications received from*
13 *entities in States in which no entities received a*
14 *grant or contract under this section.*

15 “(E) *The number of veterans who were admitted*
16 *to a program conducted under this section but not*
17 *placed in a job following participation in such pro-*
18 *gram, disaggregated by geographic location, age, sex,*
19 *and race or ethnicity.*

20 “(i) *AUTHORIZATION OF APPROPRIATIONS.—(1) There*
21 *are authorized to be appropriated to carry out this section*
22 *amounts as follows:*

23 “(A) *\$50,000,000 for fiscal year 2002.*

24 “(B) *\$50,000,000 for fiscal year 2003.*

25 “(C) *\$50,000,000 for fiscal year 2004.*

2517

1 “(D) \$50,000,000 for fiscal year 2005.

2 “(E) \$50,000,000 for fiscal year 2006.

3 “(F) \$50,000,000 for each of fiscal years 2007
4 through 2023.

5 “(G) \$60,000,000 for fiscal year 2024 and each
6 fiscal year thereafter.

7 “(2) Funds appropriated to carry out this section shall
8 remain available until expended. Funds obligated in any
9 fiscal year to carry out this section may be expended in
10 that fiscal year and the succeeding fiscal year.”.

11 (b) *CONFORMING AMENDMENT.*—Section 2021A(e) of
12 title 38, United States Code, is amended by striking “sec-
13 tion 2021(d)” and inserting “section 2021(h)(1)”.

14 **SEC. 304. EXPANSION AND EXTENSION OF DEPARTMENT OF**
15 **VETERANS AFFAIRS HOUSING ASSISTANCE**
16 **FOR HOMELESS VETERANS.**

17 (a) *EXPANSION.*—Subsection (a) of section 2041 of
18 title 38, United States Code, is amended—

19 (1) in paragraph (1)—

20 (A) in the matter preceding subparagraph
21 (A), by inserting “or permanent housing” after
22 “shelter”;

23 (B) in subparagraph (A), by striking
24 “named in, or approved by the Secretary under,
25 section 5902 of this title” and inserting “that is

2518

1 *the recipient of a grant under section 2011,*
2 *2013, 2044, or 2061 of this title”; and*

3 *(C) in subparagraph (B), by inserting “or*
4 *tribal entity,” after “State”; and*

5 *(2) in paragraph (3)(B)—*

6 *(A) in clause (i)—*

7 *(i) by inserting “or permanent hous-*
8 *ing” after “shelter”;*

9 *(ii) by inserting “(I)” before “utilize”;*

10 *(iii) by striking the comma and insert-*
11 *ing “; or”; and*

12 *(iv) by adding at the end the following*
13 *new subclause:*

14 *“(II) sell or rent the property directly*
15 *to homeless veterans or veterans at risk of*
16 *homelessness;”; and*

17 *(B) in each of clauses (ii) and (iii), by*
18 *striking the comma and inserting a semicolon.*

19 *(b) EXTENSION.—Subsection (c) of such section is*
20 *amended by striking “September 30, 2017” and inserting*
21 *“September 30, 2026”.*

2519

1 **SEC. 305. TRAINING AND TECHNICAL ASSISTANCE PRO-**
2 **VIDED BY SECRETARY OF VETERANS AFFAIRS**
3 **TO CERTAIN ENTITIES.**

4 (a) *SUPPORTIVE SERVICES FOR VERY LOW-INCOME*
5 *FAMILIES IN PERMANENT HOUSING.*—Section 2044(e) of
6 *title 38, United States Code, is amended—*

7 (1) *by striking paragraphs (2) and (3); and*

8 (2) *by striking “(1) From amounts” and insert-*
9 *ing “From amounts”.*

10 (b) *COMPREHENSIVE SERVICE PROGRAMS.*—

11 (1) *IN GENERAL.*—Subchapter II of chapter 20 of
12 *title 38, United States Code, is amended—*

13 (A) *by redesignating section 2014 as section*
14 *2016; and*

15 (B) *by inserting after section 2013 the fol-*
16 *lowing new sections 2014 and 2015:*

17 **“§2014. Training and technical assistance for recipi-**
18 **ents of certain financial assistance**

19 “(a) *IN GENERAL.*—The Secretary shall provide train-
20 *ing and technical assistance to recipients of grants under*
21 *sections 2011 and 2013 of this title and recipients of per*
22 *diem payments under sections 2012 and 2061 of this title*
23 *regarding the planning, development, and provision of serv-*
24 *ices for which the grant or payment is made.*

25 “(b) *PROVISION OF TRAINING AND TECHNICAL ASSIST-*
26 *ANCE.*—The Secretary may provide training and technical

2520

1 *assistance under subsection (a) directly or through grants*
2 *or contracts with such public or nonprofit private entities*
3 *as the Secretary considers appropriate.*

4 **“§2015. Training and technical assistance for entities**
5 **regarding services provided to veterans at**
6 **risk of, experiencing, or transitioning out**
7 **of homelessness**

8 “(a) *IN GENERAL.*—*The Secretary shall provide train-*
9 *ing and technical assistance to entities serving veterans at*
10 *risk of, experiencing, or transitioning out of homelessness*
11 *regarding—*

12 “(1) *the provision of such services to such vet-*
13 *erans; and*

14 “(2) *the planning and development of such serv-*
15 *ices.*

16 “(b) *COORDINATION.*—*The Secretary may coordinate*
17 *the provision of training and technical assistance under*
18 *subsection (a) with the Secretary of Housing and Urban*
19 *Development and the Secretary of Labor.*

20 “(c) *ELEMENTS.*—*The training and technical assist-*
21 *ance provided under subsection (a) shall include coordina-*
22 *tion and communication of best practices among all pro-*
23 *grams administered by the Veterans Health Administration*
24 *directed at serving veterans at risk of, experiencing, or*
25 *transitioning out of homelessness.*

2521

1 “(d) *PROVISION OF TRAINING.*—*The Secretary may*
2 *provide the training and technical assistance under sub-*
3 *section (a) directly or through grants or contracts with such*
4 *public or nonprofit private entities as the Secretary con-*
5 *siders appropriate.”.*

6 (2) *USE OF AMOUNTS.*—*The Secretary of Vet-*
7 *erans Affairs shall provide training and technical as-*
8 *sistance under sections 2014 and 2015 of such title,*
9 *as inserted by paragraph (1)(B), using amounts ap-*
10 *propriated or otherwise made available to the Depart-*
11 *ment of Veterans Affairs on or after the date of the*
12 *enactment of this Act.*

13 (3) *CONFORMING AMENDMENT.*—*Section*
14 *20013(a) of the Coronavirus Aid, Relief, and Eco-*
15 *nomie Security Act (38 U.S.C. 2011 note) is amended*
16 *by striking “2014” and inserting “2016”.*

17 (4) *CLERICAL AMENDMENT.*—*The table of sec-*
18 *tions at the beginning of chapter 20 of such title is*
19 *amended by striking the item relating to section 2014*
20 *and inserting the following new items:*

“2014. Training and technical assistance for recipients of certain financial assist-
ance.

“2015. Training and technical assistance for entities regarding services provided
to veterans at risk of, experiencing, or transitioning out of home-
lessness.

“2016. Authorization of appropriations.”.

2522

1 **SEC. 306. MODIFICATION OF ELIGIBILITY REQUIREMENTS**
2 **FOR ENTITIES COLLABORATING WITH THE**
3 **SECRETARY OF VETERANS AFFAIRS TO PRO-**
4 **VIDE CASE MANAGEMENT SERVICES TO**
5 **HOMELESS VETERANS IN THE DEPARTMENT**
6 **OF HOUSING AND URBAN DEVELOPMENT-DE-**
7 **PARTMENT OF VETERANS AFFAIRS SUP-**
8 **PORTED HOUSING PROGRAM.**

9 *Section 304(c)(2)(A) of the Honoring America's Vet-*
10 *erans and Caring for Camp Lejeune Families Act of 2012*
11 *(38 U.S.C. 2041 note) is amended—*

12 *(1) by redesignating subparagraphs (B) through*
13 *(E) as subparagraphs (C) through (F), respectively;*
14 *and*

15 *(2) by inserting after subparagraph (A) the fol-*
16 *lowing new subparagraph (B):*

17 *“(B) providing case management services to*
18 *veterans for obtaining suitable housing at vary-*
19 *ing locations nationwide or in the area or areas*
20 *similar to where the services will be provided*
21 *under the relevant contract or agreement;”.*

2523

1 **SEC. 307. DEPARTMENT OF VETERANS AFFAIRS SHARING**
2 **OF INFORMATION RELATING TO COORDI-**
3 **NATED ENTRY PROCESSES FOR HOUSING**
4 **AND SERVICES OPERATED UNDER DEPART-**
5 **MENT OF HOUSING AND URBAN DEVELOP-**
6 **MENT CONTINUUM OF CARE PROGRAM.**

7 (a) *IN GENERAL.*—*The Under Secretary for Health of*
8 *the Department of Veterans Affairs shall—*

9 (1) *provide to staff of medical centers of the De-*
10 *partment of Veterans Affairs and homelessness service*
11 *providers of the Department the information described*
12 *in subsection (b); and*

13 (2) *ensure that such information, and other re-*
14 *sources the Under Secretary determines are appro-*
15 *priate, are accessible to such staff and providers.*

16 (b) *INFORMATION DESCRIBED.*—*The information de-*
17 *scribed in this subsection is information related to best*
18 *practices with respect to the collaboration between medical*
19 *centers of the Department of Veterans Affairs, homelessness*
20 *service providers of the Department, and local partners (in-*
21 *cluding local offices of the Department of Housing and*
22 *Urban Development or public housing agencies, and private*
23 *and public local community organizations) on the central-*
24 *ized or coordinated assessment systems established and op-*
25 *erated by Continuums of Care under section 578.7(a)(8) of*
26 *title 24, Code of Federal Regulations, including making re-*

2524

1 *ferrals and sharing data, as the Under Secretary determines*
2 *appropriate.*

3 **SEC. 308. DEPARTMENT OF VETERANS AFFAIRS COMMU-**
4 **NICATION WITH EMPLOYEES RESPONSIBLE**
5 **FOR HOMELESSNESS ASSISTANCE PRO-**
6 **GRAMS.**

7 *The Under Secretary for Health of the Department of*
8 *Veterans Affairs shall clearly communicate with employees*
9 *of the Department of Veterans Affairs whose responsibilities*
10 *are related to homelessness assistance programs regard-*
11 *ing—*

12 *(1) the measurement of performance of such pro-*
13 *grams by the Homeless Programs Office of the De-*
14 *partment; and*

15 *(2) how to obtain and provide feedback about*
16 *performance measures.*

17 **SEC. 309. SYSTEM FOR SHARING AND REPORTING DATA.**

18 *(a) IN GENERAL.—The Secretary of Veterans Affairs*
19 *and the Secretary of Housing and Urban Development shall*
20 *work together to develop a system for effectively sharing and*
21 *reporting data between the community-wide homeless man-*
22 *agement information system described in section 402(f)(3)*
23 *of the McKinney-Vento Homeless Assistance Act (42 U.S.C.*
24 *11360a(f)(3)) and the Homeless Operations Management*

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1 *and Evaluation System of the Department of Veterans Af-*
2 *fairs.*

3 **(b) DEADLINE.**—*The Secretary of Veterans Affairs and*
4 *the Secretary of Housing and Urban Development shall en-*
5 *sure that the system developed under subsection (a) is oper-*
6 *ational not later than three years after the date of the enact-*
7 *ment of this Act.*

8 **SEC. 310. PILOT PROGRAM ON GRANTS FOR HEALTH CARE**
9 **FOR HOMELESS VETERANS.**

10 **(a) PILOT PROGRAM REQUIRED.**—*Not later than one*
11 *year after the date of the enactment of this Act, the Sec-*
12 *retary of Veterans Affairs shall commence carrying out a*
13 *pilot program to assess the feasibility and advisability of*
14 *awarding grants to eligible entities to meet the health care*
15 *needs of—*

16 (1) *veterans who are homeless;*

17 (2) *veterans who were previously homeless and*
18 *are transitioning to permanent housing; and*

19 (3) *veterans who are at risk of becoming home-*
20 *less.*

21 **(b) LOCATIONS.**—*The Secretary shall carry out the*
22 *pilot program at not fewer than five locations selected by*
23 *the Secretary for purposes of the pilot program.*

24 **(c) AWARD OF GRANTS.**—

2526

1 (1) *IN GENERAL.*—*In carrying out the pilot pro-*
2 *gram, the Secretary shall award grants to eligible en-*
3 *tities for the purpose described in subsection (a).*

4 (2) *ELIGIBLE ENTITIES.*—*For purposes of this*
5 *section, an eligible entity is any entity that is pro-*
6 *viding transitional housing services to veterans as of*
7 *the date on which the entity applies for a grant under*
8 *this section.*

9 (3) *PREFERENCE.*—*In awarding grants under*
10 *this section, the Secretary shall give preference to eli-*
11 *gible entities that are recipients of grants under sec-*
12 *tions 2012 and 2061 of title 38, United States Code,*
13 *as of the date on which the entity applies for a grant*
14 *under this section.*

15 (4) *EQUITABLE DISTRIBUTION;*
16 *PRIORITIZATION.*—

17 (A) *EQUITABLE DISTRIBUTION.*—*The Sec-*
18 *retary shall ensure that, to the extent practicable,*
19 *grant amounts awarded under paragraph (1)*
20 *are equitably distributed among eligible entities*
21 *across geographic regions.*

22 (B) *PRIORITIZATION.*—*In awarding grants*
23 *under this section, and in compliance with para-*
24 *graphs (2) and (3), the Secretary may prioritize*
25 *eligible entities located—*

2527

- 1 (i) *in rural communities;*
2 (ii) *on Tribal lands; and*
3 (iii) *in areas where there is a signifi-*
4 *cant population of veterans aged 55 years*
5 *old and older.*

6 (5) *INTERVALS OF PAYMENT AND MAXIMUM*
7 *GRANT AMOUNT.—The Secretary may establish inter-*
8 *vals of payment for the administration of grants*
9 *under this section and a maximum grant amount to*
10 *be awarded, in accordance with the services being*
11 *provided by staff hired using grant amounts and the*
12 *duration of such services.*

13 (d) *USE OF GRANT AMOUNTS.—The recipient of a*
14 *grant under the pilot program—*

15 (1) *shall use grant amounts for the hiring of ap-*
16 *propriately qualified medical staff to care for veterans*
17 *described in subsection (a) who require assistance*
18 *with activities of daily living or need consistent med-*
19 *ical attention and monitoring; and*

20 (2) *may use such amounts for supplies, adminis-*
21 *trative support, and infrastructure needs associated*
22 *with the duties of such staff and the needs of such vet-*
23 *erans.*

24 (e) *REQUIREMENTS FOR RECEIPT OF GRANTS.—*

2528

1 (1) *NOTIFICATION THAT SERVICES ARE FROM*
2 *DEPARTMENT.—Each entity receiving a grant under*
3 *this section shall notify the recipients of services pro-*
4 *vided pursuant to grant amounts that such services*
5 *are being paid for, in whole or in part, by the De-*
6 *partment.*

7 (2) *COORDINATION.—An entity receiving a grant*
8 *under this section shall—*

9 (A) *coordinate with the Secretary with re-*
10 *spect to the provision of clinical services to eligi-*
11 *ble individuals or any other provisions of the*
12 *law regarding the delivery of health care by the*
13 *Secretary;*

14 (B) *inform each veteran who receives assist-*
15 *ance under this section from the entity of the*
16 *ability of the veteran to apply for enrollment in*
17 *the patient enrollment system of the Department*
18 *under section 1705(a) of title 38, United States*
19 *Code; and*

20 (C) *if such a veteran wishes to so enroll, in-*
21 *form the veteran of a point of contact at the De-*
22 *partment who can assist the veteran in such en-*
23 *rollment.*

24 (f) *REPORT ON SERVICES PROVIDED.—The Secretary*
25 *shall require each eligible entity awarded a grant under this*

1 *section to submit to the Secretary a report that describes*
2 *the services provided or coordinated with amounts under*
3 *such grant.*

4 *(g) DURATION.—The Secretary shall carry out the*
5 *pilot program during the five-year period beginning on the*
6 *date on which the pilot program commences.*

7 *(h) REPORTS TO CONGRESS.—*

8 *(1) IN GENERAL.—Not later than one year after*
9 *the date on which the first grants are awarded under*
10 *this section, and annually thereafter until the pro-*
11 *gram terminates, the Secretary shall submit to the*
12 *Committee on Veterans' Affairs of the Senate and the*
13 *Committee on Veterans' Affairs of the House of Rep-*
14 *resentatives a report on the effectiveness of the pro-*
15 *gram.*

16 *(2) ELEMENTS.—The report required by para-*
17 *graph (1) shall include the number of veterans served*
18 *by the pilot program under the care of a staff member*
19 *the funding for whom is provided by a grant under*
20 *the program, disaggregated by—*

21 *(A) geographic location;*

22 *(B) sex;*

23 *(C) age;*

24 *(D) race and ethnicity;*

2530

1 (E) whether or not a veteran received health
2 care from the Department during the two-year
3 period preceding the date on which the veteran
4 began participating in the program;

5 (F) the number of veterans who transitioned
6 into permanent housing as a result of participa-
7 tion in the program;

8 (G) with respect to veterans who did not
9 transition into permanent housing as a result of
10 participation in the program, the main reasons
11 for not so transitioning;

12 (H) discharge status; and

13 (I) eligibility for health care provided by
14 the Department of Veterans Affairs.

15 **SEC. 311. PILOT PROGRAM ON AWARD OF GRANTS FOR SUB-**
16 **STANCE USE DISORDER RECOVERY FOR**
17 **HOMELESS VETERANS.**

18 (a) *PILOT PROGRAM REQUIRED.*—Not later than 270
19 days after the date of the enactment of this Act, the Sec-
20 retary of Veterans Affairs shall commence carrying out a
21 pilot program under which the Secretary shall award
22 grants to eligible entities for the provision or coordination
23 of services for recovery from substance use disorder for vet-
24 erans who are homeless, were previously homeless and are

2531

1 *transitioning to permanent housing, or are at risk of becom-*
2 *ing homeless.*

3 (b) *DURATION.*—*The Secretary shall carry out the*
4 *pilot program during the five-year period beginning on the*
5 *date of the commencement of the pilot program.*

6 (c) *LOCATIONS.*—*The Secretary shall carry out the*
7 *pilot program at not fewer than five locations selected by*
8 *the Secretary for purposes of the pilot program.*

9 (d) *AWARD OF GRANTS.*—

10 (1) *IN GENERAL.*—*In carrying out the pilot pro-*
11 *gram, the Secretary shall award a grant to an eligible*
12 *entity for each veteran with substance use disorder*
13 *participating in the pilot program for which the eli-*
14 *gible entity is providing or coordinating the provision*
15 *of recovery services for substance use disorder under*
16 *the pilot program.*

17 (2) *INTERVALS OF PAYMENT AND MAXIMUM*
18 *AMOUNTS.*—*The Secretary may establish intervals of*
19 *payment for the administration of grants under this*
20 *section and a maximum amount to be awarded, in*
21 *accordance with the services being provided and the*
22 *duration of such services.*

23 (3) *PREFERENCE.*—*In awarding grants under*
24 *paragraph (1), the Secretary shall give preference to*
25 *eligible entities providing or coordinating the provi-*

2532

1 *sion of recovery services for substance use disorder for*
2 *veterans with substance-use dependency who face bar-*
3 *riers in accessing substance-use recovery services from*
4 *the Department of Veterans Affairs.*

5 (4) *EQUITABLE DISTRIBUTION.*—*The Secretary*
6 *shall ensure that, to the extent practicable, grant*
7 *amounts awarded under paragraph (1) are equitably*
8 *distributed across geographic regions, including rural*
9 *and Tribal communities.*

10 (5) *REPORT ON SERVICES PROVIDED.*—*The Sec-*
11 *retary shall require each eligible entity awarded a*
12 *grant under paragraph (1) to submit to the Secretary*
13 *a report that describes the services provided or coordi-*
14 *nated with amounts under such grant.*

15 (e) *REQUIREMENTS FOR RECEIPT OF GRANTS.*—

16 (1) *NOTIFICATION THAT SERVICES ARE FROM*
17 *DEPARTMENT.*—*Each entity receiving a grant under*
18 *this section shall notify the recipients of services pro-*
19 *vided pursuant to grant amounts that such services*
20 *are being paid for, in whole or in part, by the De-*
21 *partment.*

22 (2) *COORDINATION.*—*An entity receiving a grant*
23 *under this section shall—*

24 (A) *coordinate with the Secretary with re-*
25 *spect to the provision of clinical services to eligi-*

2533

1 *ble individuals or any other provisions of law re-*
2 *garding the delivery of health care by the Sec-*
3 *retary;*

4 *(B) inform each veteran who receives assist-*
5 *ance under this section from the entity of the*
6 *ability of the veteran to apply for enrollment in*
7 *the patient enrollment system of the Department*
8 *under section 1705(a) of title 38, United States*
9 *Code; and*

10 *(C) if such a veteran wishes to so enroll, in-*
11 *form the veteran of a point of contact at the De-*
12 *partment who can assist the veteran in such en-*
13 *rollment.*

14 *(f) GRANT APPLICATION.—*

15 *(1) IN GENERAL.—An eligible entity seeking the*
16 *award of a grant under this section shall submit to*
17 *the Secretary an application therefor in such form, in*
18 *such manner, and containing such commitments and*
19 *information as the Secretary considers necessary to*
20 *carry out this section.*

21 *(2) CONTENTS OF APPLICATION.—Each applica-*
22 *tion submitted by an eligible entity under paragraph*
23 *(1) shall contain the following:*

24 *(A) A description of the recovery services for*
25 *substance use disorder proposed to be provided*

2534

1 *by the eligible entity under the pilot program*
2 *and the identified need for those services.*

3 *(B) A description of the types of veterans*
4 *with substance use disorder proposed to be pro-*
5 *vided such recovery services.*

6 *(C) An estimate of the number of veterans*
7 *with substance use disorder proposed to be pro-*
8 *vided such recovery services.*

9 *(D) Evidence of the experience of the eligible*
10 *entity in providing such recovery services to vet-*
11 *erans with substance use disorder.*

12 *(E) A description of the managerial capac-*
13 *ity of the eligible entity—*

14 *(i) to assess continually the needs of*
15 *veterans with substance use disorder for*
16 *such recovery services;*

17 *(ii) to coordinate the provision of such*
18 *recovery services with services provided by*
19 *the Department; and*

20 *(iii) to tailor such recovery services to*
21 *the needs of veterans with substance use dis-*
22 *order.*

23 *(3) CRITERIA FOR SELECTION.—*

2535

1 (A) *IN GENERAL.*—*The Secretary shall es-*
2 *tablish criteria for the selection of eligible enti-*
3 *ties to be awarded grants under this section.*

4 (B) *ELEMENTS.*—*Criteria established under*
5 *subparagraph (A) with respect to an eligible en-*
6 *tity shall include the following:*

7 (i) *Relevant accreditation as may be*
8 *required by each State in which the eligible*
9 *entity operates.*

10 (ii) *Experience coordinating care or*
11 *providing treatment for veterans or mem-*
12 *bers of the Armed Forces.*

13 (g) *PARTICIPATION.*—*Participation by a veteran in*
14 *the pilot program shall not affect any eligibility status or*
15 *requirements for such veteran with respect to other benefits*
16 *or services provided by the Department.*

17 (h) *TECHNICAL ASSISTANCE.*—

18 (1) *IN GENERAL.*—*The Secretary shall provide*
19 *training and technical assistance to eligible entities*
20 *awarded grants under this section regarding the plan-*
21 *ning, development, and provision of recovery services*
22 *for substance use disorder under this section.*

23 (2) *PROVISION OF TRAINING.*—*The Secretary*
24 *may provide the training required under paragraph*
25 *(1) directly or through grants or contracts with such*

2536

1 *public or nonprofit private entities as the Secretary*
2 *considers appropriate for purposes of this section, in-*
3 *cluding through grants awarded under section 2064 of*
4 *title 38, United States Code.*

5 *(i) COLLECTION OF INFORMATION.—To the extent*
6 *practicable, the Secretary may collect information from an*
7 *eligible entity awarded a grant under this section relating*
8 *to a substance use disorder of a veteran participating in*
9 *the pilot program for inclusion in the electronic health*
10 *record of the Department for such veteran for the sole pur-*
11 *pose of improving care provided to such veteran.*

12 *(j) STUDY ON EFFECTIVENESS OF PILOT PROGRAM.—*

13 *(1) IN GENERAL.—The Secretary shall conduct a*
14 *study on the effectiveness of the pilot program in*
15 *meeting the needs of veterans with substance use dis-*
16 *order.*

17 *(2) COMPARISON.—In conducting the study re-*
18 *quired by paragraph (1), the Secretary shall compare*
19 *the results of the pilot program with other programs*
20 *of the Department dedicated to the delivery to vet-*
21 *erans of recovery services for substance use disorder.*

22 *(3) CRITERIA.—In making the comparison re-*
23 *quired by paragraph (2), to the extent data is avail-*
24 *able, the Secretary shall examine the following:*

2537

1 (A) *The satisfaction of veterans targeted by*
2 *the programs described in paragraph (2).*

3 (B) *The health status of such veterans, in-*
4 *cluding mental health.*

5 (C) *The degree to which such programs en-*
6 *courage such veterans to engage in productive ac-*
7 *tivity.*

8 (D) *The number of veterans using such pro-*
9 *grams, disaggregated by—*

10 (i) *veterans who have received health*
11 *care provided by the Department during the*
12 *two-year period preceding the conduct of the*
13 *study;*

14 (ii) *veterans who have not received*
15 *health care provided by the Department*
16 *during such period;*

17 (iii) *veterans eligible for health care*
18 *provided by the Department, disaggregated*
19 *by—*

20 (I) *veterans eligible for services*
21 *from the Department similar to serv-*
22 *ices provided under the pilot program;*
23 *and*

24 (II) *veterans not eligible for such*
25 *services from the Department; and*

2538

1 (iv) veterans ineligible for health care
2 provided by the Department.

3 (E) The number of veterans who are still
4 homeless or at risk of becoming homeless one
5 year after completion of receipt of recovery serv-
6 ices under such programs.

7 (F) The number of veterans who still have
8 a substance use disorder that negatively impacts
9 their daily living and ability to maintain inde-
10 pendent housing 180 days after discharge from
11 receipt of services provided under this section.

12 (G) The status of the discharge from the
13 Armed Forces of veterans covered under this
14 paragraph.

15 (4) *REPORTS.*—Not later than one year after the
16 date on which the first grant is awarded under this
17 section, and annually thereafter, the Secretary shall
18 submit to the Committee on Veterans’ Affairs of the
19 Senate and the Committee on Veterans’ Affairs of the
20 House of Representatives a report on the results of the
21 study required by paragraph (1).

22 (k) *DEFINITIONS.*—In this section:

23 (1) *ELIGIBLE ENTITY.*—The term “eligible enti-
24 ty” means any of the following:

2539

1 (A) *An incorporated private institution or*
2 *foundation—*

3 (i) *no part of the net earnings of which*
4 *inures to the benefit of any member, found-*
5 *er, contributor, or individual;*

6 (ii) *that has a governing board that is*
7 *responsible for the operation of the recovery*
8 *services for substance use disorder provided*
9 *under this section; and*

10 (iii) *that is approved by the Secretary*
11 *with respect to financial responsibility.*

12 (B) *A for-profit limited partnership, the*
13 *sole general partner of which is an organization*
14 *meeting the requirements of subparagraph (A).*

15 (C) *A corporation wholly owned and con-*
16 *trolled by an organization meeting the require-*
17 *ments of subparagraph (A).*

18 (D) *A tribally designated housing entity (as*
19 *defined in section 4 of the Native American*
20 *Housing Assistance and Self-Determination Act*
21 *of 1996 (25 U.S.C. 4103)).*

22 (2) *SUBSTANCE USE DISORDER.—The term “sub-*
23 *stance use disorder”, with respect to a veteran, means*
24 *the veteran has been diagnosed with, or is seeking*

2540

1 *treatment for, substance use disorder, as determined*
2 *by the Secretary.*

3 **SEC. 312. REPORT BY COMPTROLLER GENERAL OF THE**
4 **UNITED STATES ON AFFORDABLE HOUSING**
5 **FOR VETERANS.**

6 (a) *REPORT REQUIRED.*—Not later than three years
7 *after the date of the enactment of this Act, the Comptroller*
8 *General of the United States shall submit to the Committee*
9 *on Veterans' Affairs of the Senate and the Committee on*
10 *Veterans' Affairs of the House of Representatives a report*
11 *on the availability of affordable housing for veterans who*
12 *have or are participating in any program administered by*
13 *the Homeless Programs Office of the Department of Vet-*
14 *erans Affairs.*

15 (b) *CONTENTS.*—The report required by subsection (a)
16 *shall include, with respect to the one-year period preceding*
17 *the date of the enactment of this Act, the following:*

18 (1) *The number of veterans using housing vouch-*
19 *ers under the program carried out under section*
20 *8(o)(19) of the United States Housing Act of 1937 (42*
21 *U.S.C. 1437f(o)(19)) (commonly referred to as*
22 *“HUD–VASH”).*

23 (2) *The number of veterans who were allocated*
24 *a housing voucher described in paragraph (1) but who*
25 *have been unable to attain permanent housing.*

2541

1 (3) *The number of available housing vouchers de-*
2 *scribed in paragraph (1) that are unused for any rea-*
3 *son.*

4 (4) *Available data regarding the number of vet-*
5 *erans who were discharged from transitional housing*
6 *provided using amounts provided under sections 2061*
7 *and 2012 of title 38, United States Code, and did not*
8 *transition to permanent housing due to a shortage*
9 *of—*

10 (A) *case managers under the program de-*
11 *scribed in paragraph (1);*

12 (B) *housing vouchers described in such*
13 *paragraph; or*

14 (C) *housing that meets the requirements*
15 *and limitations with respect to such vouchers.*

16 (c) *DISAGGREGATION.—The contents of the report de-*
17 *scribed in paragraphs (1), (2), and (4) of subsection (b)*
18 *shall be disaggregated by veterans with a household income*
19 *that does not exceed—*

20 (1) *the area median income;*

21 (2) *80 percent of the area median income;*

22 (3) *50 percent of the area median income; and*

23 (4) *30 percent of the area median income.*

2542

1 **SEC. 313. STUDY ON FINANCIAL AND CREDIT COUNSELING.**

2 (a) *STUDY REQUIRED.*—*The Secretary of Veterans Af-*
3 *fairs shall conduct a comprehensive study on—*

4 (1) *the use of and variation of financial and*
5 *credit counseling services available for homeless vet-*
6 *erans and veterans experiencing housing instability;*

7 (2) *barriers to accessing financial and credit*
8 *counseling for such veterans; and*

9 (3) *the ability to evaluate and assess the poten-*
10 *tial effects of financial and credit counseling for such*
11 *veterans with respect to housing, employment, income,*
12 *and other outcomes the Secretary determines appro-*
13 *priate.*

14 (b) *METHODOLOGY.*—*In conducting the study under*
15 *subsection (a), the Secretary shall—*

16 (1) *survey—*

17 (A) *homeless veterans and veterans experi-*
18 *encing housing instability who are enrolled in*
19 *the Supportive Services for Veterans Families*
20 *program;*

21 (B) *such veterans who do not seek or receive*
22 *the care or services under such program or a*
23 *similar program;*

24 (C) *grantees of the Supportive Services for*
25 *Veterans Families program;*

26 (D) *financial and credit counselors; and*

2543

1 *(E) persons who are subject matter experts*
2 *regarding the use of financial and credit coun-*
3 *seling services that the Secretary determines ap-*
4 *propriate; and*

5 *(2) administer the survey to a representative*
6 *sample of homeless veterans and veterans experiencing*
7 *housing instability in areas with high veteran home-*
8 *lessness.*

9 *(c) USE AND VARIATION OF SERVICES.—In conducting*
10 *the study under subsection (a)(1), the Secretary shall—*

11 *(1) use data from the Supportive Services for*
12 *Veterans Families program and other data collected*
13 *by the Department of Veterans Affairs, data collected*
14 *by other departments or agencies of the Federal Gov-*
15 *ernment, and data collected by nongovernmental enti-*
16 *ties to compare the use of and variation of financial*
17 *and credit counseling services available for homeless*
18 *veterans and veterans experiencing housing insta-*
19 *bility and such use and variation for other individ-*
20 *uals; and*

21 *(2) assess such services made available through*
22 *the Supportive Services for Veterans Families pro-*
23 *gram, including with respect to the types, modes of*
24 *delivery, duration, consistency, and quality, of such*
25 *services.*

2544

1 (d) *BARRIERS TO COUNSELING.*—*In conducting the*
2 *study under subsection (a)(2), the Secretary shall conduct*
3 *research on the effects of the following perceived barriers to*
4 *financial and credit counseling for homeless veterans and*
5 *veterans experiencing housing instability surveyed in the*
6 *study:*

7 (1) *The cost of financial and credit counseling*
8 *services.*

9 (2) *The perceived stigma associated with seeking*
10 *financial and credit counseling assistance.*

11 (3) *The effect of driving distance or availability*
12 *of other forms of transportation to the nearest facility*
13 *that received a grant under the Supportive Services*
14 *for Veterans Families program.*

15 (4) *The availability of child care.*

16 (5) *The comprehension of eligibility requirements*
17 *for, and the scope of services available under, the*
18 *Supportive Services for Veterans Families program.*

19 (6) *The effectiveness of outreach for the services*
20 *available to such veterans under the Supportive Serv-*
21 *ices for Veterans Families program.*

22 (7) *The location and operating hours of facilities*
23 *that provide services to such veterans under the Sup-*
24 *portive Services for Veterans Families program.*

2545

1 (8) *The COVID–19 pandemic and other health*
2 *related issues.*

3 (9) *Such other significant barriers as the Sec-*
4 *retary considers appropriate.*

5 (e) *EVALUATION AND ASSESSMENT OF EFFECTS OF*
6 *COUNSELING.—*

7 (1) *EFFECTS.—In conducting the study under*
8 *subsection (a)(3), the Secretary shall conduct research*
9 *on the ability to evaluate and assess the potential ef-*
10 *fects of financial and credit counseling services on*
11 *homeless veterans and veterans experiencing housing*
12 *instability with respect to the following:*

13 (A) *The effects of such services on employ-*
14 *ment by comparing the veterans who received*
15 *such services and the veterans who did not re-*
16 *ceive such services.*

17 (B) *The effects of such services on housing*
18 *status by comparing the veterans who received*
19 *such services and the veterans who did not re-*
20 *ceive such services.*

21 (C) *The effects of such services on income by*
22 *comparing the veterans who received such serv-*
23 *ices and the veterans who did not receive such*
24 *services.*

2546

1 (D) *The effects of such services on credit*
2 *score by comparing the veterans who received*
3 *such services and the veterans who did not re-*
4 *ceive such services.*

5 (E) *The effects of such services on other out-*
6 *comes the Secretary determines appropriate.*

7 (2) *DATA AND RECOMMENDATIONS.—In carrying*
8 *out paragraph (1), the Secretary shall—*

9 (A) *determine the relevant data that is*
10 *available to the Secretary and determine the con-*
11 *fidence of the Secretary with respect to accessing*
12 *any additional data the Secretary may require;*
13 *and*

14 (B) *provide recommendations regarding the*
15 *optimal research or evaluation design that would*
16 *generate the greatest insights and value.*

17 (f) *DISCHARGE BY CONTRACT.—The Secretary may*
18 *seek to enter into a contract with a qualified independent*
19 *entity or organization to carry out the study and research*
20 *required under this section, including such an entity or or-*
21 *ganization that is able to access credit scores, data main-*
22 *tained by the Internal Revenue Service, and other data ben-*
23 *eficial to studying income.*

24 (g) *MANDATORY REVIEW OF DATA BY CERTAIN ELE-*
25 *MENTS OF DEPARTMENT.—*

2547

1 (1) *REVIEWS REQUIRED.*—*The Secretary shall*
2 *ensure that the head of each element of the Depart-*
3 *ment of Veterans Affairs specified in paragraph (3)*
4 *reviews the results of the study conducted under sub-*
5 *section (a).*

6 (2) *SUBMITTAL OF FINDINGS.*—*The head of each*
7 *element specified in paragraph (3) shall submit to the*
8 *Deputy Under Secretary for Health for Operations*
9 *and Management the findings of the head with respect*
10 *to the review conducted by the under paragraph (1),*
11 *including recommendations regarding what data the*
12 *Secretary should collect from grantees under the Sup-*
13 *portive Services for Veterans Families program.*

14 (3) *SPECIFIED ELEMENTS.*—*The elements of the*
15 *Department of Veterans Affairs specified in this para-*
16 *graph are the following:*

17 (A) *The Advisory Committee on Homeless*
18 *Veterans established under section 2066 of title*
19 *38, United States Code.*

20 (B) *The Advisory Committee on Women*
21 *Veterans established under section 542 of title 38,*
22 *United States Code.*

23 (C) *The Advisory Committee on Minority*
24 *Veterans established under section 544 of title 38,*
25 *United States Code.*

2548

1 (D) *The Homeless Programs Office of the*
2 *Veterans Health Administration.*

3 (E) *The Office of Tribal Government Rela-*
4 *tions of the Department.*

5 (h) *REPORTS.—*

6 (1) *INTERIM REPORT.—Not later than one year*
7 *after the date of the enactment of this Act, the Sec-*
8 *retary shall submit to Congress an interim report on*
9 *the study under subsection (a).*

10 (2) *FINAL REPORT.—*

11 (A) *IN GENERAL.—Not later than 30*
12 *months after the date of the enactment of this*
13 *Act, the Secretary shall submit to Congress a re-*
14 *port on the study under subsection (a).*

15 (B) *CONTENTS.—The report required by*
16 *subparagraph (A) shall include—*

17 (i) *the findings of the head of each ele-*
18 *ment of the Department specified under*
19 *subsection (g)(3); and*

20 (ii) *recommendations for such admin-*
21 *istrative and legislative action as the Sec-*
22 *retary considers appropriate.*

23 (i) *DEFINITION.—In this section:*

24 (1) *HOMELESS VETERANS AND VETERANS EXPE-*
25 *RIENCING HOUSING INSTABILITY.—The term “home-*

2549

1 less veterans and veterans experiencing housing insta-
2 bility” means veterans who are homeless (as that term
3 is defined in subsection (a) or (b) of section 103 of
4 the McKinney–Vento Homeless Assistance Act (42
5 U.S.C. 11302)).

6 (2) *SUPPORTIVE SERVICES FOR VETERANS FAMI-*
7 *LIES PROGRAM.*—The term “Supportive Services for
8 Veterans Families program” means the program es-
9 tablished pursuant to section 2044 of title 38, United
10 States Code.

11 ***TITLE IV—OTHER MATTERS***

12 ***SEC. 401. DEPARTMENT OF VETERANS AFFAIRS SUPPLY*** 13 ***CHAIN RESILIENCY.***

14 (a) *REPORT ON CRITICAL ITEMS AND REQUIRE-*
15 *MENTS.*—Not later than 90 days after the date of the enact-
16 ment of this Act, the Secretary of Veterans Affairs shall sub-
17 mit to the Committee on Veterans’ Affairs of the Senate and
18 the Committee on Veterans’ Affairs of the House of Rep-
19 resentatives a report containing each of the following:

20 (1) *A description of the items and types of items*
21 *the Secretary considers critical with respect to—*
22 (A) *the ongoing response to the Coronavirus*
23 *2019 (COVID–19) pandemic; and*

2550

1 (B) *future epidemic, pandemic, emergency,*
2 *national emergency, or natural disaster sce-*
3 *narios.*

4 (2) *The quantities of the items described in para-*
5 *graph (1) that are available, as of the date of the en-*
6 *actment of this Act, in inventories, emergency caches,*
7 *or other emergency inventories of the Department of*
8 *Veterans Affairs.*

9 (3) *The anticipated quantities of the items de-*
10 *scribed in paragraph (1) that would be necessary*
11 *under potential epidemic, pandemic, emergency, na-*
12 *tional emergency, or natural disaster scenarios the*
13 *Secretary determines to be relevant for planning pur-*
14 *poses.*

15 (4) *The assumptions and key planning factors*
16 *used by the Secretary to identify the items, types of*
17 *items, and necessary quantities of items for types of*
18 *scenarios, as described in paragraphs (1) and (3).*

19 (b) *PARTICIPATION IN WARSTOPPER PROGRAM.—*

20 (1) *IN GENERAL.—Not later than one year after*
21 *the date of the enactment of this Act, the Secretary of*
22 *Veterans Affairs and the Secretary of Defense shall*
23 *enter into an agreement to provide for the participa-*
24 *tion of the Department of Veterans Affairs in the pro-*

2551

1 *gram known as the “Warstopper Program” of the De-*
2 *fense Logistics Agency, or any successor program.*

3 (2) *REQUIREMENTS.—Pursuant to the agreement*
4 *under paragraph (1), the Defense Logistics Agency*
5 *shall—*

6 (A) *ensure the maintenance and stability of*
7 *the items that are identified as critical in the re-*
8 *port required under subsection (a) and that the*
9 *Secretary of Defense determines are appropriate*
10 *for the Warstopper Program;*

11 (B) *establish guidance for the participation*
12 *of the Department of Veterans Affairs in the*
13 *Warstopper Program that includes an identifica-*
14 *tion of the items and types of items that are crit-*
15 *ical to the needs of the Department of Veterans*
16 *Affairs; and*

17 (C) *use existing contracts and agreements*
18 *and enter into new contracts and agreements, as*
19 *necessary, with manufacturers and distributors*
20 *to reserve the supply of such critical items rather*
21 *than rely on holding physical inventories of such*
22 *items.*

23 (c) *REIMBURSEMENT.—The Secretary of Veterans Af-*
24 *fairs shall reimburse the Secretary of Defense for any ex-*
25 *penses or obligations incurred to facilitate the participation*

2552

1 *of the Department of Veterans Affairs in the Warstopper*
2 *Program pursuant to subsection (b).*

3 *(d) PROHIBITION ON EXCLUSIVE RELIANCE ON RE-*
4 *GIONAL INVENTORIES.—The Secretary of Veterans Affairs*
5 *shall ensure that the Department does not exclusively rely*
6 *on holding regional, physical inventories of critical items*
7 *in order to respond to greater than expected needs for such*
8 *items during epidemic, pandemic, emergency, national*
9 *emergency, or natural disaster situations.*

10 *(e) REPORT ON IMPLEMENTATION.—*

11 *(1) IN GENERAL.—Not later than 450 days after*
12 *the date of the enactment of this Act, the Secretary of*
13 *Veterans Affairs shall submit to the Committee on*
14 *Veterans' Affairs of the Senate and the Committee on*
15 *Veterans' Affairs of the House of Representatives a re-*
16 *port on the implementation of this section.*

17 *(2) CONTENTS.—The report submitted under*
18 *paragraph (1) shall contain each the following:*

19 *(A) An implementation plan for the partici-*
20 *pation of the Department of Veterans Affairs in*
21 *the Warstopper Program, including milestones*
22 *and timelines for related administrative, con-*
23 *tracting, and readiness activities.*

2553

1 (B) For each of the items and associated
2 quantities identified in paragraphs (1) and (3)
3 of subsection (a)—

4 (i) the method by which the Secretary
5 of Veterans Affairs plans to ensure the De-
6 partment continues to have access to ade-
7 quate quantities of such items and types of
8 items, including in the Warstopper Pro-
9 gram, in regional, physical inventories, or
10 other methods; and

11 (ii) justifications for the method or
12 methods identified under clause (i).

13 (3) *UPDATES TO REPORT.*—The Secretary shall
14 update the report required under paragraph (1) on
15 an annual basis for each of the two years following
16 the submission of the report under such paragraph
17 and submit such updates to the Committee on Vet-
18 erans' Affairs of the Senate and the Committee on
19 Veterans' Affairs of the House of Representatives.

20 **SEC. 402. IMPROVEMENTS TO EQUAL EMPLOYMENT OPPOR-**
21 **TUNITY FUNCTIONS OF DEPARTMENT OF**
22 **VETERANS AFFAIRS.**

23 (a) *ALIGNMENT OF EQUAL EMPLOYMENT OPPOR-*
24 *TUNITY DIRECTOR.*—

2554

1 (1) *REPORTING AND DUTIES.*—Subsection (h) of
2 section 516 of title 38, United States Code, is amend-
3 ed—

4 (A) by striking “The provisions” and in-
5 serting “(1) The provisions”; and

6 (B) by adding at the end the following new
7 paragraph:

8 “(2) Beginning not later than 90 days after the date
9 of the enactment of the Joseph Maxwell Cleland and Robert
10 Joseph Dole Memorial Veterans Benefits and Health Care
11 Improvement Act of 2022, in carrying out paragraph (1),
12 the Secretary shall ensure that the official of the Depart-
13 ment who serves as the Equal Employment Opportunity
14 Director of the Department—

15 “(A) reports directly to the Deputy Secretary
16 with respect to the functions under this section; and

17 “(B) does not also serve in a position that has
18 responsibility over personnel functions of the Depart-
19 ment or other functions that conflict with the func-
20 tions under this section.”.

21 (2) *CONFORMING AMENDMENTS.*—Such section is
22 further amended—

23 (A) in subsection (b)(1), by inserting “, in
24 accordance with subsection (h)(2),” after “an As-

2555

1 *sistant Secretary or a Deputy Assistant Sec-*
2 *retary”; and*

3 *(B) in subsection (e)(1)(A), by striking “the*
4 *Assistant Secretary for Human Resources and*
5 *Administration” and inserting “the Secretary”.*

6 *(b) ALIGNMENT OF EEO PROGRAM MANAGERS.—Such*
7 *section is further amended by adding at the end the fol-*
8 *lowing new subsection:*

9 *“(i) In accordance with subsection (b), not later than*
10 *one year after the date of the enactment of the Joseph Max-*
11 *well Cleland and Robert Joseph Dole Memorial Veterans*
12 *Benefits and Health Care Improvement Act of 2022, the*
13 *Secretary shall ensure that each Equal Employment Oppor-*
14 *tunity program manager of the Department at the facility*
15 *level reports to the head of the Office of Resolution Manage-*
16 *ment, or such successor office established pursuant to sub-*
17 *section (a), with respect to the equal employment functions*
18 *of the program manager.”.*

19 *(c) REPORTING HARASSMENT AND EMPLOYMENT DIS-*
20 *CRIMINATION COMPLAINTS.—Subsection (a) of such section*
21 *is amended—*

22 *(1) by striking “The Secretary” and inserting*
23 *“(1) The Secretary”; and*

24 *(2) by adding at the end the following new para-*
25 *graph:*

2556

1 “(2) *The Secretary shall ensure that the employment*
2 *discrimination complaint resolution system established*
3 *under paragraph (1) requires that any manager of the De-*
4 *partment who receives a sexual or other harassment or em-*
5 *ployment discrimination complaint reports such complaint*
6 *to the Office of Resolution Management, or successor office,*
7 *immediately, or if such immediate reporting is impracti-*
8 *cable, not later than two days after the date on which the*
9 *manager receives the complaint.*”.

10 (d) *TRAINING.*—Subsection (c) of such section is
11 *amended—*

12 (1) *by inserting “(1)” before “The Secretary”;*
13 *and*

14 (2) *by adding at the end the following new para-*
15 *graph:*

16 “(2)(A) *Beginning not later than 180 days after the*
17 *date of the enactment of the Joseph Maxwell Cleland and*
18 *Robert Joseph Dole Memorial Veterans Benefits and Health*
19 *Care Improvement Act of 2022, the Secretary shall provide*
20 *to each employee of the Department mandatory annual*
21 *training on identifying and addressing sexual and other*
22 *harassment and employment discrimination, including*
23 *with respect to processes under the Harassment Prevention*
24 *Program of the Department, or such successor program.*

2557

1 “(B) *An employee of the Department who is hired on*
2 *or after such date shall receive the first such mandatory*
3 *annual training not later than 60 days after being hired.*”.

4 (e) *HARASSMENT AND EMPLOYMENT DISCRIMINATION*
5 *POLICIES AND DIRECTIVES.*—*The Secretary of Veterans Af-*
6 *fairs shall—*

7 (1) *by not later than the date that is 180 days*
8 *after the date of the enactment of this Act, and on a*
9 *regular basis thereafter, review the policies relating to*
10 *sexual and other harassment and employment dis-*
11 *crimination of the Department of Veterans Affairs to*
12 *ensure that such policies are complete and in accord-*
13 *ance with the sexual and other harassment and em-*
14 *ployment discrimination policies established by the*
15 *Office of Resolution Management of the Department,*
16 *or successor office; and*

17 (2) *by not later than 180 days after the date of*
18 *the enactment of this Act, issue a final directive and*
19 *a handbook for the Harassment Prevention Program*
20 *of the Department.*

21 (f) *SEMIANNUAL REPORTS.*—*Not later than 180 days*
22 *after the date of the enactment of this Act, and semiannu-*
23 *ally thereafter for one year, the Secretary of Veterans Af-*
24 *fairs shall submit to the Committee on Veterans' Affairs of*
25 *the Senate and the Committee on Veterans' Affairs of the*

2558

1 *House of Representatives a report on the progress the Sec-*
2 *retary has made in carrying out this section and section*
3 *516 of title 38, United States Code, as amended by this*
4 *section, including with respect to reporting sexual and other*
5 *harassment and employment discrimination complaints*
6 *pursuant to subsection (a)(2) of such section 516.*

7 **SEC. 403. DEPARTMENT OF VETERANS AFFAIRS INFORMA-**
8 **TION TECHNOLOGY REFORM ACT OF 2022.**

9 (a) *IN GENERAL.*—Chapter 81 of title 38, United
10 States Code, is amended by adding at the end the following
11 new subchapter:

12 “SUBCHAPTER VI—INFORMATION TECHNOLOGY
13 PROJECTS AND ACTIVITIES

14 “§ 8171. *Definitions*

15 “In this subchapter:

16 “(1) The term ‘appropriate congressional com-
17 mittees’ means—

18 “(A) the Committee on Veterans’ Affairs
19 and the Committee on Appropriations of the
20 Senate; and

21 “(B) the Committee on Veterans’ Affairs
22 and the Committee on Appropriations of the
23 House of Representatives.

24 “(2) The term ‘information technology’ has the
25 meaning given that term in section 11101 of title 40.

2559

1 “(3)(A) The term ‘information technology
2 project’ means a project or program of the Depart-
3 ment (including a project or program of any element
4 of the Department) for, or including, the acquisition
5 or implementation of information technology.

6 “(B) In cases where the Secretary transmits to
7 the Director of the Office of Management and Budget
8 information regarding information technology invest-
9 ments, which may consist of individual or multiple
10 projects, the term ‘information technology project’ re-
11 fers to an individual project or program or a group-
12 ing of multiple projects or programs resulting in the
13 acquisition or implementation of discrete information
14 technology.

15 “(4) The term ‘life cycle costs’ means all direct
16 and indirect costs to acquire, implement, operate, and
17 maintain information technology, including with re-
18 spect to costs of any element of the Department.

19 “(5) The term ‘major information technology
20 project’ means an information technology project if—

21 “(A) the project is designated by the Sec-
22 retary, the Chief Information Officer of the De-
23 partment, or the Director of the Office of Man-
24 agement and Budget as a major information

2560

1 *technology investment, as defined in section*
2 *11302 of title 40; or*

3 *“(B) the dollar value of the project is esti-*
4 *mated by the Secretary to exceed—*

5 *“(i) \$1,000,000,000 (as adjusted for in-*
6 *flation pursuant to section 1908 of title 41)*
7 *for the total life cycle costs of the project; or*

8 *“(ii) \$200,000,000 (as adjusted for in-*
9 *flation pursuant to section 1908 of title 41)*
10 *annually.*

11 *“(6) The term ‘business owner’ means, with re-*
12 *spect to an information technology project, the pro-*
13 *gram manager, project manager, or other supervisory*
14 *official of the Department responsible for the project.*

15 **“§ 8172. Management of major information technology**
16 **projects**

17 *“(a) COST, SCHEDULE, AND PERFORMANCE INFORMA-*
18 *TION.—(1) The Secretary shall, acting through the Chief In-*
19 *formation Officer of the Department, submit to the appro-*
20 *priate congressional committees a report containing infor-*
21 *mation on the cost, schedule, and performance of each major*
22 *information technology project that begins after the date of*
23 *the enactment of the Joseph Maxwell Cleland and Robert*
24 *Joseph Dole Memorial Veterans Benefits and Health Care*
25 *Improvement Act of 2022, as generated by the business*

2561

1 *owner of the project, prior to the commencement of such*
2 *project.*

3 “(2) *Each report submitted under paragraph (1) for*
4 *a project shall include, with respect to such project, the fol-*
5 *lowing:*

6 “(A) *An estimate of acquisition costs, implemen-*
7 *tation costs, and life cycle costs.*

8 “(B) *An intended implementation schedule indi-*
9 *cating significant milestones, initial operating capa-*
10 *bility, and full operating capability or completion.*

11 “(C) *Key business, functional, and performance*
12 *objectives.*

13 “(b) *BASELINE.—(1) The Secretary shall use the infor-*
14 *mation on the cost, schedule, and performance of a major*
15 *information technology project included in the report under*
16 *subsection (a) as the baseline against which changes or*
17 *variances are measured during the life cycle of such project.*

18 “(2) *The Secretary shall—*

19 “(A) *annually update the baseline of a major in-*
20 *formation technology project pursuant to subsection*
21 *(c); and*

22 “(B) *include such updated baseline in the docu-*
23 *ments providing detailed information on the budget*
24 *for the Department that the Secretary submits to*

2562

1 *Congress in conjunction with the President’s budget*
2 *submission pursuant to section 1105 of title 31.*

3 “(c) *CHANGES AND VARIANCES.—(1) Not later than 60*
4 *days after the date on which the Secretary identifies a*
5 *change or variance described in paragraph (2) in the cost,*
6 *schedule, or performance of a major information technology*
7 *project, the Secretary, acting through the Chief Information*
8 *Officer, shall submit to the appropriate congressional com-*
9 *mittees a notification of such change or variance, including*
10 *a description and explanation for such change or variance.*

11 “(2) *A change or variance in the cost, schedule, or per-*
12 *formance of a major information technology project de-*
13 *scribed in this paragraph is—*

14 “(A) *with respect to the acquisition, implementa-*
15 *tion, or life cycle cost of the project, or development*
16 *increment therein, a change or variance that is 10*
17 *percent or greater compared to the baseline;*

18 “(B) *with respect to the schedule for a develop-*
19 *ment increment or for achieving a significant mile-*
20 *stone, initial operating capability, or full operating*
21 *capability, or for the final completion of the project,*
22 *a change or variance that is 180 days or greater com-*
23 *pared to the baseline; or*

24 “(C) *with respect to the performance, an in-*
25 *stance where a key business, functional, or perform-*

2563

1 *ance objective is not attained, or is not anticipated to*
2 *be attained, in whole or in part.*

3 *“(d) MANAGEMENT.—The Secretary shall ensure that*
4 *each major information technology project is managed by*
5 *an interdisciplinary team consisting of the following:*

6 *“(1) A project manager who—*

7 *“(A)(i) is certified in project management*
8 *at level three by—*

9 *“(I) the Department;*

10 *“(II) the Federal Acquisition Institute*
11 *pursuant to section 1201 of title 41; or*

12 *“(III) the Department of Defense pur-*
13 *suant to section 1701a of title 10; or*

14 *“(ii) holds an equivalent certification by a*
15 *private sector project management certification*
16 *organization, as determined appropriate by the*
17 *Secretary; and*

18 *“(B) is an employee of the Office of Infor-*
19 *mation and Technology of the Department or an*
20 *employee of an element of the Department at*
21 *which the project originates.*

22 *“(2) A functional lead who is an employee of the*
23 *element of the Department at which the project origi-*
24 *nates.*

2564

1 “(3) *A technical lead who is an employee of the*
2 *Office of Information and Technology of the Depart-*
3 *ment.*

4 “(4) *A contracting officer.*

5 “(5) *Sufficient other project management, func-*
6 *tional, technical, and procurement personnel as the*
7 *Secretary determines appropriate.*

8 **“§ 8173. Information technology activities of the Fi-**
9 **nancial Services Center**

10 “(a) *MANAGEMENT.—Consistent with sections 11302*
11 *and 11319 of title 40—*

12 “(1) *the Chief Information Officer of the Depart-*
13 *ment shall—*

14 “(A) *exercise authority over the manage-*
15 *ment, governance, and oversight processes relat-*
16 *ing to existing or proposed information tech-*
17 *nology of the Financial Services Center of the*
18 *Department, or such successor office; and*

19 “(B) *supervise the information technology*
20 *employees and contractors of the Financial Serv-*
21 *ices Center; and*

22 “(2) *the Director of the Financial Services Cen-*
23 *ter of the Department, or the head of such successor*
24 *office, may not enter into a contract or other agree-*
25 *ment for information technology or information tech-*

2565

1 *nology services unless the contract or other agreement*
2 *has been reviewed and approved by the Chief Infor-*
3 *mation Officer.*

4 “(b) *OVERSIGHT.*—The Chief Information Officer shall
5 *have oversight and operational authority over all informa-*
6 *tion security practices of the Financial Services Center of*
7 *the Department.*

8 ***“§8174. Submission of annual reviews of information***
9 ***technology***

10 “(a) *IN GENERAL.*—*The Secretary, acting through the*
11 *Chief Information Officer of the Department, shall submit*
12 *to the appropriate congressional committees each annual re-*
13 *view of the information technology portfolio of the Depart-*
14 *ment conducted pursuant to section 11319(d)(3) of title 40.*

15 “(b) *FIRST SUBMISSION.*—*The first annual review*
16 *submitted under subsection (a) shall include a copy of each*
17 *previous annual review conducted under section*
18 *11319(d)(3) of title 40.*

19 ***“§8175. Information technology matters to be in-***
20 ***cluded in budget justification materials***
21 ***for the Department***

22 “(a) *LIST OF INFORMATION TECHNOLOGY PROJECTS*
23 *IN EFFECT.*—The Secretary shall ensure that whenever the
24 budget justification materials are submitted to Congress in
25 support of the Department budget for a fiscal year (as sub-

† **HR 2617 EAS2**

2566

mitted with the budget of the President for such fiscal year under section 1105(a) of title 31), such budget justification materials include a list of every information technology project currently in effect at the Department (including not only congressional projects and subprojects as determined by the Director of the Office of Management and Budget or the Secretary).

“(b) *PRIORITIZED LIST OF UNFUNDED PROJECTS.*—
(1) In addition to the list included in the budget justification materials required by subsection (a), the Secretary shall ensure that the budget justification materials described in such subsection also include summary descriptions and a prioritized list, in rank order, of every information technology project of the Department, proposed or intended to be proposed for the following one, two, or three fiscal years, that is unfunded as of the time of the inclusion of the list under this paragraph.

“(2) In producing the list required by paragraph (1), the Secretary shall—

“(A) ensure such list represents a ranking of all proposed information technology projects that reflects the needs of all elements of the Department;

“(B) produce one unified list for the entire Department demonstrating how the various proposed information technology projects of each of the elements

2567

1 *of the Department rank in priority with the informa-*
2 *tion technology projects of the other elements of the*
3 *Department; and*

4 “(C) ensure that the list—

5 “(i) does not disaggregate and rank infor-

6 *mation technology projects based on element of*
7 *the Department; and*

8 “(ii) does identify the element of the De-

9 *partment requesting the information technology*
10 *project.*

11 “(3)(A) In producing each list under paragraph (1),

12 *the Secretary shall prioritize and rank each information*
13 *technology project based on an assessment of each of the fol-*
14 *lowing factors:*

15 “(i) Degree of collaboration between business

16 *owners and the Chief Information Officer with respect*
17 *to joint functional-technical planning, requirements,*
18 *and management.*

19 “(ii) Operational or efficiency benefits to em-

20 *ployees of the Department created or produced by the*
21 *information technology project.*

22 “(iii) The life cycle cost of the information tech-

23 *nology project.*

24 “(iv) The cost savings or cost avoidance yielded

25 *by the information technology project.*

2568

1 “(v) *Time to completion of the information tech-*
2 *nology project.*

3 “(vi) *The difficulty of the information technology*
4 *project, the likelihood the information technology*
5 *project will be completed, or the risks associated with*
6 *undertaking the information technology project.*

7 “(vii) *Tangible benefits to veterans created or*
8 *produced by the information technology project.*

9 “(viii) *Such other factors as the Secretary con-*
10 *siders appropriate.*

11 “(B) *The Secretary shall ensure that each list produced*
12 *under paragraph (1) includes, for each information tech-*
13 *nology project included in the list, a brief description of*
14 *the findings of the Secretary with respect to each assessment*
15 *carried out by the Secretary for each factor for the informa-*
16 *tion technology project under subparagraph (A).*

17 “(c) *PROJECTED FUNDING NEEDS.—(1) In addition*
18 *to the matters included under subsections (a) and (b), the*
19 *Secretary shall ensure that the budget justification mate-*
20 *rials described in subsection (a) also include a projection*
21 *of the one-year, two-year, and three-year funding needs of*
22 *the Department for information technology, disaggregated*
23 *by—*

24 “(A) *portfolio; and*

2569

1 “(B) the product line of the Department that re-
2 quires the funding.

3 “(2) In addition to the projections under paragraph
4 (1), with respect to each of the periods set forth in such
5 paragraph, the Secretary shall include a description of the
6 funding required for each technology business management
7 category used by the Office of Information Technology of
8 the Department (commonly referred to as ‘cost pools’ and
9 ‘towers’).”.

10 (b) CLERICAL AMENDMENT.—The table of sections at
11 the beginning of such chapter is amended by adding at the
12 end the following:

“SUBCHAPTER VI—INFORMATION TECHNOLOGY PROJECTS AND ACTIVITIES

“Sec. 8171. Definitions.

“Sec. 8172. Management of major information technology projects.

“Sec. 8173. Information technology activities of the Financial Services Center.

“Sec. 8174. Submission of annual reviews of information technology.

“Sec. 8175. Information technology matters to be included in budget justification
materials for the Department.”.

13 (c) APPLICATION AND REPORT REGARDING MANAGE-
14 MENT OF MAJOR INFORMATION TECHNOLOGY PROJECTS.—

15 (1) CURRENT AND NEW MAJOR PROJECTS.—Ex-
16 cept as specifically provided in subsection (a) of sec-
17 tion 8172 of title 38, United States Code, as added
18 by subsection (a) of this section, such section 8172
19 shall apply with respect to major information tech-
20 nology projects that begin before, on, or after the date
21 of the enactment of this Act.

22 (2) REPORT ON CURRENT PROJECTS.—

2570

1 (A) *IN GENERAL.*—Not later than 90 days
2 after the date of the enactment of this Act, the
3 Secretary of Veterans Affairs shall submit to the
4 appropriate congressional committees a report
5 on each major information technology project
6 that the Secretary is carrying out as of the date
7 of the report.

8 (B) *CONTENTS.*—The report submitted
9 under subparagraph (A) shall contain, with re-
10 spect to each project described in such subpara-
11 graph, information on the cost, schedule, and
12 performance of the project as described in sub-
13 section (a) of section 8172 of such title, as so
14 added.

15 (3) *DEFINITIONS.*—In this subsection, the terms
16 “appropriate congressional committees” and “major
17 information technology project” have the meanings
18 given those terms in section 8171 of title 38, United
19 States Code, as added by subsection (a) of this section.

20 (d) *INFORMATION TECHNOLOGY ACTIVITIES OF THE*
21 *FINANCIAL SERVICES CENTER.*—

22 (1) *EFFECTIVE DATE.*—Section 8173 of such
23 title, as added by subsection (a), shall take effect on
24 the date of the enactment of this Act.

2571

1 (2) *APPLICABILITY.*—Subsection (a)(2) of such
2 section shall apply with respect to contracts and
3 agreements entered into on or after the date of the en-
4 actment of this Act.

5 (e) *EFFECTIVE DATE OF REQUIREMENT FOR*
6 *PROJECTS IN BUDGET JUSTIFICATION MATERIALS.*—Sub-
7 section (c) of section 8175 of such title, as added by sub-
8 section (a) of this section, shall take effect on the first Mon-
9 day in the second January beginning after the date of the
10 enactment of this Act.

11 **SEC. 404. REPORT ON INFORMATION TECHNOLOGY DASH-**
12 **BOARD INFORMATION.**

13 (a) *REPORT.*—Not later than 90 days after the date
14 of the enactment of this Act, the Secretary of Veterans Af-
15 fairs, acting through the Chief Information Officer of the
16 Department of Veterans Affairs, shall submit to the appro-
17 priate congressional committees a report containing—

18 (1) *an explanation of the ratings, rankings, and*
19 *risk categorizations used by the Chief Information Of-*
20 *ficer pursuant to subparagraph (C) of section*
21 *11302(c)(3) of title 40, United States Code, with re-*
22 *spect to the information technology dashboard, or suc-*
23 *cessor system, of the Office of Management and Budg-*
24 *et developed under such section; and*

2572

1 (2) *copies of supporting or explanatory informa-*
2 *tion provided by the Chief Information Officer to the*
3 *Office of Management and Budget with respect to sub-*
4 *missions by the Chief Information Officer to the infor-*
5 *mation technology dashboard, or successor system, for*
6 *the fiscal year in which the report is submitted (other*
7 *than information not otherwise made public pursuant*
8 *to such section).*

9 (b) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
10 *FINED.—In section, the term “appropriate congressional*
11 *committees” has the meaning given such term in section*
12 *8171 of title 38, United States Code, as added by section*
13 *403.*

14 **SEC. 405. IMPROVEMENTS TO TRANSPARENCY OF LAW EN-**
15 **FORCEMENT OPERATIONS OF DEPARTMENT**
16 **OF VETERANS AFFAIRS.**

17 (a) *PROVISION OF INFORMATION.—Section 902 of title*
18 *38, United States Code, is amended by adding at the end*
19 *the following new subsection:*

20 “(e)(1) *The Secretary shall publish on the internet*
21 *website of each facility of the Department the following in-*
22 *formation with respect to the facility:*

23 “(A) *Summaries and statistics covering the pre-*
24 *vious five-year period regarding—*

2573

1 “(i) arrests made by and tickets issued by
2 Department police officers;

3 “(ii) prosecutions, ticketing, and other ac-
4 tions relating to such arrests;

5 “(iii) the use of force and weapons dis-
6 charge by Department police officers; and

7 “(iv) complaints, investigations, and dis-
8 ciplinary actions regarding Department police
9 officers.

10 “(B) Contact information for employees of the
11 Department and the public to directly contact the po-
12 lice force of the facility, including for an individual
13 (or the representative, attorney, or authorized agent of
14 the individual) to request information regarding the
15 arrest, ticketing, detainment, use of force, or other po-
16 lice matters pertaining to that individual.

17 “(2) The Secretary shall ensure that each police force
18 of a facility of the Department is able to provide to an indi-
19 vidual who contacts the police force pursuant to paragraph
20 (1)(B) the information described in such paragraph.”.

21 (b) *USE OF BODY WORN CAMERAS BY DEPARTMENT*
22 *POLICE OFFICERS.—*

23 (1) *REQUIREMENT.—*Subsection (a) of such sec-
24 tion 902 is amended by adding at the end the fol-
25 lowing new paragraph:

2574

1 “(3) *Beginning not later than 180 days after the date*
2 *of the enactment of the Joseph Maxwell Cleland and Robert*
3 *Joseph Dole Memorial Veterans Benefits and Health Care*
4 *Improvement Act of 2022, the Secretary shall require De-*
5 *partment police officers to use cameras worn on the indi-*
6 *vidual police officer’s person that record and store audio*
7 *and video (commonly known as ‘body worn cameras’).”.*

8 (2) *GUIDANCE.—Not later than one year after*
9 *the date of the enactment of this Act, the Secretary of*
10 *Veterans Affairs shall issue, and make publicly avail-*
11 *able, guidance on the use of body worn cameras by*
12 *Department police officers pursuant to section*
13 *902(a)(3) of title 38, United States Code, as amended*
14 *by paragraph (1).*

15 (3) *CONSULTATION.—The Secretary shall issue*
16 *the guidance under paragraph (2) in consultation*
17 *with veterans service organizations, civil rights orga-*
18 *nizations, law enforcement organizations, law enforce-*
19 *ment accreditation organizations, privacy rights or-*
20 *ganizations, and other relevant organizations or ex-*
21 *perts.*

22 (c) *DATA AND REPORTING ON POLICE INCIDENTS.—*
23 *Section 902 of title 38, United States Code, as amended*
24 *by subsection (a), is further amended by adding at the end*
25 *the following new subsection:*

2575

1 “(f) *POLICE INCIDENTS.—(1)(A) The Secretary shall*
2 *track and analyze the following information regarding the*
3 *police force of the Department:*

4 “(i) *Arrests made by and tickets issued by De-*
5 *partment police officers.*

6 “(ii) *Prosecutions, ticketing, and other actions*
7 *relating to such arrests.*

8 “(iii) *The use of force and weapons discharge.*

9 “(iv) *Complaints, investigations, and discipli-*
10 *nary actions.*

11 “(B) *The Secretary shall carry out subparagraph (A)*
12 *by implementing one or more Department-wide data sys-*
13 *tems.*

14 “(2)(A) *Beginning not later than one year after the*
15 *date of the enactment of the Joseph Maxwell Cleland and*
16 *Robert Joseph Dole Memorial Veterans Benefits and Health*
17 *Care Improvement Act of 2022, the Secretary shall ensure*
18 *that each incident described in subparagraph (C) is*
19 *promptly reported to the Assistant Secretary with responsi-*
20 *bility for operations, preparedness, security, and law en-*
21 *forcement functions.*

22 “(B) *The Assistant Secretary shall, in a timely man-*
23 *ner—*

2576

1 “(i) review each incident described in subpara-
2 graph (C)(i) that is reported under subparagraph (A);
3 and

4 “(ii) investigate each incident described in sub-
5 paragraph (C)(ii) that is reported under subpara-
6 graph (A).

7 “(C) An incident described in this subparagraph is ei-
8 ther of the following:

9 “(i) An incident, including an allegation, of the
10 use of force by a Department police officer.

11 “(ii) An incident, including an allegation, of the
12 use of force by a Department police officer that results
13 in any person receiving medical attention.”.

14 (d) *PLAN ON POLICE STAFFING.*—The Secretary shall
15 develop a plan that establishes minimum standards for po-
16 lice staffing at each facility of the Department, including
17 with respect to—

18 (1) the number of Department police officers as-
19 signed to each facility; and

20 (2) the pay grades for such officers.

21 (e) *REPORT ON IMPLEMENTATION.*—

22 (1) *IN GENERAL.*—Not later than one year after
23 the date of the enactment of this Act, the Secretary
24 shall submit to the Committee on Veterans’ Affairs of
25 the Senate and the Committee on Veterans’ Affairs of

2577

1 *the House of Representatives a report on the imple-*
2 *mentation of this section and the amendments made*
3 *by this section.*

4 (2) *CONTENTS.—The report required by para-*
5 *graph (1) shall include the following:*

6 (A) *With respect to the staffing needs of the*
7 *Department police force—*

8 (i) *identification of the amount of*
9 *turnover among Department police officers;*

10 (ii) *how the compensation for Depart-*
11 *ment police officers affects such turnover;*

12 (iii) *a comparison of such compensa-*
13 *tion with the compensation provided to spe-*
14 *cialty police units, such as police units at*
15 *medical facilities and other police units in*
16 *the same locality pay area; and*

17 (iv) *the plan developed under sub-*
18 *section (d), including—*

19 (I) *estimates on the costs to carry*
20 *out the plan; and*

21 (II) *any recommendations for leg-*
22 *islative actions required to carry out*
23 *the plan.*

24 (B) *With respect to body worn cameras, a*
25 *review of the implementation and use of body*

2578

1 worn cameras by Department police officers, in-
2 cluding under pilot programs carried out by the
3 Secretary during the five-year period preceding
4 the date of the report.

5 (f) *DEFINITIONS.*—In this section:

6 (1) *BODY WORN CAMERA.*—The term “body worn
7 camera” means a camera worn on an individual po-
8 lice officer’s person that records and stores audio and
9 video.

10 (2) *DEPARTMENT POLICE OFFICER.*—The term
11 “Department police officer” means an employee of the
12 Department of Veterans Affairs described in section
13 902(a) of title 38, United States Code.

14 **SEC. 406. PLAN FOR REDUCTION OF BACKLOG OF FREEDOM**
15 **OF INFORMATION ACT REQUESTS.**

16 (a) *PLAN.*—

17 (1) *IN GENERAL.*—The Secretary of Veterans Af-
18 fairs shall establish and carry out a plan for the Sec-
19 retary to meet, by not later than five years after the
20 date of the enactment of this Act, the requirements of
21 section 552 of title 5, United States Code, (commonly
22 known as the “Freedom of Information Act” or
23 “FOIA”) with respect to providing documents and in-
24 formation under such section within the timeframes
25 required by such section.

2579

1 (2) *ELEMENTS.*—*The plan required by para-*
2 *graph (1) shall include the following:*

3 (A) *Improving and acquiring technology,*
4 *including with respect to searching email and*
5 *other electronic information, and the timelines*
6 *for such improvement, to ensure that the infor-*
7 *mation technology of the Department of Veterans*
8 *Affairs is capable of carrying out the plan.*

9 (B) *Identification of efficient procedures,*
10 *policies, and systems of the Department that*
11 *could be developed to allow employees of the De-*
12 *partment responsible for replying to requests*
13 *under such section 552 to search and review doc-*
14 *uments rather than other employees of the De-*
15 *partment.*

16 (C) *A schedule for carrying out the plan,*
17 *including key milestones and metrics.*

18 (b) *COMPLIANCE ASSESSMENT.*—*The Secretary shall*
19 *request the Director of the Office of Government Informa-*
20 *tion Services of the National Archives and Records Admin-*
21 *istration to conduct an assessment of the compliance by the*
22 *Department of Veterans Affairs with section 552 of title 5,*
23 *United States Code.*

24 (c) *REPORTS.*—

25 (1) *INITIAL REPORT.*—

2580

1 (A) *IN GENERAL.*—*Not later than 180 days*
2 *after the date of the enactment of this Act, the*
3 *Secretary shall submit to the Committee on Vet-*
4 *erans' Affairs of the Senate and the Committee*
5 *on Veterans' Affairs of the House of Representa-*
6 *tives a report on implementing subsections (a)*
7 *and (b).*

8 (B) *CONTENTS.*—*The report required by*
9 *subparagraph (A) shall include the following:*

10 (i) *The plan established under sub-*
11 *section (a).*

12 (ii) *An analysis of the root causes of*
13 *the backlog of Freedom of Information Act*
14 *requests.*

15 (iii) *Recommendations with respect to*
16 *any additional resources or legislative ac-*
17 *tion the Secretary determines necessary for*
18 *such implementation.*

19 (2) *ANNUAL REPORTS.*—*During the five-year pe-*
20 *riod following the date of the enactment of this Act,*
21 *the Secretary shall submit to the Committee on Vet-*
22 *erans' Affairs of the Senate and the Committee on*
23 *Veterans' Affairs of the House of Representatives an-*
24 *nual reports on—*

2581

1 (A) carrying out the plan under subsection
2 (a), including any updates or changes made to
3 the plan; and

4 (B) the compliance by the Department as
5 described in subsection (b).

6 (3) *PUBLICATION.*—The Secretary shall make
7 publicly available on the internet website of the De-
8 partment the reports under paragraphs (1) and (2)
9 by not later than 30 days after the date on which the
10 Secretary submits the reports to the Committee on
11 Veterans’ Affairs of the Senate and the Committee on
12 Veterans’ Affairs of the House of Representatives.

13 (d) *DEFINITION OF BACKLOG OF FREEDOM OF INFOR-*
14 *MATION ACT REQUESTS.*—In this section, the term “backlog
15 of Freedom of Information Act requests” means the number
16 of requests, as reported by the Secretary of Veterans Affairs
17 to the Attorney General in the Annual FOIA Report, made
18 by individuals to the Secretary pursuant to section 552 of
19 title 5, United States Code, for documents or information
20 that the Secretary has not fulfilled or provided a response
21 to the individual.

22 **SEC. 407. MEDAL OF HONOR SPECIAL PENSION TECHNICAL**
23 **CORRECTION.**

24 (a) *IN GENERAL.*—Section 2003(a) of the Johnny
25 Isakson and David P. Roe, M.D. Veterans Health Care and

2582

1 *Benefits Improvement Act of 2020 (Public Law 116–315)*
2 *is amended by striking “\$1,388.68” and inserting*
3 *“\$1,406.73”.*

4 *(b) CORRECTION TO CERTAIN PENSION PAYMENTS.—*

5 *(1) CORRECT CODIFICATION.—Section 1562(a)(1)*
6 *of title 38, United States Code, is amended by strik-*
7 *ing “\$1,388.68” and inserting “\$ 1,406.73”.*

8 *(2) RETROACTIVE EFFECTIVE DATE.—The*
9 *amendment made by paragraph (1) shall take effect*
10 *as if it were enacted immediately after the enactment*
11 *of the Johnny Isakson and David P. Roe, M.D. Vet-*
12 *erans Health Care and Benefits Improvement Act of*
13 *2020 (Public Law 116–315).*

14 *(c) TREATMENT OF CERTAIN PENSION PAYMENTS.—*

15 *(1) IN GENERAL.—A payment described in para-*
16 *graph (2) shall be treated as an authorized payment.*

17 *(2) PAYMENTS DESCRIBED.—A payment de-*
18 *scribed in this paragraph is a payment of pension*
19 *under section 1562 of title 38, United States Code, by*
20 *the Secretary of Veterans Affairs—*

21 *(A) in the amount of \$1,406.73 during the*
22 *period beginning on January 5, 2021, and end-*
23 *ing on November 30, 2021;*

2583

1 (B) in the amount of \$1,489.73 during the
2 period beginning on December 1, 2021, and end-
3 ing on November 30, 2022; or

4 (C) in the amount of \$1,619.34 during the
5 period beginning on December 1, 2022, and end-
6 ing on the date of the enactment of this Act.

7 **SEC. 408. IMPOSITION OF CAP ON EMPLOYEES OF THE DE-**
8 **PARTMENT OF VETERANS AFFAIRS WHO PRO-**
9 **VIDE EQUAL EMPLOYMENT OPPORTUNITY**
10 **COUNSELING.**

11 (a) *REIMPOSITION OF CAP.*—

12 (1) *IN GENERAL.*—Section 516 of title 38,
13 United States Code, as amended by section 7(a) of the
14 Responsible Education Mitigating Options and Tech-
15 nical Extensions Act (Public Law 117–76), is further
16 amended—

17 (A) by redesignating subsection (g) as sub-
18 section (h); and

19 (B) by inserting after subsection (f) the fol-
20 lowing new subsection (g):

21 “(g)(1)(A) Except as provided in paragraph (4), be-
22 ginning on the date of the enactment of the Joseph Maxwell
23 Cleland and Robert Joseph Dole Memorial Veterans Bene-
24 fits and Health Care Improvement Act of 2022 and ending
25 on the date that is three years after the date of the enact-

2584

1 *ment of such Act, the number of employees of the Depart-*
2 *ment whose duties include equal employment opportunity*
3 *counseling functions may not exceed 76 full-time equivalent*
4 *employees.*

5 “(B) *Except as provided in paragraph (4), beginning*
6 *on the date that is three years after the date of enactment*
7 *of the Joseph Maxwell Cleland and Robert Joseph Dole Me-*
8 *morial Veterans Benefits and Health Care Improvement Act*
9 *of 2022, the number of employees of the Department whose*
10 *duties include equal employment opportunity counseling*
11 *functions may not exceed 81 full-time equivalent employees.*

12 “(2) *Except as provided in paragraph (4), of the 76*
13 *full-time equivalent employees set forth in paragraph (1),*
14 *the number of employees of the Department whose duties*
15 *include equal employment opportunity counseling functions*
16 *as well as other unrelated functions may not exceed 40 full-*
17 *time equivalent employees.*

18 “(3) *Except as provided in paragraph (4), any em-*
19 *ployee described in paragraph (2) whose duties include*
20 *equal employment opportunity counseling functions as well*
21 *as other unrelated functions may be assigned equal employ-*
22 *ment opportunity counseling functions only at Department*
23 *facilities in remote geographic locations.*

24 “(4)(A) *Beginning on the date that is one year after*
25 *the date of enactment of the Joseph Maxwell Cleland and*

2585

1 *Robert Joseph Dole Memorial Veterans Benefits and Health*
2 *Care Improvement Act of 2022, the Secretary shall prompt-*
3 *ly notify Congress if, at any point in time, the number of*
4 *full-time equivalent employees of the Department specified*
5 *in paragraph (1), whose duties include equal opportunity*
6 *counseling functions, is insufficient for the Department to*
7 *meet its required obligations under law.*

8 “(B) Notification under subparagraph (A) shall in-
9 clude—

10 “(i) the specific legal obligations relating to em-
11 ployment discrimination, or other matters similar to
12 those covered by regulations prescribed by the Equal
13 Employment Opportunity Commission, that the De-
14 partment is unable to meet; and

15 “(ii) the total additional number of full-time
16 equivalent employees of the Department that would be
17 needed for the Department to meet such obligations.”.

18 (2) CONFORMING AMENDMENT.—Subsection (b)
19 of section 7 of such Act is hereby repealed.

20 (b) REPORT.—Not later than 3 years after the date
21 of the enactment of this Act, the Secretary of Veterans Af-
22 fairs shall submit to Congress a report that includes the
23 following elements:

24 (1) An accounting of the number of informal
25 stage cases filed with the employment discrimination

2586

1 *complaint resolution system established and adminis-*
2 *tered under section 516(a) of title 38, United States*
3 *Code, disaggregated by—*

4 *(A) the period beginning on January 1,*
5 *2019, and ending on the date of the enactment*
6 *of this Act; and*

7 *(B) the three-year period beginning on the*
8 *date of the enactment of this Act.*

9 *(2) A comparison of timeliness, with respect to*
10 *the average time to process, of processing of informal*
11 *stage cases by such system with respect to—*

12 *(A) the period beginning on January 1,*
13 *2019, and ending on the date of the enactment*
14 *of this Act; and*

15 *(B) the three-year period beginning on the*
16 *date of the enactment of this Act.*

17 *(3) An accounting of the amounts, times, and*
18 *quality of informal claims processed by employees of*
19 *the Department of Veterans Affairs whose duties in-*
20 *clude only equal employment opportunity counseling*
21 *functions under section 516 of title 38, United States*
22 *Code, disaggregated by—*

23 *(A) the ten-year period ending on the date*
24 *of the enactment of this Act; and*

2587

1 (B) the three-year period beginning on the
2 date of the enactment of this Act.

3 (c) ANNUAL REPORTS.—Not later than one year after
4 the date of the enactment of this Act and once each year
5 thereafter, the Secretary of Veterans Affairs shall make
6 available to the public on an internet website of the Depart-
7 ment an annual report that includes, for the year covered
8 by the report, the following:

9 (1) Total number of complaints filed through the
10 employment discrimination complaint resolution sys-
11 tem established and administered under subsection (a)
12 of section 516 of title 38, United States Code.

13 (2) Total number of such complaints completed
14 processing by such system in a timely manner.

15 (3) The percentage of all pre-complaint coun-
16 seling provided under such section that led to resolu-
17 tion without further action.

18 (4) The percentage of all pre-complaint coun-
19 seling provided under such section that led to resolu-
20 tion via alternative dispute resolution.

21 (5) The percentage of all pre-complaint coun-
22 seling provided under such section that led to filing
23 of a formal complaint via such system.

24 (6) An accounting of the amounts, times, and
25 quality of informal claims processed by employees of

2588

1 *the Department whose duties include equal employ-*
2 *ment opportunity counseling under such section.*

3 *(7) An estimate of the required ratio of Depart-*
4 *ment employees whose duties include equal employ-*
5 *ment opportunity counseling functions relative to the*
6 *number of full-time equivalent employees in the De-*
7 *partment.*

8 *(d) INDEPENDENT ASSESSMENT.—Not later than 180*
9 *days after the first report is made available under sub-*
10 *section (c), the Comptroller General shall submit to the*
11 *Committee on Veterans' Affairs of the Senate and the Com-*
12 *mittee on Veterans' Affairs of the House of Representatives*
13 *an independent assessment of the ratio reported by the Sec-*
14 *retary pursuant to paragraph (7) of such subsection. Such*
15 *assessment shall include such recommendations as the Sec-*
16 *retary may have for improving such ratio and the ability*
17 *of the Department to provide equal employment oppor-*
18 *tunity counseling.*

19 ***DIVISION V—STRONG VETERANS***
20 ***ACT OF 2022***

21 ***SEC. 1. SHORT TITLE; TABLE OF CONTENTS.***

22 *(a) SHORT TITLE.—This division may be cited as the*
23 *“Support The Resiliency of Our Nation’s Great Veterans*
24 *Act of 2022” or the “STRONG Veterans Act of 2022”.*

2589

- 1 *(b) TABLE OF CONTENTS.—The table of contents for*
2 *this division is as follows:*

DIVISION V—STRONG VETERANS ACT OF 2022

Sec. 1. Short title; table of contents.

TITLE I—TRAINING TO SUPPORT VETERANS' MENTAL HEALTH

Sec. 101. Mental health and suicide prevention outreach to minority veterans and American Indian and Alaska Native veterans.

Sec. 102. Expansion of Vet Center workforce.

Sec. 103. Expansion of mental health training for Department of Veterans Affairs.

Sec. 104. Expansion of scholarships and loan repayment programs for mental health providers.

TITLE II—VETERANS CRISIS LINE

Sec. 201. Veterans Crisis Line.

Subtitle A—Veterans Crisis Line Training and Quality Management

Sec. 211. Staff training.

Sec. 212. Quality review and management.

Sec. 213. Guidance for high-risk callers.

Sec. 214. Oversight of training of social service assistants and clarification of job responsibilities.

Subtitle B—Pilot Programs and Research on Veterans Crisis Line

Sec. 221. Pilot programs.

Sec. 222. Authorization of appropriations for research on effectiveness and opportunities for improvement of Veterans Crisis Line.

Subtitle C—Transition of Crisis Line Number

Sec. 231. Feedback on transition of crisis line number.

TITLE III—OUTREACH TO VETERANS

Sec. 301. Designation of Buddy Check Week by Secretary of Veterans Affairs.

Sec. 302. Improvements to Veterans Justice Outreach Program.

Sec. 303. Department of Veterans Affairs Governors Challenge Program.

TITLE IV—MENTAL HEALTH CARE DELIVERY

Sec. 401. Expansion of peer specialist support program of Department of Veterans Affairs.

Sec. 402. Expansion of Vet Center services.

Sec. 403. Eligibility for mental health services.

Sec. 404. Mental health consultations.

TITLE V—RESEARCH

Sec. 501. Veterans integration to academic leadership program of the Department of Veterans Affairs.

2590

Sec. 502. Improvement of sleep disorder care furnished by Department of Veterans Affairs.

Sec. 503. Study on inpatient mental health and substance use care from Department of Veterans Affairs.

Sec. 504. Study on treatment from Department of Veterans Affairs for co-occurring mental health and substance use disorders.

Sec. 505. Study on workload of suicide prevention teams of Department of Veterans Affairs.

Sec. 506. Expansion of suicide prevention and mental health research.

Sec. 507. Study on mental health and suicide prevention support for military families.

Sec. 508. Research on brain health.

Sec. 509. Study on efficacy of clinical and at-home resources for post-traumatic stress disorder.

1 ***TITLE I—TRAINING TO SUPPORT***
2 ***VETERANS' MENTAL HEALTH***

3 ***SEC. 101. MENTAL HEALTH AND SUICIDE PREVENTION OUT-***
4 ***REACH TO MINORITY VETERANS AND AMER-***
5 ***ICAN INDIAN AND ALASKA NATIVE VETERANS.***

6 (a) *STAFFING REQUIREMENT.*—Beginning not later
7 than 90 days after the date of the enactment of this Act,
8 the Secretary of Veterans Affairs shall ensure that each med-
9 ical center of the Department of Veterans Affairs has no
10 fewer than one full-time employee whose responsibility is
11 serving as a minority veteran coordinator.

12 (b) *TRAINING.*—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary, in consultation
14 with the Indian Health Service and the Director of the Of-
15 fice of Mental Health and Suicide Prevention of the Depart-
16 ment of Veterans Affairs, shall ensure that all minority vet-
17 eran coordinators receive training in delivery of mental
18 health and suicide prevention services culturally appro-
19 priate for American Indian and Alaska Native veterans,

2591

1 *especially with respect to the identified populations and*
2 *tribes within the coordinators' catchment areas.*

3 (c) *COORDINATION WITH SUICIDE PREVENTION COOR-*
4 *DINATORS.—Not later than 180 days after the date of the*
5 *enactment of this Act, the Secretary, in consultation with*
6 *the Director of the Office of Mental Health and Suicide Pre-*
7 *vention, shall ensure that the suicide prevention coordinator*
8 *and minority veteran coordinator of each medical center*
9 *of the Department have developed and disseminated to the*
10 *director of the medical center a written plan for conducting*
11 *mental health and suicide prevention outreach to all tribes*
12 *and urban Indian health organizations within the*
13 *catchment area of the medical center. Each such plan shall*
14 *include for each tribe covered by the plan—*

15 (1) *contact information for tribal leadership and*
16 *the tribal health facility or Indian Health Service fa-*
17 *cility serving that tribe;*

18 (2) *a schedule for and list of outreach plans (in-*
19 *cluding addressing any barriers to accessing Depart-*
20 *ment mental health care);*

21 (3) *documentation of any conversation with trib-*
22 *al leaders that may guide culturally appropriate de-*
23 *livery of mental health care to American Indian or*
24 *Alaska Native veterans;*

2592

1 (4) *documentation of any progress in incor-*
2 *porating traditional healing practices into mental*
3 *health and suicide prevention protocols and options*
4 *available for veterans who are members of such tribe;*
5 *and*

6 (5) *documentation of any coordination among*
7 *the Department, the Indian Health Service, urban In-*
8 *Indian health organizations, and the Substance Abuse*
9 *and Mental Health Services Administration for the*
10 *purpose of improving suicide prevention efforts tai-*
11 *lored to veterans who are members of such tribe and*
12 *the provision of culturally competent mental health*
13 *care to such veterans.*

14 (d) *REPORT.—Not later than one year after the enact-*
15 *ment of this Act, the Secretary shall submit to the Com-*
16 *mittee on Veterans' Affairs of the Senate and the Committee*
17 *on Veterans' Affairs of the House of Representatives a report*
18 *on outreach efforts to minority veterans and American In-*
19 *dian and Alaska Native veterans. Such report shall include*
20 *each of the following:*

21 (1) *The number of minority veteran coordinators*
22 *within the Department.*

23 (2) *The number and percentage of minority vet-*
24 *eran coordinators who are women.*

2593

1 (3) *The number and percentage of minority vet-*
2 *eran coordinators who are persons of color.*

3 (4) *The number and percentage of Department*
4 *medical centers with minority veteran coordinators.*

5 (5) *The number and percentage of Department*
6 *mental health providers who are enrolled members of*
7 *a federally recognized Indian tribe or self-identify as*
8 *Native American.*

9 (6) *The number and percentage of Department*
10 *mental health providers who speak a second language.*

11 (7) *A review of the outreach plans developed and*
12 *submitted to all Department medical centers for out-*
13 *reach to American Indian and Alaska Native vet-*
14 *erans.*

15 (8) *A review of mental health care provided an-*
16 *nually by the Department to American Indian and*
17 *Alaska Native veterans for the past three years, in-*
18 *cluding number of appointments, and an assessment*
19 *of any barriers to providing this care.*

20 **SEC. 102. EXPANSION OF VET CENTER WORKFORCE.**

21 (a) *IN GENERAL.*—*Not later than one year after the*
22 *date of the enactment of this Act and subject to the avail-*
23 *ability of appropriations, the Secretary of Veterans Affairs*
24 *shall hire an additional 50 full-time equivalent employees*
25 *for Vet Centers to bolster the workforce of Vet Centers and*

2594

1 *to provide expanded mental health care to veterans, mem-*
2 *bers of the Armed Forces, and their families through out-*
3 *reach, community access points, outstations, and Vet Cen-*
4 *ters.*

5 *(b) VET CENTER DEFINED.—In this section, the term*
6 *“Vet Center” has the meaning given that term in section*
7 *1712A(h) of title 38, United States Code.*

8 **SEC. 103. EXPANSION OF MENTAL HEALTH TRAINING FOR**
9 **DEPARTMENT OF VETERANS AFFAIRS.**

10 *(a) IN GENERAL.—Not later than three years after the*
11 *date of the enactment of this Act and subject to the avail-*
12 *ability of appropriations, the Secretary of Veterans Affairs,*
13 *in collaboration with the Office of Mental Health and Sui-*
14 *cide Prevention and the Office of Academic Affiliations,*
15 *shall add an additional 250 paid trainee slots in covered*
16 *mental health disciplines to the workforce of the Department*
17 *of Veterans Affairs.*

18 *(b) COVERED MENTAL HEALTH DISCIPLINES DE-*
19 *FINED.—In this section, the term “covered mental health*
20 *disciplines” means psychiatry, psychology, advanced prac-*
21 *tice nursing (with a focus on mental health or substance*
22 *use disorder), social work, licensed professional mental*
23 *health counseling, and marriage and family therapy.*

2595

1 **SEC. 104. EXPANSION OF SCHOLARSHIPS AND LOAN REPAY-**
2 **MENT PROGRAMS FOR MENTAL HEALTH PRO-**
3 **VIDERS.**

4 (a) *EXPANSION OF HEALTH PROFESSIONAL SCHOLAR-*
5 *SHIP PROGRAM.*—Beginning in academic year 2022, the
6 Secretary of Veterans Affairs shall include not fewer than
7 an additional (as compared to academic year 2021) 50
8 awards per academic year under the Department of Vet-
9 erans Affairs Health Professional Scholarship Program
10 under subchapter II of chapter 76 of title 38, United States
11 Code, for applicants otherwise eligible for such program
12 who are pursuing degrees or training in mental health dis-
13 ciplines, including advanced practice nursing (with a focus
14 on mental health or substance use disorder), psychology,
15 and social work.

16 (b) *EXPANSION OF EDUCATION DEBT REDUCTION*
17 *PROGRAM.*—

18 (1) *IN GENERAL.*—Beginning in fiscal year
19 2022, the Secretary shall provide not fewer than an
20 additional (as compared to fiscal year 2021) 200 debt
21 reduction awards per year under the Department of
22 Veterans Affairs Education Debt Reduction Program
23 under subchapter VII of chapter 76 of title 38, United
24 States Code, to be used to recruit mental health pro-
25 fessionals to the Department of Veterans Affairs in
26 disciplines that include psychiatry, psychology, ad-

† HR 2617 EAS2

2596

1 *vanced practice nursing (with a focus on mental*
2 *health or substance use disorder), and social work.*

3 (2) *AUTHORIZATION OF APPROPRIATIONS.—*

4 *There is authorized to be appropriated to the Sec-*
5 *retary of Veterans Affairs \$8,000,000 per year to*
6 *carry out the additional awards under paragraph (1).*

7 (c) *OUTREACH.—*

8 (1) *IN GENERAL.—Not later than one year after*
9 *the date of the enactment of this Act, the Secretary*
10 *shall develop a public awareness campaign to encour-*
11 *age veterans and mental health professionals to choose*
12 *the Department for their mental health career.*

13 (2) *ELEMENTS.—The campaign required under*
14 *paragraph (1)—*

15 (A) *shall advertise the paid trainee, scholar-*
16 *ship, and loan repayment opportunities offered*
17 *by the Department; and*

18 (B) *may highlight the new graduate med-*
19 *ical education residencies available at the De-*
20 *partment for medical students entering resi-*
21 *dency.*

2597

1 ***TITLE II—VETERANS CRISIS***
2 ***LINE***

3 ***SEC. 201. VETERANS CRISIS LINE.***

4 *In this title, the term “Veterans Crisis Line” means*
5 *the toll-free hotline for veterans established under section*
6 *1720F(h) of title 38, United States Code.*

7 ***Subtitle A—Veterans Crisis Line***
8 ***Training and Quality Management***

9 ***SEC. 211. STAFF TRAINING.***

10 *(a) REVIEW OF TRAINING FOR VETERANS CRISIS LINE*
11 *CALL RESPONDERS.—*

12 *(1) IN GENERAL.—The Secretary of Veterans Af-*
13 *fairs shall enter into an agreement with an organiza-*
14 *tion outside the Department of Veterans Affairs to re-*
15 *view the training for Veterans Crisis Line call re-*
16 *sponders on assisting callers in crisis.*

17 *(2) COMPLETION OF REVIEW.—The review con-*
18 *ducted under paragraph (1) shall be completed not*
19 *later than one year after the date of the enactment of*
20 *this Act.*

21 *(3) ELEMENTS OF REVIEW.—The review con-*
22 *ducted under paragraph (1) shall consist of a review*
23 *of the training provided by the Department on sub-*
24 *jects including risk assessment, lethal means assess-*
25 *ment, substance use and overdose risk assessment,*

2598

1 *safety planning, referrals to care, supervisory con-*
2 *sultation, and emergency dispatch.*

3 (4) *UPDATE OF TRAINING.—If any deficiencies*
4 *in the training for Veterans Crisis Line call respond-*
5 *ers are found pursuant to the review under paragraph*
6 *(1), the Secretary shall update such training and as-*
7 *sociated standards of practice to correct those defi-*
8 *ciencies not later than one year after the completion*
9 *of the review.*

10 (b) *RETRAINING GUIDELINES FOR VETERANS CRISIS*
11 *LINE CALL RESPONDERS.—*

12 (1) *IN GENERAL.—Not later than one year after*
13 *the date of the enactment of this Act, the Secretary*
14 *shall develop guidelines on retraining and quality*
15 *management for when a Veterans Crisis Line call re-*
16 *sponder has an adverse event or when a quality re-*
17 *view check by a supervisor of such a call responder*
18 *denotes that the call responder needs improvement.*

19 (2) *ELEMENTS OF GUIDELINES.—The guidelines*
20 *developed under paragraph (1) shall specify the sub-*
21 *jects and quantity of retraining recommended and*
22 *how supervisors should implement increased use of si-*
23 *lent monitoring or other performance review mecha-*
24 *nisms.*

2599

1 **SEC. 212. QUALITY REVIEW AND MANAGEMENT.**

2 (a) *MONITORING OF CALLS ON VETERANS CRISIS*

3 *LINE.*—

4 (1) *IN GENERAL.*—*The Secretary of Veterans Af-*
5 *fairs shall require that not fewer than two calls per*
6 *month for each Veterans Crisis Line call responder be*
7 *subject to supervisory silent monitoring, which is used*
8 *to monitor the quality of conduct by such call re-*
9 *sponder during the call.*

10 (2) *BENCHMARKS.*—*The Secretary shall establish*
11 *benchmarks for requirements and performance of Vet-*
12 *erans Crisis Line call responders on supervisory si-*
13 *lent monitored calls.*

14 (3) *QUARTERLY REPORTS.*—*Not less frequently*
15 *than quarterly, the Secretary shall submit to the Of-*
16 *fice of Mental Health and Suicide Prevention of the*
17 *Department of Veterans Affairs a report on occur-*
18 *rence and outcomes of supervisory silent monitoring*
19 *of calls on the Veterans Crisis Line.*

20 (b) *QUALITY MANAGEMENT PROCESSES FOR VET-*
21 *ERANS CRISIS LINE.*—*Not later than one year after the date*
22 *of the enactment of this Act, the leadership for the Veterans*
23 *Crisis Line, in partnership with the Office of Mental Health*
24 *and Suicide Prevention of the Department and the National*
25 *Center for Patient Safety of the Department, shall establish*
26 *quality management processes and expectations for staff of*

† **HR 2617 EAS2**

2600

1 *the Veterans Crisis Line, including with respect to report-*
2 *ing of adverse events and close calls.*

3 *(c) ANNUAL COMMON CAUSE ANALYSIS FOR CALLERS*
4 *TO VETERANS CRISIS LINE WHO DIE BY SUICIDE.—*

5 *(1) IN GENERAL.—Not less frequently than an-*
6 *nually, the Secretary shall perform a common cause*
7 *analysis for all identified callers to the Veterans Cri-*
8 *sis Line that died by suicide during the one-year pe-*
9 *riod preceding the conduct of the analysis before the*
10 *caller received contact with emergency services and in*
11 *which the Veterans Crisis Line was the last point of*
12 *contact.*

13 *(2) SUBMITTAL OF RESULTS.—The Secretary*
14 *shall submit to the Office of Mental Health and Sui-*
15 *cide Prevention of the Department the results of each*
16 *analysis conducted under paragraph (1).*

17 *(3) APPLICATION OF THEMES OR LESSONS.—The*
18 *Secretary shall apply any themes or lessons learned*
19 *under an analysis under paragraph (1) to updating*
20 *training and standards of practice for staff of the Vet-*
21 *erans Crisis Line.*

22 **SEC. 213. GUIDANCE FOR HIGH-RISK CALLERS.**

23 *(a) DEVELOPMENT OF ENHANCED GUIDANCE AND*
24 *PROCEDURES FOR RESPONSE TO CALLS RELATED TO SUB-*
25 *STANCE USE AND OVERDOSE RISK.—Not later than one*

2601

1 *year after the date of the enactment of this Act, the Sec-*
2 *retary of Veterans Affairs, in consultation with national ex-*
3 *perts within the Department of Veterans Affairs on sub-*
4 *stance use disorder and overdose, shall—*

5 *(1) develop enhanced guidance and procedures to*
6 *respond to calls to the Veterans Crisis Line related to*
7 *substance use and overdose risk;*

8 *(2) update training materials for staff of the Vet-*
9 *erans Crisis Line in response to such enhanced guid-*
10 *ance and procedures; and*

11 *(3) update criteria for monitoring compliance*
12 *with such enhanced guidance and procedures.*

13 *(b) REVIEW AND IMPROVEMENT OF STANDARDS FOR*
14 *EMERGENCY DISPATCH.—*

15 *(1) IN GENERAL.—Not later than one year after*
16 *the date of the enactment of this Act, the Secretary*
17 *shall—*

18 *(A) review the current emergency dispatch*
19 *standard operating procedure of the Veterans*
20 *Crisis Line to identify any additions to such*
21 *procedure to strengthen communication regard-*
22 *ing—*

23 *(i) emergency dispatch for disconnected*
24 *callers; and*

2602

1 (ii) the role of social service assistants
2 in requesting emergency dispatch and re-
3 cording such dispatches; and

4 (B) update such procedure to include the
5 additions identified under subparagraph (A).

6 (2) *TRAINING.*—The Secretary shall ensure that
7 all staff of the Veterans Crisis Line are trained on all
8 updates made under paragraph (1)(B) to the emer-
9 gency dispatch standard operating procedure of the
10 Veterans Crisis Line.

11 **SEC. 214. OVERSIGHT OF TRAINING OF SOCIAL SERVICE AS-**
12 **SISTANTS AND CLARIFICATION OF JOB RE-**
13 **SPONSIBILITIES.**

14 Not later than one year after the date of the enactment
15 of this Act, the Secretary of Veterans Affairs shall—

16 (1) establish oversight mechanisms to ensure that
17 social service assistants and supervisory social service
18 assistants working with the Veterans Crisis Line are
19 appropriately trained and implementing guidance of
20 the Department regarding the Veterans Crisis Line;
21 and

22 (2) refine standard operating procedures to de-
23 lineate roles and responsibilities for all levels of su-
24 pervisory social service assistants working with the
25 Veterans Crisis Line.

2603

1 ***Subtitle B—Pilot Programs and***
2 ***Research on Veterans Crisis Line***

3 ***SEC. 221. PILOT PROGRAMS.***

4 *(a) EXTENDED SAFETY PLANNING PILOT PROGRAM*
5 *FOR VETERANS CRISIS LINE.—*

6 *(1) IN GENERAL.—Commencing not later than*
7 *180 days after the date of the enactment of this Act,*
8 *the Secretary of Veterans Affairs shall carry out a*
9 *pilot program to determine whether a lengthier,*
10 *templated safety plan used in clinical settings could*
11 *be applied in call centers for the Veterans Crisis Line.*

12 *(2) BRIEFING.—Not later than two years after*
13 *the date of the enactment of this Act, the Secretary*
14 *shall provide to Congress a briefing on the findings*
15 *of the Secretary under the pilot program conducted*
16 *under paragraph (1), which shall include any rec-*
17 *ommendations of the Secretary with respect to the*
18 *continuation or discontinuation of the pilot program.*

19 *(b) CRISIS LINE FACILITATION PILOT PROGRAM.—*

20 *(1) IN GENERAL.—Commencing not later than*
21 *one year after the date of the enactment of this Act,*
22 *the Secretary shall carry out a pilot program on the*
23 *use of crisis line facilitation to increase use of the*
24 *Veterans Crisis Line among high-risk veterans.*

2604

1 (2) *BRIEFING.*—Not later than two years after
2 the date of the enactment of this Act, the Secretary
3 shall provide to Congress a briefing on the findings
4 of the Secretary under the pilot program under para-
5 graph (1), including any recommendations of the Sec-
6 retary with respect to the continuation or discontinu-
7 ation of the pilot program.

8 (3) *DEFINITIONS.*—In this section:

9 (A) The term “crisis line facilitation”, with
10 respect to a high-risk veteran, means the presen-
11 tation by a therapist of psychoeducational infor-
12 mation about the Veterans Crisis Line and a dis-
13 cussion of the perceived barriers and facilitators
14 to future use of the Veterans Crisis Line for the
15 veteran, which culminates in the veteran calling
16 the Veterans Crisis Line with the therapist to
17 provide firsthand experiences that may counter
18 negative impressions of the Veterans Crisis Line.

19 (B) The term “high-risk veteran” means a
20 veteran receiving inpatient mental health care
21 following a suicidal crisis.

2605

1 **SEC. 222. AUTHORIZATION OF APPROPRIATIONS FOR RE-**
2 **SEARCH ON EFFECTIVENESS AND OPPORTU-**
3 **NITIES FOR IMPROVEMENT OF VETERANS**
4 **CRISIS LINE.**

5 *There is authorized to be appropriated to the Secretary*
6 *of Veterans Affairs for fiscal years 2022 and 2023, a total*
7 *of \$5,000,000 for the Mental Illness Research, Education,*
8 *and Clinical Centers of the Department of Veterans Affairs*
9 *to conduct research on the effectiveness of the Veterans Cri-*
10 *sis Line and areas for improvement for the Veterans Crisis*
11 *Line.*

12 ***Subtitle C—Transition of Crisis***
13 ***Line Number***

14 **SEC. 231. FEEDBACK ON TRANSITION OF CRISIS LINE NUM-**
15 **BER.**

16 *(a) IN GENERAL.—The Secretary of Veterans Affairs*
17 *shall solicit feedback from veterans service organizations on*
18 *how to conduct outreach to members of the Armed Forces,*
19 *veterans, their family members, and other members of the*
20 *military and veterans community on the move to 988 as*
21 *the new, national three-digit suicide and mental health cri-*
22 *sis hotline, which is expected to be implemented by July*
23 *2022, to minimize confusion and ensure veterans are aware*
24 *of their options for reaching the Veterans Crisis Line.*

2606

1 (b) *NONAPPLICATION OF FACA.*—*The Federal Advi-*
2 *sory Committee Act (5 U.S.C. App.) shall not apply to any*
3 *feedback solicited under subsection (a).*

4 (c) *VETERANS SERVICE ORGANIZATION DEFINED.*—*In*
5 *this section, the term “veterans service organization” means*
6 *an organization recognized by the Secretary for the rep-*
7 *resentation of veterans under section 5902 of title 38,*
8 *United States Code.*

9 ***TITLE III—OUTREACH TO***
10 ***VETERANS***

11 ***SEC. 301. DESIGNATION OF BUDDY CHECK WEEK BY SEC-***
12 ***RETARY OF VETERANS AFFAIRS.***

13 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*
14 *shall designate one week each year to organize outreach*
15 *events and educate veterans on how to conduct peer wellness*
16 *checks, which shall be known as “Buddy Check Week”.*

17 (b) *EDUCATIONAL OPPORTUNITIES.*—

18 (1) *IN GENERAL.*—*During Buddy Check Week,*
19 *the Secretary, in consultation with organizations that*
20 *represent veterans, nonprofits that serve veterans,*
21 *mental health experts, members of the Armed Forces,*
22 *and such other entities and individuals as the Sec-*
23 *retary considers appropriate, shall collaborate with*
24 *organizations that represent veterans to provide edu-*

2607

1 *cational opportunities for veterans to learn how to*
2 *conduct peer wellness checks.*

3 (2) *TRAINING MATTERS.*—*As part of the edu-*
4 *cational opportunities provided under paragraph (1),*
5 *the Secretary shall provide the following:*

6 (A) *A script for veterans to use to conduct*
7 *peer wellness checks that includes information on*
8 *appropriate referrals to resources veterans might*
9 *need.*

10 (B) *Online and in-person training, as ap-*
11 *propriate, on how to conduct a peer wellness*
12 *check.*

13 (C) *Opportunities for members of organiza-*
14 *tions that represent veterans to learn how to*
15 *train individuals to conduct peer wellness checks.*

16 (D) *Training for veterans participating in*
17 *Buddy Check Week on how to transfer a phone*
18 *call directly to the Veterans Crisis Line.*

19 (E) *Resiliency training for veterans partici-*
20 *pating in Buddy Check Week on handling a vet-*
21 *eran in crisis.*

22 (3) *ONLINE MATERIALS.*—*All training materials*
23 *provided under the educational opportunities under*
24 *paragraph (1) shall be made publicly available on a*
25 *website of the Department of Veterans Affairs.*

2608

1 (c) *OUTREACH.*—*The Secretary, in collaboration with*
2 *organizations that represent veterans, may conduct out-*
3 *reach regarding educational opportunities under subsection*
4 *(b) at—*

5 (1) *public events where many veterans are ex-*
6 *pected to congregate;*

7 (2) *meetings of organizations that represent vet-*
8 *erans;*

9 (3) *facilities of the Department; and*

10 (4) *such other locations as the Secretary, in col-*
11 *laboration with organizations that represent veterans,*
12 *considers appropriate.*

13 (d) *VETERANS CRISIS LINE PLAN.*—

14 (1) *IN GENERAL.*—*The Secretary shall ensure*
15 *that a plan exists for handling the potential increase*
16 *in the number of calls into the Veterans Crisis Line*
17 *that may occur during Buddy Check Week.*

18 (2) *SUBMITTAL OF PLAN.*—*The head of the Vet-*
19 *erans Crisis Line shall submit to the Secretary a plan*
20 *for how to handle excess calls during Buddy Check*
21 *Week, which may include the following:*

22 (A) *Additional hours for staff.*

23 (B) *The use of a backup call center.*

24 (C) *Any other plan to ensure that calls from*
25 *veterans in crisis are being answered in a timely*

2609

1 *manner by an individual trained at the same*
2 *level as a Veterans Crisis Line responder.*

3 *(e) DEFINITIONS.—In this section:*

4 *(1) The term “organization that represents vet-*
5 *erans” means an organization recognized by the Sec-*
6 *retary for the representation of veterans under section*
7 *5902 of title 38, United States Code.*

8 *(2) The term “veteran” has the meaning given*
9 *that term in section 101 of such title.*

10 *(3) The term “Veterans Crisis Line” means the*
11 *toll-free hotline for veterans provided by the Secretary*
12 *under section 1720F(h) of such title.*

13 **SEC. 302. IMPROVEMENTS TO VETERANS JUSTICE OUT-**
14 **REACH PROGRAM.**

15 *(a) OUTREACH REQUIREMENT.—The Secretary of Vet-*
16 *erans Affairs shall conduct outreach regarding the Veterans*
17 *Justice Outreach Program to justice-involved veterans,*
18 *military and veterans service organizations, and relevant*
19 *stakeholders in the criminal justice community, including*
20 *officials from local law enforcement, court, and jail systems*
21 *and others as determined appropriate by the Secretary.*
22 *Such outreach—*

23 *(1) shall be designed—*

24 *(A) to spread awareness and understanding*
25 *of the Program;*

2610

1 (B) to spread awareness and understanding
2 of veteran eligibility for the Program, including
3 the eligibility of veterans who were discharged
4 from service in the Armed Forces under condi-
5 tions other than honorable; and

6 (C) to improve the identification of justice-
7 involved veterans; and

8 (2) may be conducted in person, virtually, or
9 through other means, including by the dissemination
10 of informational materials and contact information.

11 (b) *STRATEGIC PLAN.*—The Secretary of Veterans Af-
12 fairs shall develop a strategic plan for the Veterans Justice
13 Outreach Program. In developing such plan, the Secretary
14 shall conduct—

15 (1) an assessment of barriers to working with
16 justice-involved veterans in rural, remote, and under-
17 served areas, including potential steps to address such
18 barriers; and

19 (2) a workforce gap analysis for the Program.

20 (c) *INCREASE IN NUMBER OF VJO SPECIALISTS.*—

21 (1) *INCREASE.*—The Secretary of Veterans Af-
22 fairs shall increase the number of Veterans Justice
23 Outreach specialists responsible for supporting jus-
24 tice-involved veterans in rural, remote, or underserved
25 areas, including areas located far from Department of

2611

1 *Veterans Affairs medical centers, as determined by the*
2 *Secretary, through—*

3 *(A) the hiring of additional Veterans Jus-*
4 *tice Outreach specialists;*

5 *(B) the reallocation of existing Veterans*
6 *Justice Outreach specialists; or*

7 *(C) such other means as may be determined*
8 *appropriate by the Secretary.*

9 *(2) DETERMINATION.—The Secretary shall deter-*
10 *mine the number of Veterans Justice Outreach spe-*
11 *cialists required, and the locations of such specialists,*
12 *under paragraph (1) by taking into account—*

13 *(A) such number and locations needed to*
14 *achieve the mission and strategic goals of the*
15 *Veterans Justice Outreach Program;*

16 *(B) any gaps in the workforce of the Pro-*
17 *gram, including such gaps identified pursuant to*
18 *subsection (b)(2); and*

19 *(C) strategies to address such gaps.*

20 *(3) USE OF TECHNOLOGY.—In carrying out*
21 *paragraph (1), the Secretary shall consider the use of*
22 *virtual technology.*

23 *(d) PERFORMANCE GOALS AND IMPLEMENTATION*
24 *PLANS.—*

2612

1 (1) *ESTABLISHMENT.*—*The Secretary of Veterans*
2 *Affairs shall establish performance goals and imple-*
3 *mentation plans for—*

4 (A) *the Veterans Justice Outreach Program;*

5 (B) *Veterans Justice Outreach Specialists;*

6 *and*

7 (C) *providing support for research regard-*
8 *ing justice-involved veterans.*

9 (2) *CONSISTENCY WITH STRATEGIC PLAN.*—*The*
10 *Secretary shall ensure that the performance goals and*
11 *implementation plans under paragraph (1) are con-*
12 *sistent with the strategic plan under subsection (b)*
13 *and include—*

14 (A) *qualitative and quantitative milestones,*
15 *measures, and metrics, and associated timelines*
16 *for completion of the plans under paragraph (1)*
17 *and barriers to such completion;*

18 (B) *an identification of relevant staff; and*

19 (C) *an estimate of resource needs and*
20 *sources.*

21 (3) *PERFORMANCE DATA.*—*The Secretary shall*
22 *establish a process to regularly collect and analyze*
23 *performance data to assess the efficiency and effective-*
24 *ness of implementing the plans under paragraph (1).*

2613

1 (e) *TRAINING REQUIREMENT.*—*The Secretary shall en-*
2 *sure that all Veterans Justice Outreach Specialists receive*
3 *training not less frequently than annually on—*

4 (1) *best practices for identifying and conducting*
5 *outreach to justice-involved veterans and relevant*
6 *stakeholders in the criminal justice community; and*

7 (2) *veteran eligibility for the Veterans Justice*
8 *Outreach Program, including with respect to consist-*
9 *ently communicating changes regarding eligibility*
10 *(including through the use of a script or other ref-*
11 *erence materials).*

12 (f) *REPORTS ON IMPLEMENTATION.*—

13 (1) *FIRST REPORT.*—*Not later than one year*
14 *after the date of the enactment of this Act, the Sec-*
15 *retary shall submit to Congress a report on the fol-*
16 *lowing:*

17 (A) *An assessment of implementing sub-*
18 *section (c), including—*

19 (i) *strategies to increase Veterans Jus-*
20 *tice Outreach specialists responsible for sup-*
21 *porting justice-involved veterans in rural,*
22 *remote, or underserved areas; and*

23 (ii) *the progress of the Secretary in ad-*
24 *dressing gaps in the workforce of the Vet-*
25 *erans Justice Outreach Program identified*

2614

1 *pursuant to paragraph (2) of such sub-*
2 *section.*

3 *(B) The performance goals and implementa-*
4 *tion plans established under subsection (d)(1).*

5 *(2) SUBSEQUENT REPORT.—Not later than three*
6 *years after the date on which the first report is sub-*
7 *mitted under paragraph (1), the Secretary shall sub-*
8 *mit to Congress a report on the progress of the Sec-*
9 *retary in meeting the performance goals and carrying*
10 *out activities under the implementation plans estab-*
11 *lished under subsection (d)(1).*

12 *(g) REPORT ON VETERANS TREATMENT COURTS.—Not*
13 *later than one year after the date of the enactment of this*
14 *Act, the Secretary, in consultation with the Attorney Gen-*
15 *eral, shall submit to Congress a report on the engagement*
16 *of the Department of Veterans Affairs with veterans treat-*
17 *ment courts, including—*

18 *(1) the availability and efficacy of veterans*
19 *treatment courts in meeting the needs of justice-in-*
20 *volved veterans;*

21 *(2) best practices for Department of Veterans Af-*
22 *airs staff and justice-involved veterans in working*
23 *with veterans treatment courts; and*

2615

1 (3) *the ability of justice-involved veterans to ac-*
2 *cess veterans treatment courts, including any barriers*
3 *that exist to increasing such access.*

4 (h) *DEFINITIONS.—In this section:*

5 (1) *The term “justice-involved veteran” means a*
6 *veteran with active, ongoing, or recent contact with*
7 *some component of a local criminal justice system.*

8 (2) *The term “Veterans Justice Outreach Pro-*
9 *gram” means the program through which the Depart-*
10 *ment of Veterans Affairs identifies justice-involved*
11 *veterans and provides such veterans with access to*
12 *Department services.*

13 (3) *The term “Veterans Justice Outreach Spe-*
14 *cialist” means an employee of the Department of Vet-*
15 *erans Affairs who serves as a liaison between the De-*
16 *partment and the local criminal justice system on be-*
17 *half of a justice-involved veteran.*

18 (4) *The term “veterans treatment court” means*
19 *a State or local court that is participating in the vet-*
20 *erans treatment court program (as defined in section*
21 *2991(i)(1) of the Omnibus Crime Control and Safe*
22 *Streets Act of 1968 (42 U.S.C. 3797aa(i)(1))).*

2616

1 **SEC. 303. DEPARTMENT OF VETERANS AFFAIRS GOV-**
2 **ERNORS CHALLENGE PROGRAM.**

3 *The Secretary of Veterans Affairs may enter into*
4 *agreements with States, territories, and American Indian*
5 *and Alaska Native tribes for the development and imple-*
6 *mentation of veteran suicide prevention proposals through*
7 *the Governors Challenge Program.*

8 **TITLE IV—MENTAL HEALTH**
9 **CARE DELIVERY**

10 **SEC. 401. EXPANSION OF PEER SPECIALIST SUPPORT PRO-**
11 **GRAM OF DEPARTMENT OF VETERANS AF-**
12 **FAIRS.**

13 *(a) EXPANSION.—Section 506 of the VA MISSION Act*
14 *of 2018 (Public Law 115–182; 38 U.S.C. 1701 note) is*
15 *amended—*

16 *(1) by redesignating subsections (d) through (f)*
17 *as subsections (e) through (g);*

18 *(2) in subsection (a), by adding at the end the*
19 *following new sentence: “Each such peer specialist*
20 *shall be a full-time employee whose primary function*
21 *is to serve as a peer specialist and shall be in addi-*
22 *tion to all other employees of such medical center.”;*

23 *(3) in the heading of subsection (b), by striking*
24 *“TIMEFRAME” and inserting “INITIAL TIMEFRAME”;*

25 *(4) in subsection (c)—*

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1 (A) in the heading, by striking “SELEC-
2 TION” and inserting “INITIAL SELECTION”; and

3 (B) in paragraph (1), by striking “The Sec-
4 retary shall” and inserting “In establishing the
5 program at initial locations, the Secretary
6 shall”;

7 (5) by inserting after subsection (c) the following
8 new subsection:

9 “(d) TIMEFRAME FOR EXPANSION OF PROGRAM; SE-
10 LECTION OF ADDITIONAL LOCATIONS.—

11 “(1) TIMEFRAME FOR EXPANSION.—The Sec-
12 retary shall make permanent and expand the pro-
13 gram to additional medical centers of the Department
14 as follows:

15 “(A) As of the date of the enactment of the
16 STRONG Veterans Act of 2022, the Secretary
17 shall make such program permanent at each
18 medical center participating in the program on
19 the day before such date of enactment.

20 “(B) During the seven-year period following
21 such date of enactment, the Secretary shall ex-
22 pand the program to an additional 25 medical
23 centers per year until the program is carried out
24 at each medical center of the Department.

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1 “(2) *SELECTION OF ADDITIONAL LOCATIONS.—In*
2 *selecting medical centers for the expansion of the pro-*
3 *gram under paragraph (1)(B), until such time as*
4 *each medical center of the Department is partici-*
5 *pating in the program by establishing not fewer than*
6 *two peer specialists at the medical center, the Sec-*
7 *retary shall prioritize medical centers in the following*
8 *areas:*

9 “(A) *Rural areas and other areas that are*
10 *underserved by the Department.*

11 “(B) *Areas that are not in close proximity*
12 *to an active duty military installation.*

13 “(C) *Areas representing different geographic*
14 *locations, such as census tracts established by the*
15 *Bureau of the Census.”;*

16 (6) *in subsection (e), as redesignated by para-*
17 *graph (1)—*

18 (A) *in the heading, by striking “GENDER-*
19 *SPECIFIC SERVICES” and inserting “CONSIDER-*
20 *ATIONS FOR HIRING PEER SPECIALISTS”;*

21 (B) *in the matter preceding paragraph (1),*
22 *by striking “location selected under subsection*
23 *(c)” and inserting “medical center”;*

24 (C) *in paragraph (1), by striking “and” at*
25 *the end; and*

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1 (D) by striking paragraph (2) and insert-
2 ing the following new paragraph (2):

3 “(2) female peer specialists are hired and made
4 available to support female veterans who are treated
5 at each medical center.”; and

6 (7) by amending subsection (g), as redesignated
7 by paragraph (1), to read as follows:

8 “(g) *REPORTS.*—

9 “(1) *PERIODIC REPORTS.*—

10 “(A) *IN GENERAL.*—Not later than one year
11 after the date of the enactment of the *STRONG*
12 *Veterans Act of 2022*, and annually thereafter for
13 five years, the Secretary shall submit to the Com-
14 mittees on Veterans’ Affairs of the House of Rep-
15 resentatives and the Senate a report on the pro-
16 gram, including the expansion of the program
17 under subsection (d)(1).

18 “(B) *ELEMENTS.*—Each report under sub-
19 paragraph (A) shall include, with respect to the
20 one-year period preceding the submission of the
21 report, the following:

22 “(i) The findings and conclusions of
23 the Secretary with respect to the program.

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1 “(ii) *An assessment of the benefits of*
2 *the program to veterans and family mem-*
3 *bers of veterans.*

4 “(iii) *An assessment of the effectiveness*
5 *of peer specialists in engaging under sub-*
6 *section (f) with health care providers in the*
7 *community and veterans served by such*
8 *providers.*

9 “(iv) *The name and location of each*
10 *medical center where new peer specialists*
11 *were hired.*

12 “(v) *The number of new peer special-*
13 *ists hired at each medical center pursuant*
14 *to this section and the total number of peer*
15 *specialists within the Department hired*
16 *pursuant to this section.*

17 “(vi) *An assessment of any barriers*
18 *confronting the recruitment, training, or re-*
19 *tention of peer specialists.*

20 “(2) *FINAL REPORT.—Not later than one year*
21 *after the Secretary determines that the program is*
22 *being carried out at each medical center of the De-*
23 *partment, the Secretary shall submit to the Commit-*
24 *tees on Veterans’ Affairs of the House of Representa-*

† HR 2617 EAS2

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1 *tives and the Senate a report notifying such commit-*
2 *tees of such determination.”.*

3 *(b) AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to the Department of Vet-*
5 *erans Affairs to implement section 506 of the VA MISSION*
6 *Act of 2018 (Public Law 115–182; 38 U.S.C. 1701 note),*
7 *as amended by subsection (a), the following amounts:*

8 *(1) \$3,600,000 for fiscal year 2022.*

9 *(2) \$7,200,000 for fiscal year 2023.*

10 *(3) \$10,800,000 for fiscal year 2024.*

11 *(4) \$14,400,000 for fiscal year 2025.*

12 *(5) \$18,000,000 for fiscal year 2026.*

13 *(6) \$21,600,000 for fiscal year 2027.*

14 *(7) \$25,000,000 for fiscal year 2028.*

15 **SEC. 402. EXPANSION OF VET CENTER SERVICES.**

16 *(a) VETERANS AND MEMBERS USING EDUCATIONAL*
17 *ASSISTANCE BENEFITS.—Section 1712A of title 38, United*
18 *States Code, is amended—*

19 *(1) by striking “clauses (i) through (vi)” both*
20 *places it appears and inserting “clauses (i) through*
21 *(vii)”;*

22 *(2) by striking “in clause (vii)” both places it*
23 *appears and inserting “in clause (viii)”;*

24 *(3) in subsection (a)(1)(C)—*

2622

1 (A) by redesignating clause (vii) as clause
2 (viii); and

3 (B) by inserting after clause (vi) the fol-
4 lowing new clause:

5 “(vii) Any veteran or member of the Armed
6 Forces pursuing a course of education using covered
7 educational assistance benefits.”; and

8 (4) in subsection (h), by adding at the end the
9 following new paragraph:

10 “(6) The term ‘covered educational assistance
11 benefits’ means educational assistance benefits pro-
12 vided pursuant to—

13 “(A) chapter 30, 31, 32, or 33 of this title;

14 “(B) chapter 1606 or 1607 of title 10;

15 “(C) section 116 of the Harry W. Colmery
16 Veterans Educational Assistance Act of 2017
17 (Public Law 115–48; 38 U.S.C. 3001 note); or

18 “(D) section 8006 of the American Rescue
19 Plan Act of 2021 (Public Law 117–2; 38 U.S.C.
20 3001 note prec.).”.

21 (b) GAO REPORT.—Not later than one year after the
22 date of the enactment of this Act, the Comptroller General
23 of the United States shall submit to the Committees on Vet-
24 erans’ Affairs of the House of Representatives and the Sen-
25 ate a report assessing—

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1 (1) *the mental health needs of veterans pursuing*
2 *a course of education using covered educational as-*
3 *sistance benefits (as defined in section 1712A(h)(6) of*
4 *title 38, United States Code, as added by subsection*
5 *(a)); and*

6 (2) *the efforts of the Department of Veterans Af-*
7 *fairs to address such mental health needs.*

8 **SEC. 403. ELIGIBILITY FOR MENTAL HEALTH SERVICES.**

9 (a) *IN GENERAL.*—Section 1712A(a)(1) of title 38,
10 *United States Code, as amended by section 402, is further*
11 *amended—*

12 (1) *in subparagraph (A)(ii)—*

13 (A) *in subclause (I), by striking “and”;*

14 (B) *in subclause (II), by striking the period*
15 *at the end and inserting “; and”; and*

16 (C) *by adding at the end the following:*

17 “(III) *in the case of a veteran or member*
18 *who died by suicide, to the degree that counseling*
19 *furnished to such individual is found to aid in*
20 *coping with the effects of such suicide.”;*

21 (2) *in subparagraph (B)(i)(II)—*

22 (A) *in item (aa), by striking “or”;*

23 (B) *in item (bb), by striking the period at*
24 *the end and inserting “; or”; and*

25 (C) *by adding at the end the following;*

2624

1 “(cc) coping with the effects of a sui-
2 cide described in subclause (III) of such
3 clause.”; and

4 (3) in subparagraph (C)(vii)—

5 (A) in subclause (I), by striking “or” at the
6 end;

7 (B) in subclause (II), by striking the period
8 at the end and inserting “; or”; and

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

10 “(III) veteran or member of the Armed
11 Forces who died by suicide.”.

12 (b) *EFFECTIVE DATE.*—The amendments made by sub-
13 section (a) shall apply with respect to family members of
14 a member or veteran who died by suicide before, on, or after
15 the date of the enactment of this Act.

16 **SEC. 404. MENTAL HEALTH CONSULTATIONS.**

17 (a) *MENTAL HEALTH CONSULTATIONS FOR VETERANS*
18 *FILING FOR COMPENSATION.*—

19 (1) *IN GENERAL.*—Subchapter VI of chapter 11
20 of title 38, United States Code, is amended by adding
21 at the end the following new section:

22 **“§ 1167. Mental health consultations**

23 “(a) *IN GENERAL.*—Not later than 30 days after the
24 date on which a veteran submits to the Secretary a claim
25 for compensation under this chapter for a service-connected

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1 *disability relating to a mental health diagnosis, the Sec-*
2 *retary shall offer the veteran a mental health consultation*
3 *to assess the mental health needs of, and care options for,*
4 *the veteran.*

5 “(b) *AVAILABILITY.*—*The Secretary shall—*

6 “(1) *offer a veteran a consultation under sub-*
7 *section (a) without regard to any previous denial or*
8 *approval of a claim of that veteran for a service-con-*
9 *ected disability relating to a mental health diag-*
10 *nosis; and*

11 “(2) *ensure that a veteran offered a mental*
12 *health consultation under subsection (a) may elect to*
13 *receive such consultation during the one-year period*
14 *beginning on the date on which the consultation is of-*
15 *fered or during such longer period beginning on such*
16 *date as the Secretary considers appropriate.*

17 “(c) *RULE OF CONSTRUCTION.*—*A consultation pro-*
18 *vided to a veteran under this section shall not be construed*
19 *as a determination that any disability of such veteran is*
20 *service-connected for the purposes of any benefit under the*
21 *laws administered by the Secretary.”.*

22 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
23 *tions at the beginning of chapter 11 of such title is*
24 *amended by adding at the end the following new item:*

“1167. Mental health consultations.”.

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1 (b) *MENTAL HEALTH CONSULTATIONS FOR VETERANS*
2 *ENTERING HOMELESS PROGRAMS OFFICE PROGRAMS.*—

3 (1) *IN GENERAL.*—*Subchapter VII of chapter 20*
4 *of title 38, United States Code, is amended by adding*
5 *at the end the following new section:*

6 **“§ 2068. Mental health consultations**

7 “(a) *IN GENERAL.*—*Not later than two weeks after the*
8 *date on which a veteran described in subsection (b) enters*
9 *into a program administered by the Homeless Programs Of-*
10 *fice of the Department, the Secretary shall offer the veteran*
11 *a mental health consultation to assess the health needs of,*
12 *and care options for, the veteran.*

13 “(b) *VETERAN DESCRIBED.*—*A veteran described in*
14 *this subsection is a veteran to whom a mental health con-*
15 *sultation is not offered or provided through the case man-*
16 *agement services of the program of the Homeless Programs*
17 *Office into which the veteran enters.”.*

18 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
19 *tions at the beginning of chapter 20 of such title is*
20 *amended by adding at the end the following new item:*

“2068. Mental health consultations.”.

2627

TITLE V—RESEARCH***SEC. 501. VETERANS INTEGRATION TO ACADEMIC LEADERSHIP PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.***

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the Veterans Integration to Academic Leadership program of the Department of Veterans Affairs. The report shall include the following:

(1) The number of medical centers of the Department, institutions of higher learning, non-college degree programs, and student veterans supported by the program, and relevant trends since the program began.

(2) The staff and resources allocated to the program, and relevant trends since the program began.

(3) An assessment of the outcomes and effectiveness of the program in—

(A) supporting student veterans;

(B) connecting student veterans to needed services of the Department or services provided by non-Department entities;

2628

1 (C) addressing the mental health needs of
2 student veterans;

3 (D) lowering the suicide risk of student vet-
4 erans; and

5 (E) helping student veterans achieve edu-
6 cational goals.

7 (4) An assessment of barriers to expanding the
8 program and how the Secretary intends to address
9 such barriers.

10 (5) An assessment of whether the program should
11 be expanded outside of the Office of Mental Health
12 and Suicide Prevention to support students veterans
13 with needs unrelated to mental health or suicide.

14 (b) *UNIFORM BEST PRACTICES, GOALS, AND MEAS-*
15 *URES.—The Secretary shall establish best practices, goals,*
16 *and measures for the Veterans Integration to Academic*
17 *Leadership program of the Department that are uniform*
18 *among the medical centers of the Department.*

19 (c) *OUTREACH.—The Secretary shall conduct outreach*
20 *among the Armed Forces, veterans service organizations, in-*
21 *stitutions of higher learning, and non-college degree pro-*
22 *grams with respect to the Veterans Integration to Academic*
23 *Leadership program of the Department.*

24 (d) *ASSESSMENT.—The Secretary shall assess the fea-*
25 *sibility and advisability of including the suicide rate for*

2629

1 *student veterans in the National Veteran Suicide Preven-*
2 *tion Annual Report of the Office of Mental Health and Sui-*
3 *cide Prevention of the Department.*

4 (e) *DEFINITIONS.—In this section:*

5 (1) *The term “institution of higher learning” has*
6 *the meaning given that term in section 3452 of title*
7 *38, United States Code.*

8 (2) *The term “student veteran” means the fol-*
9 *lowing:*

10 (A) *A veteran or member of the Armed*
11 *Forces using educational assistance under any of*
12 *the following provisions of law:*

13 (i) *Chapter 30, 31, 32, or 33 of title*
14 *38, United States Code, or chapter 1606 or*
15 *1607 of title 10, United States Code.*

16 (ii) *Section 116 of the Harry W.*
17 *Colmery Veterans Educational Assistance*
18 *Act of 2017 (Public Law 115–48; 38 U.S.C.*
19 *3001 note).*

20 (iii) *Section 8006 of the American Res-*
21 *cue Plan Act of 2021 (Public Law 117–2;*
22 *38 U.S.C. 3001 note prec.).*

23 (B) *A veteran who is enrolled in an institu-*
24 *tion of higher learning or other training pro-*
25 *gram, without regard to whether the veteran is*

2630

1 *using educational assistance specified in sub-*
2 *paragraph (A).*

3 **SEC. 502. IMPROVEMENT OF SLEEP DISORDER CARE FUR-**
4 **NISHED BY DEPARTMENT OF VETERANS AF-**
5 **FAIRS.**

6 *(a) IN GENERAL.—Pursuant to the analysis conducted*
7 *under subsection (b), the Secretary of Veterans Affairs shall*
8 *take such action as the Secretary considers appropriate to*
9 *improve the assessment and treatment of veterans with sleep*
10 *disorders, including by conducting in-home sleep studies for*
11 *veterans.*

12 *(b) ANALYSIS.—The Secretary shall conduct an anal-*
13 *ysis of the ability of the Department of Veterans Affairs*
14 *to treat sleep disorders among veterans, including—*

15 *(1) assessment and treatment options for such*
16 *disorders;*

17 *(2) barriers to care for such disorders, such as*
18 *wait time, travel time, and lack of staffing;*

19 *(3) the efficacy of the clinical practice guidelines*
20 *of the Department of Veterans Affairs and the Depart-*
21 *ment of Defense for such disorders; and*

22 *(4) the availability of and efficacy of the use by*
23 *the Department of Veterans Affairs of cognitive behav-*
24 *ioral therapy for insomnia.*

2631

1 (c) *REPORT.*—Not later than two years after the date
2 of the enactment of this Act, the Secretary shall submit to
3 the Committee on Veterans' Affairs of the Senate and the
4 Committee on Veterans' Affairs of the House of Representa-
5 tives a report on—

6 (1) the findings from the analysis conducted
7 under subsection (b); and

8 (2) any actions taken under subsection (a) to
9 improve the assessment and treatment of veterans
10 with sleep disorders.

11 (d) *AUTHORIZATION OF APPROPRIATIONS FOR IN-*
12 *HOME SLEEP STUDIES.*—There is authorized to be appro-
13 priated to the Secretary of Veterans Affairs \$5,000,000 to
14 be used to conduct in-home sleep studies for veterans, as
15 part of sleep disorder assessment and treatment conducted
16 by the Department of Veterans Affairs.

17 **SEC. 503. STUDY ON INPATIENT MENTAL HEALTH AND SUB-**
18 **STANCE USE CARE FROM DEPARTMENT OF**
19 **VETERANS AFFAIRS.**

20 (a) *IN GENERAL.*—Not later than one year after the
21 date of the enactment of this Act, the Secretary of Veterans
22 Affairs shall complete the conduct of a study on access of
23 veterans to care under the residential rehabilitation treat-
24 ment programs of the Department of Veterans Affairs to
25 determine—

2632

1 (1) *if there are sufficient geographic offerings of*
2 *inpatient mental health care, especially for veterans*
3 *in rural and remote communities;*

4 (2) *if there are sufficient bed spaces at each loca-*
5 *tion, based on demand and drive time from the homes*
6 *of veterans;*

7 (3) *if there are any workforce-related capacity*
8 *limitations at each location, including if beds are un-*
9 *able to be used because there are not enough providers*
10 *to care for additional patients;*

11 (4) *if there are diagnosis-specific or sex-specific*
12 *barriers to accessing care under such programs; and*

13 (5) *the average wait time for a bed in such a*
14 *program, broken out by—*

15 (A) *Veterans Integrated Service Network;*

16 (B) *rural or urban area;*

17 (C) *sex; and*

18 (D) *specialty (general program, substance*
19 *use disorder program, military sexual trauma*
20 *program, etc.).*

21 (b) *RECOMMENDATIONS FOR MODIFICATIONS TO*
22 *TREATMENT PROGRAMS.—Using the results from the study*
23 *conducted under subsection (a), the Secretary shall make*
24 *recommendations for—*

2633

1 (1) *new locations for opening facilities to par-*
2 *ticipate in the residential rehabilitation treatment*
3 *programs of the Department;*

4 (2) *facilities under such programs at which new*
5 *beds can be added; and*

6 (3) *any additional specialty tracks to be added*
7 *to such programs, such as substance use disorder or*
8 *military sexual trauma, in order to meet veteran need*
9 *and demand.*

10 (c) *REPORT.*—*Not later than 180 days after comple-*
11 *tion of the study under subsection (a), the Secretary shall*
12 *submit to the Committee on Veterans' Affairs of the Senate*
13 *and the Committee on Veterans' Affairs of the House of Rep-*
14 *resentatives a report on the findings of the study conducted*
15 *under subsection (a) and the recommendations made by the*
16 *Secretary under subsection (b).*

17 **SEC. 504. STUDY ON TREATMENT FROM DEPARTMENT OF**
18 **VETERANS AFFAIRS FOR CO-OCCURRING**
19 **MENTAL HEALTH AND SUBSTANCE USE DIS-**
20 **ORDERS.**

21 (a) *IN GENERAL.*—*Not later than one year after the*
22 *date of the enactment of this Act, the Secretary of Veterans*
23 *Affairs shall conduct a study examining—*

24 (1) *the availability of treatment programs for*
25 *veterans with co-occurring mental health and sub-*

2634

1 *stance use disorders (including both inpatient and*
2 *outpatient care);*

3 *(2) any geographic disparities in access to such*
4 *programs, such as for rural and remote veterans; and*

5 *(3) the average wait times for care under such*
6 *programs.*

7 *(b) REPORT.—*

8 *(1) IN GENERAL.—Not later than two years after*
9 *the date of the enactment of this Act, the Secretary*
10 *shall submit to the Committee on Veterans' Affairs of*
11 *the Senate and the Committee on Veterans' Affairs of*
12 *the House of Representatives a report on the findings*
13 *of the study conducted under subsection (a).*

14 *(2) ELEMENTS.—The report required by para-*
15 *graph (1) shall include—*

16 *(A) any recommendations resulting from*
17 *the study conducted under subsection (a) with re-*
18 *spect to improving timeliness and quality of care*
19 *and meeting treatment preferences for veterans*
20 *with co-occurring mental health and substance*
21 *use disorders; and*

22 *(B) a description of any actions taken by*
23 *the Secretary to improve care for such veterans.*

2635

1 **SEC. 505. STUDY ON WORKLOAD OF SUICIDE PREVENTION**
2 **TEAMS OF DEPARTMENT OF VETERANS AF-**
3 **FAIRS.**

4 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs,*
5 *acting through the Under Secretary for Health and the Of-*
6 *fice of Mental Health and Suicide Prevention, shall conduct*
7 *a study evaluating the workload of local suicide prevention*
8 *teams of the Department of Veterans Affairs.*

9 (b) *ELEMENTS.*—*The study conducted under sub-*
10 *section (a) shall—*

11 (1) *identify the effects of the growth of the sui-*
12 *cide prevention program of the Department on the*
13 *workload of suicide prevention teams;*

14 (2) *incorporate key practices for staffing model*
15 *design in determining suicide prevention staffing*
16 *needs; and*

17 (3) *determine which facilities of the Department*
18 *need increased suicide prevention coordinator staffing*
19 *to meet the needs of veterans, with an emphasis*
20 *placed on facilities with high patient volume and fa-*
21 *cilities located in States with high rates of veteran*
22 *suicide.*

23 (c) *REPORT.*—*Not later than one year after the date*
24 *of the enactment of this Act, the Secretary shall submit to*
25 *the Committee on Veterans' Affairs of the Senate and the*

2636

1 *Committee on Veterans' Affairs of the House of Representa-*
2 *tives a report—*

3 *(1) on the findings of the study conducted under*
4 *subsection (a); and*

5 *(2) indicating any changes made to the staffing*
6 *of suicide prevention teams of the Department result-*
7 *ing from the determinations made under subsection*
8 *(b)(3), including a list of facilities of the Department*
9 *where staffing was adjusted.*

10 **SEC. 506. EXPANSION OF SUICIDE PREVENTION AND MEN-**
11 **TAL HEALTH RESEARCH.**

12 *(a) RESEARCH ON MORAL INJURY.—The Secretary of*
13 *Veterans Affairs, acting through the Office of Research and*
14 *Development of the Department of Veterans Affairs, shall*
15 *conduct suicide prevention and mental health care improve-*
16 *ment research on how moral injury relates to the mental*
17 *health needs of veterans who served in the Armed Forces*
18 *after September 11, 2001, and best practices for mental*
19 *health treatment for such veterans.*

20 *(b) AUTHORIZATION OF APPROPRIATIONS.—There is*
21 *authorized to be appropriated to the Department of Vet-*
22 *erans Affairs an additional \$10,000,000 to be used by the*
23 *Center of Excellence for Suicide Prevention of the Depart-*
24 *ment and the Rocky Mountain Mental Illness Research*
25 *Education and Clinical Center for purposes of conducting*

2637

1 *research on the factors impacting veteran suicide and best*
2 *practices for early intervention and support.*

3 **SEC. 507. STUDY ON MENTAL HEALTH AND SUICIDE PRE-**
4 **VENTION SUPPORT FOR MILITARY FAMILIES.**

5 *(a) IN GENERAL.—The Secretary of Veterans Affairs,*
6 *in collaboration with the Secretary of Defense, shall conduct*
7 *a study on secondary post-traumatic stress disorder and de-*
8 *pression and its impact on spouses, children, and caregivers*
9 *of members of the Armed Forces.*

10 *(b) REPORT.—*

11 *(1) IN GENERAL.—Not later than three years*
12 *after the date of the enactment of this Act, the Sec-*
13 *retary of Veterans Affairs, in collaboration with the*
14 *Secretary of Defense, shall submit to Congress, vet-*
15 *erans service organizations, and military support or-*
16 *ganizations a report on the findings of the study con-*
17 *ducted under subsection (a).*

18 *(2) DEFINITIONS.—In this subsection:*

19 *(A) The term “military support organiza-*
20 *tion” has the meaning given that term by the*
21 *Secretary of Defense.*

22 *(B) The term “veterans service organiza-*
23 *tion” means an organization recognized by the*
24 *Secretary of Veterans Affairs for the representa-*

2638

1 *tion of veterans under section 5902 of title 38,*
2 *United States Code.*

3 **SEC. 508. RESEARCH ON BRAIN HEALTH.**

4 *There is authorized to be appropriated to the Depart-*
5 *ment of Veterans Affairs an additional \$5,000,000 for ongo-*
6 *ing and future research at the Translational Research Cen-*
7 *ter of the Department of Veterans Affairs for traumatic*
8 *brain injury and stress disorders to provide better under-*
9 *standing of, and improved treatment options for, veterans*
10 *who served in the Armed Forces after September 11, 2001,*
11 *and who have traumatic brain injury or post-traumatic*
12 *stress disorder.*

13 **SEC. 509. STUDY ON EFFICACY OF CLINICAL AND AT-HOME**
14 **RESOURCES FOR POST-TRAUMATIC STRESS**
15 **DISORDER.**

16 *Not later than two years after the date of the enact-*
17 *ment of this Act, the Secretary of Veterans Affairs, acting*
18 *through the Office of Research and Development of the De-*
19 *partment of Veterans Affairs, shall conduct a study on—*

20 *(1) the efficacy of clinical and at-home resources,*
21 *such as mobile applications like COVID Coach, for*
22 *providers, veterans, caregivers, and family members*
23 *to use for dealing with stressors;*

24 *(2) the feasibility and advisability of developing*
25 *more such resources;*

2639

1 (3) *strategies for improving mental health care*
2 *and outcomes for veterans with post-traumatic stress*
3 *disorder; and*

4 (4) *best practices for helping family members of*
5 *veterans deal with secondary post-traumatic stress*
6 *disorder or mental health concerns.*

7 ***DIVISION W—UNLEASHING***
8 ***AMERICAN INNOVATORS ACT***
9 ***OF 2022***

10 ***SEC. 101. SHORT TITLE.***

11 *This division may be cited as the “Unleashing Amer-*
12 *ican Innovators Act of 2022”.*

13 ***SEC. 102. DEFINITIONS.***

14 *In this division:*

15 (1) ***DIRECTOR.***—*The term “Director” means the*
16 *Under Secretary of Commerce for Intellectual Prop-*
17 *erty and Director of the Office.*

18 (2) ***OFFICE.***—*The term “Office” means the*
19 *United States Patent and Trademark Office.*

20 (3) ***PATENT PRO BONO PROGRAMS.***—*The term*
21 *“patent pro bono programs” means the programs es-*
22 *tablished pursuant to section 32 of the Leahy-Smith*
23 *America Invents Act (35 U.S.C. 2 note).*

24 (4) ***SOUTHEAST REGION OF THE UNITED***
25 ***STATES.***—*The term “southeast region of the United*

2640

1 *States” means the area of the United States that is*
2 *comprised of the States of Virginia, North Carolina,*
3 *South Carolina, Georgia, Florida, Tennessee, Ala-*
4 *bama, Mississippi, Louisiana, and Arkansas.*

5 **SEC. 103. SATELLITE OFFICES.**

6 *(a) AMENDMENTS TO PURPOSE AND REQUIRED CON-*
7 *SIDERATIONS.—Section 23 of the Leahy-Smith America In-*
8 *vents Act (35 U.S.C. 1 note) is amended—*

9 *(1) in subsection (b)—*

10 *(A) in paragraph (1)—*

11 *(i) by striking “increase outreach ac-*
12 *tivities to”; and*

13 *(ii) by inserting after “Office” the fol-*
14 *lowing: “, including by increasing outreach*
15 *activities, including to individual inventors,*
16 *small businesses, veterans, low-income popu-*
17 *lations, students, rural populations, and*
18 *any geographic group of innovators that the*
19 *Director may determine to be underrep-*
20 *resented in patent filings”; and*

21 *(B) by striking paragraph (2) and inserting*
22 *the following:*

23 *“(2) enhance patent examiner and administra-*
24 *tive patent judge retention, including patent exam-*
25 *iners and administrative patent judges from economi-*

2641

1 *cally, geographically, and demographically diverse*
2 *backgrounds;”; and*

3 *(2) in subsection (c)(1)—*

4 *(A) in subparagraph (D), by striking “and”*
5 *at the end;*

6 *(B) in subparagraph (E), by striking the*
7 *period at the end and inserting “; and”; and*

8 *(C) by adding at the end the following:*

9 *“(F) with respect to each office established*
10 *after January 1, 2023, shall consider the prox-*
11 *imity of the office to anchor institutions (such as*
12 *hospitals primarily serving veterans and institu-*
13 *tions of higher education), individual inventors,*
14 *small businesses, veterans, low-income popu-*
15 *lations, students, rural populations, and any ge-*
16 *ographic group of innovators that the Director*
17 *may determine to be underrepresented in patent*
18 *filings.”.*

19 *(b) SOUTHEAST REGIONAL OFFICE.—*

20 *(1) IN GENERAL.—Not later than 3 years after*
21 *the date of enactment of this Act, the Director shall*
22 *establish a satellite office of the Office in the southeast*
23 *region of the United States.*

2642

1 (2) *CONSIDERATIONS.—When selecting a site for*
2 *the office required under paragraph (1), the Director*
3 *shall consider the following:*

4 (A) *The number of patent-intensive indus-*
5 *tries located near the site.*

6 (B) *How many research-intensive institu-*
7 *tions, including institutions of higher education,*
8 *are located near the site.*

9 (C) *The State and local government legal*
10 *and business frameworks that support intellec-*
11 *tual property-intensive industries located near*
12 *the site.*

13 (c) *STUDY ON ADDITIONAL SATELLITE OFFICES.—Not*
14 *later than 2 years after the date of enactment of this Act,*
15 *the Director shall complete a study to determine whether*
16 *additional satellite offices of the Office are necessary to—*

17 (1) *achieve the purposes described in section*
18 *23(b) of the Leahy-Smith America Invents Act (35*
19 *U.S.C. 1 note), as amended by this section; and*

20 (2) *increase participation in the patent system*
21 *by individual inventors, small businesses, veterans,*
22 *low-income populations, students, rural populations,*
23 *and any geographic group of innovators that the Di-*
24 *rector may determine to be underrepresented in pat-*
25 *ent filings.*

2643

1 **SEC. 104. COMMUNITY OUTREACH OFFICES.**2 (a) *ESTABLISHMENT.*—

3 (1) *IN GENERAL.*—Subject to paragraphs (2) and
4 (3), not later than 5 years after the date of enactment
5 of this Act, the Director shall establish not fewer than
6 4 community outreach offices throughout the United
7 States.

8 (2) *RESTRICTION.*—No community outreach of-
9 fice established under paragraph (1) may be located
10 in the same State as—

11 (A) the principal office of the Office; or

12 (B) any satellite office of the Office.

13 (3) *REQUIREMENT FOR NORTHERN NEW ENG-*
14 *LAND REGION.*—

15 (A) *IN GENERAL.*—The Director shall estab-
16 lish not less than 1 community outreach office
17 under this subsection in the northern New Eng-
18 land region, which shall serve the States of
19 Vermont, New Hampshire, and Maine.

20 (B) *CONSIDERATIONS.*—In determining the
21 location for the office required to be established
22 under subparagraph (A), the Director shall give
23 preference to a location in which—

24 (i) as of the date of enactment of this
25 Act—

2644

1 (I) *there is located not less than 1*
2 *public institution of higher education*
3 *and not less than 1 private institution*
4 *of higher education; and*

5 (II) *there are located not more*
6 *than 15 registered patent attorneys, ac-*
7 *cording to data from the Office of En-*
8 *rollment and Discipline of the Office;*
9 *and*

10 (ii) *according to data from the 2012*
11 *Survey of Business Owners conducted by the*
12 *Bureau of the Census, less than 45 percent*
13 *of the firms (as that term is defined for the*
14 *purposes of that Survey) are owned by*
15 *women, minorities, or veterans.*

16 (b) *PURPOSES.—The purposes of the community out-*
17 *reach offices established under subsection (a) are to—*

18 (1) *further achieve the purposes described in sec-*
19 *tion 23(b)(1) of the Leahy-Smith America Invents Act*
20 *(35 U.S.C. 1 note), as amended by this division;*

21 (2) *partner with local community organizations,*
22 *institutions of higher education, research institutions,*
23 *and businesses to create community-based programs*
24 *that—*

2645

1 (A) provide education regarding the patent
2 system; and

3 (B) promote the career benefits of innova-
4 tion and entrepreneurship; and

5 (3) educate prospective inventors, including indi-
6 vidual inventors, small businesses, veterans, low-in-
7 come populations, students, rural populations, and
8 any geographic group of innovators that the Director
9 may determine to be underrepresented in patent fil-
10 ings, about all public and private resources available
11 to potential patent applicants, including the patent
12 pro bono programs.

13 **SEC. 105. UPDATES TO THE PATENT PRO BONO PROGRAMS.**

14 (a) *STUDY AND UPDATES.*—

15 (1) *IN GENERAL.*—Not later than 1 year after
16 the date of enactment of this Act, the Director shall—

17 (A) complete a study of the patent pro bono
18 programs; and

19 (B) submit the results of the study required
20 under subparagraph (A) to the Committee on the
21 Judiciary of the Senate and the Committee on
22 the Judiciary of the House of Representatives.

23 (2) *SCOPE OF THE STUDY.*—The study required
24 under paragraph (1)(A) shall—

25 (A) assess—

2646

1 (i) *whether the patent pro bono pro-*
2 *grams, as in effect on the date on which the*
3 *study is commenced, are sufficiently serving*
4 *prospective and existing participants;*

5 (ii) *whether the patent pro bono pro-*
6 *grams are sufficiently funded to serve pro-*
7 *spective participants;*

8 (iii) *whether any participation re-*
9 *quirement of the patent pro bono programs,*
10 *including any requirement to demonstrate*
11 *knowledge of the patent system, serves as a*
12 *deterrent for prospective participants;*

13 (iv) *the degree to which prospective in-*
14 *ventors are aware of the patent pro bono*
15 *programs;*

16 (v) *what factors, if any, deter attorneys*
17 *from participating in the patent pro bono*
18 *programs;*

19 (vi) *whether the patent pro bono pro-*
20 *grams would be improved by expanding*
21 *those programs to include non-attorney ad-*
22 *vocates; and*

23 (vii) *any other issue the Director deter-*
24 *mines appropriate; and*

2647

1 (B) make recommendations for such admin-
2 istrative and legislative action as may be appro-
3 priate.

4 (b) *USE OF RESULTS.*—Upon completion of the study
5 required under subsection (a), the Director shall work with
6 the Pro Bono Advisory Council, the operators of the patent
7 pro bono programs, and intellectual property law associa-
8 tions across the United States to update the patent pro bono
9 programs in response to the findings of the study.

10 (c) *EXPANSION OF INCOME ELIGIBILITY.*—

11 (1) *IN GENERAL.*—The Director shall work with
12 and support, including by providing financial sup-
13 port to, existing patent pro bono programs and intel-
14 lectual property law associations across the United
15 States to expand eligibility for the patent pro bono
16 programs to an individual living in a household, the
17 gross household income of which is not more than 400
18 percent of the Federal poverty line.

19 (2) *RULE OF CONSTRUCTION.*—Nothing in para-
20 graph (1) may be construed to prevent a patent pro
21 bono program from electing to establish a higher eligi-
22 bility level, as compared to the level described in that
23 paragraph.

2648

1 **SEC. 106. PRE-PROSECUTION ASSESSMENT PILOT PRO-**
2 **GRAM.**

3 (a) *PILOT PROGRAM.*—Not later than 1 year after the
4 date of enactment of this Act, the Director shall establish
5 a pilot program to assist first-time prospective patent ap-
6 plicants in assessing the strengths and weaknesses of a po-
7 tential patent application submitted by such a prospective
8 applicant.

9 (b) *CONSIDERATIONS.*—In developing the pilot pro-
10 gram required under subsection (a), the Director shall es-
11 tablish—

12 (1) a notification process to notify a prospective
13 patent applicant seeking an assessment described in
14 that subsection that any assessment so provided may
15 not be considered an official ruling of patentability
16 from the Office;

17 (2) conditions to determine eligibility for the
18 pilot program, taking into consideration available re-
19 sources;

20 (3) reasonable limitations on the amount of time
21 to be spent providing assistance to each individual
22 first-time prospective patent applicant;

23 (4) procedures for referring prospective patent
24 applicants to legal counsel, including through the pat-
25 ent pro bono programs; and

2649

1 (5) *procedures to protect the confidentiality of*
2 *the information disclosed by prospective patent appli-*
3 *cants.*

4 **SEC. 107. FEE REDUCTION FOR SMALL AND MICRO ENTI-**
5 **TIES.**

6 (a) *TITLE 35.—Section 41(h) of title 35, United States*
7 *Code, is amended—*

8 (1) *in paragraph (1), by striking “50 percent”*
9 *and inserting “60 percent”; and*

10 (2) *in paragraph (3), by striking “75 percent”*
11 *and inserting “80 percent”.*

12 (b) *FALSE CERTIFICATIONS.—Title 35, United States*
13 *Code, is amended—*

14 (1) *in section 41, by adding at the end the fol-*
15 *lowing:*

16 “(j) *PENALTY FOR FALSE ASSERTIONS.—In addition*
17 *to any other penalty available under law, an entity that*
18 *is found to have falsely asserted entitlement to a fee reduc-*
19 *tion under this section shall be subject to a fine, to be deter-*
20 *mined by the Director, the amount of which shall be not*
21 *less than 3 times the amount that the entity failed to pay*
22 *as a result of the false assertion, whether the Director dis-*
23 *covers the false assertion before or after the date on which*
24 *a patent has been issued.”; and*

2650

1 (2) *in section 123, by adding at the end the fol-*
2 *lowing:*

3 “(f) *PENALTY FOR FALSE CERTIFICATIONS.*—*In addi-*
4 *tion to any other penalty available under law, an entity*
5 *that is found to have falsely made a certification under this*
6 *section shall be subject to a fine, to be determined by the*
7 *Director, the amount of which shall be not less than 3 times*
8 *the amount that the entity failed to pay as a result of the*
9 *false certification, whether the Director discovers the false*
10 *certification before or after the date on which a patent has*
11 *been issued.”.*

12 (c) *LEAHY-SMITH AMERICA INVENTS ACT.*—*Section*
13 *10(b) of the Leahy Smith America Invents Act (35 U.S.C.*
14 *41 note) is amended—*

15 (1) *by striking “50 percent” and inserting “60*
16 *percent”; and*

17 (2) *by striking “75 percent” and inserting “80*
18 *percent”.*

19 (d) *STUDY ON FEES.*—

20 (1) *IN GENERAL.*—*Not later than 2 years after*
21 *the date of enactment of this Act, the Director shall—*

22 (A) *complete a study of the fees charged by*
23 *the Office; and*

24 (B) *submit the results of the study required*
25 *under subparagraph (A) to the Committee on the*

2651

1 *Judiciary of the Senate and the Committee on*
2 *the Judiciary of the House of Representatives.*

3 (2) *SCOPE OF STUDY.*—*The study required under*
4 *paragraph (1)(A) shall—*

5 *(A) assess whether—*

6 *(i) fees for small and micro entities are*
7 *inhibiting the filing of patent applications*
8 *by those entities;*

9 *(ii) fees for examination should ap-*
10 *proximately match the costs of examination*
11 *and what incentives are created by using*
12 *maintenance fees to cover the costs of exam-*
13 *ination; and*

14 *(iii) the results of the assessments per-*
15 *formed under clauses (i) and (ii) counsel in*
16 *favor of changes to the fee structure of the*
17 *Office, such as—*

18 *(I) raising standard application*
19 *and examination fees;*

20 *(II) reducing standard mainte-*
21 *nance fees; and*

22 *(III) reducing the fees for small*
23 *and micro entities as a percentage of*
24 *standard application fees; and*

2652

1 (B) make recommendations for such admin-
2 istrative and legislative action as may be appro-
3 priate.

4 ***DIVISION X—EXTENSION OF AU-***
5 ***THORIZATION FOR SPECIAL***
6 ***ASSESSMENT FOR DOMESTIC***
7 ***TRAFFICKING VICTIMS’ FUND***

8 ***SEC. 101. EXTENSION OF AUTHORIZATION FOR SPECIAL AS-***
9 ***SESSMENT FOR DOMESTIC TRAFFICKING VIC-***
10 ***TIMS’ FUND.***

11 Section 3014(a) of title 18, United States Code, is
12 amended, in the matter preceding paragraph (1), by strik-
13 ing “December 23, 2022” and inserting “December 23,
14 2024”.

15 ***DIVISION Y—CONTRACT ACT OF***
16 ***2022***

17 ***SEC. 101. SHORT TITLE.***

18 This division may be cited as the “Continuity for Op-
19 erators with Necessary Training Required for ATC Con-
20 tract Towers Act of 2022” or the “CONTRACT Act of
21 2022”.

22 ***SEC. 102. ANNUITY SUPPLEMENT.***

23 Section 8421a(c) of title 5, United States Code, is
24 amended—

2653

1 (1) by striking “as an air traffic” and inserting
2 the following: “as an—
3 “(1) air traffic”;
4 (2) in paragraph (1), as so designated, by strik-
5 ing the period at the end and inserting “; or”; and
6 (3) by adding at the end the following:
7 “(2) air traffic controller pursuant to a contract
8 made with the Secretary of Transportation under sec-
9 tion 47124 of title 49.”.

10 ***DIVISION Z—COVS ACT***

11 ***SEC. 101. SHORT TITLE.***

12 This division may be cited as the “Computers for Vet-
13 erans and Students Act of 2022” or the “COVS Act”.

14 ***SEC. 102. FINDINGS.***

15 Congress finds the following:

16 (1) Access to computers and computer technology
17 is indispensable for success in the 21st century. Mil-
18 lions of Americans do not regularly use a computer
19 and research shows that substantial disparities re-
20 main in both internet use and the quality of access,
21 with the digital divide concentrated among older, less
22 educated, less affluent populations, especially vet-
23 erans, low-income students, and senior citizens.

24 (2) The COVID–19 pandemic has highlighted the
25 gap between those with computer access and those

2654

1 *without. Millions of students, their families, and*
2 *workers from across the economy were unable to do*
3 *schoolwork, work remotely from home, or connect to*
4 *loved ones and their communities because of the dig-*
5 *ital divide.*

6 (3) *Any Federal program that distributes sur-*
7 *plus, repairable Federal computers or technology*
8 *equipment would benefit from a partnership with a*
9 *nonprofit organization whose mission is bridging the*
10 *digital divide.*

11 **SEC. 103. REFURBISHMENT AND DISTRIBUTION OF SUR-**
12 **PLUS COMPUTERS AND TECHNOLOGY EQUIP-**
13 **MENT.**

14 (a) *IN GENERAL.*—Subchapter III of chapter 5 of title
15 40, United States Code, is amended by inserting after sec-
16 tion 549 the following:

17 **“§ 549a. Donation of personal property through non-**
18 **profit refurbishers**

19 “(a) *AUTHORIZATION.*—Not later than 30 days after
20 the date on which the Administrator provides State agencies
21 for surplus property an opportunity to review surplus com-
22 puter or technology equipment under section 549, the Ad-
23 ministrator shall, as appropriate, transfer full title to such
24 surplus computer or technology equipment that is deter-
25 mined to be eligible under subsection (b)(1) to nonprofit

2655

1 *computer refurbishers for repair, distribution, and subse-*
2 *quent transfer of full title of the equipment to eligible recipi-*
3 *ents under this section.*

4 “(b) *ELIGIBILITY, PARTICIPATION, AND DUTIES.—*

5 “(1) *ELIGIBILITY.—*Surplus computer or tech-
6 *nology equipment is eligible for transfer under this*
7 *section if a Federal agency determines that—*

8 “(A) *the surplus computer or technology*
9 *equipment is repairable; and*

10 “(B) *the surplus computer or technology*
11 *equipment meets the Guidelines for Media Sani-*
12 *tization issued by the National Institute of*
13 *Standards and Technology (NIST Special Publi-*
14 *cation 800–88), or any successor thereto.*

15 “(2) *PARTICIPATION.—*The Administrator may
16 *establish partnerships with nongovernmental entities,*
17 *at no cost and through cooperative agreements, to fa-*
18 *cilitate the identification and participation of non-*
19 *profit computer refurbishers under this section.*

20 “(3) *DUTIES OF REFURBISHERS.—*A nonprofit
21 *computer refurbisher that receives surplus computer*
22 *or technology equipment under this section shall—*

23 “(A) *make necessary repairs to restore the*
24 *surplus computer or technology equipment to*
25 *working order;*

2656

1 “(B) distribute the repaired surplus com-
2 puter or technology equipment to eligible recipi-
3 ents at no cost, except to the extent—

4 “(i) necessary to facilitate shipping
5 and handling of such equipment; and

6 “(ii) that such cost is consistent with
7 any regulations promulgated by the Admin-
8 istrator under subsection (d);

9 “(C) offer training programs on the use of
10 the repaired computers and technology equip-
11 ment for the recipients of the equipment; and

12 “(D) use recyclers to the maximum extent
13 practicable in the event that surplus computer or
14 technology equipment transferred under this sec-
15 tion cannot be repaired or reused.

16 “(c) *REPORTING REQUIREMENTS.*—

17 “(1) *REFURBISHER REPORTS.*—A nonprofit
18 computer refurbisher that receives surplus computer
19 or technology equipment under this section shall pro-
20 vide the Administrator with any information the Ad-
21 ministrator determines to be necessary for required
22 reporting—

23 “(A) including information about the dis-
24 tribution of such equipment; and

2657

1 “(B) which shall not include any personal
2 identifying information about the recipient of
3 such equipment apart from whether a recipient
4 is an educational institution, individual with
5 disabilities, low-income individual, student, sen-
6 ior in need, or veteran for the purposes of eligi-
7 bility under this section.

8 “(2) *ADMINISTRATOR REPORTS.*—Annually and
9 consistent with reporting requirements for transfers of
10 Federal personal property to non-Federal entities, the
11 Administrator shall submit to Congress and make
12 publicly available a report that includes, for the pe-
13 riod covered by the report—

14 “(A) a description of the efforts of the Ad-
15 ministrator under this section;

16 “(B) a list of nongovernmental entities with
17 which the Administrator had a partnership de-
18 scribed in subsection (b)(2);

19 “(C) a list of nonprofit computer refur-
20 bishers that received, made repairs to, and dis-
21 tributed surplus computer and technology equip-
22 ment, including disclosure of any foreign owner-
23 ship interest in a nonprofit computer refur-
24 bisher; and

2658

1 “(D) a list of donated and subsequently re-
2 paired surplus computer or technology equip-
3 ment identifying—

4 “(i) the Federal agency that donated
5 the surplus computer or technology equip-
6 ment;

7 “(ii) the State and county (or similar
8 unit of local government) where the recipi-
9 ent is located; and

10 “(iii) whether the recipient is an edu-
11 cational institution, individual with dis-
12 abilities, low-income individual, student,
13 senior in need, or veteran.

14 “(3) AGENCY REPORTS.—Not later than 5 years
15 after the date of enactment of this section, and annu-
16 ally thereafter, the head of each Federal agency shall
17 make publicly available a report on the number of
18 pieces of repairable surplus computer or technology
19 equipment that were sent to recycling, abandoned, or
20 destroyed.

21 “(d) REGULATIONS.—The Administrator shall issue
22 regulations that are necessary and appropriate to imple-
23 ment this section, including—

24 “(1) allowing nonprofit computer refurbishers to
25 assess nominal fees (which shall not exceed fair mar-

2659

1 *ket value) on recipients of refurbished surplus com-*
2 *puter or technology equipment to facilitate shipping*
3 *and handling of the surplus computer or technology*
4 *equipment;*

5 *“(2) determining, in coordination with other rel-*
6 *evant Federal agencies, eligibility and certification*
7 *requirements for nongovernmental entities and non-*
8 *profit computer refurbishers to participate in the pro-*
9 *gram established under this section, including whether*
10 *the participation of a nongovernmental entity or non-*
11 *profit computer refurbisher poses any actual or poten-*
12 *tial harm to the national security interests of the*
13 *United States;*

14 *“(3) establishing an efficient process for identi-*
15 *fying eligible recipients; and*

16 *“(4) determining appropriate recyclers to dispose*
17 *of surplus computer or technology equipment if it*
18 *cannot be repaired or refurbished under this section.*

19 *“(e) JUDICIAL REVIEW.—Nothing in this section shall*
20 *be construed to create any substantive or procedural right*
21 *or benefit enforceable by law by a party against the United*
22 *States, its agencies, its officers, or its employees.*

23 *“(f) RULE OF CONSTRUCTION.—Nothing in this sec-*
24 *tion may be construed to supersede the requirements of the*

2660

1 *Stevenson-Wydler Technology Innovation Act of 1980 (Pub-*
2 *lic Law 96–480; 15 U.S.C. 3701 et seq.).*

3 “(g) *DEFINITIONS.—In this section:*

4 “(1) *ADMINISTRATOR.—The term ‘Adminis-*
5 *trator’ means the Administrator of General Services.*

6 “(2) *DIGITAL DIVIDE.—The term ‘digital divide’*
7 *means the gap between those who have an internet-*
8 *connected computer and the skills to use the computer*
9 *and those who do not.*

10 “(3) *DISABILITY.—The term ‘disability’ has the*
11 *meaning given that term in section 3 of the Ameri-*
12 *cans with Disabilities Act of 1990 (42 U.S.C. 12102).*

13 “(4) *EDUCATIONAL INSTITUTION.—The term*
14 *‘educational institution’ means—*

15 “(A) *any public or private child care cen-*
16 *ter, preschool, elementary school, secondary*
17 *school, accredited institution of vocational or*
18 *professional education, or institution of higher*
19 *education;*

20 “(B) *in the case of an accredited institution*
21 *of vocational or professional education or an in-*
22 *stitution of higher education composed of more*
23 *than 1 school, college, or department that is ad-*
24 *ministratively a separate unit, each such school,*
25 *college, or department; and*

2661

1 “(C) a home school (whether treated as a
2 home school or private school for the purposes of
3 applicable State law).

4 “(5) *ELIGIBLE RECIPIENT*.—The term ‘eligible
5 recipient’ means an educational institution, indi-
6 vidual with a disability, low-income individual, stu-
7 dent, senior in need, or veteran that is residing or
8 based in the United States.

9 “(6) *INSTITUTION OF HIGHER EDUCATION*.—The
10 term ‘institution of higher education’ has the meaning
11 given that term in section 101 of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1001).

13 “(7) *LOW-INCOME INDIVIDUAL*.—The term ‘low-
14 income individual’ has the meaning given that term
15 in section 351 of the Small Business Investment Act
16 of 1958 (15 U.S.C. 689).

17 “(8) *NONGOVERNMENTAL ENTITY*.—The term
18 ‘nongovernmental entity’ means an organization or
19 group of organizations that—

20 “(A) are not part of a Federal, State, local,
21 Tribal, or territorial government; and

22 “(B) are nonprofit computer refurbishers or
23 other industry participants that—

24 “(i) primarily work to improve access
25 to information and communication tech-

2662

1 *nology in their mission to bridge the digital*
2 *divide through coordination and oversight*
3 *of computer refurbishment and repair; and*
4 *“(ii) operate in the United States.*

5 *“(9) NONPROFIT COMPUTER REFURBISHER.—*
6 *The term ‘nonprofit computer refurbisher’ means a*
7 *nonprofit organization that—*

8 *“(A) primarily works to improve access to*
9 *information and communication technology in*
10 *their mission to bridge the digital divide; and*

11 *“(B) operates in the United States.*

12 *“(10) NONPROFIT ORGANIZATION.—The term*
13 *‘nonprofit organization’ means an organization that*
14 *is described under section 501(c)(3) of the Internal*
15 *Revenue Code of 1986 and is exempt from taxation*
16 *under section 501(a) of such Code.*

17 *“(11) REPAIRABLE.—The term ‘repairable’*
18 *means property that is unusable in its current state*
19 *but can be economically repaired.*

20 *“(12) SECONDARY SCHOOL.—The term ‘sec-*
21 *ondary school’ has the meaning given that term in*
22 *section 8101 of the Elementary and Secondary Edu-*
23 *cation Act of 1965 (20 U.S.C. 7801).*

24 *“(13) SENIOR.—The term ‘senior’ means an in-*
25 *dividual who is 65 years of age or older.*

2663

1 “(14) *SENIOR IN NEED.*—*The term ‘senior in*
2 *need’ means a senior who experiences cultural, social,*
3 *or geographical isolation that—*

4 “(A) *restricts the ability of the senior to*
5 *perform normal daily tasks; or*

6 “(B) *threatens the capacity of the senior to*
7 *live independently.*

8 “(15) *STATE AGENCY FOR SURPLUS PROP-*
9 *ERTY.*—*The term ‘State agency for surplus property’*
10 *has the meaning given the term ‘state agency’ under*
11 *section 549(a).*

12 “(16) *STUDENT.*—*The term ‘student’ means any*
13 *individual enrolled in an educational institution, but*
14 *not a public or private child care center.*

15 “(17) *SURPLUS COMPUTER OR TECHNOLOGY*
16 *EQUIPMENT.*—*The term ‘surplus computer or tech-*
17 *nology equipment’ means computer or technology*
18 *equipment that is property described under section*
19 *549(b)(2).*

20 “(18) *TECHNOLOGY EQUIPMENT.*—*The term*
21 *‘technology equipment’ means any physical asset re-*
22 *lated to a computer or information technology, in-*
23 *cluding any peripheral component, tablet, commu-*
24 *nication device (such as a router, server, or cell*

2664

1 *phone), printer, scanner, uninterruptible power*
2 *source, cable, or connection.*

3 “(19) *VETERAN.*—*The term ‘veteran’ has the*
4 *meaning given that term in section 101 of title 38.”.*

5 *(b) CONFORMING AMENDMENT.*—*The table of sections*
6 *for chapter 5 of title 40, United States Code, is amended*
7 *by inserting after the item relating to section 549 the fol-*
8 *lowing:*

“549a. Donation of personal property through nonprofit refurbishers.”.

9 ***DIVISION AA—FINANCIAL***
10 ***SERVICES MATTERS***
11 ***TITLE I—REGISTRATION FOR***
12 ***INDEX-LINKED ANNUITIES***

13 ***SEC. 101. PARITY FOR REGISTERED INDEX-LINKED ANNU-***
14 ***ITIES REGARDING REGISTRATION RULES.***

15 *(a) DEFINITIONS.—In this section:*

16 *(1) COMMISSION.—The term “Commission”*
17 *means the Securities and Exchange Commission.*

18 *(2) INVESTMENT COMPANY.—The term “invest-*
19 *ment company” has the meaning given the term in*
20 *section 3 of the Investment Company Act of 1940 (15*
21 *U.S.C. 80a–3).*

22 *(3) MARKET VALUE ADJUSTMENT.—The term*
23 *“market value adjustment” means, with respect to a*
24 *registered index-linked annuity, after an early with-*
25 *drawal or contract discontinuance—*

2665

1 (A) an adjustment to the value of that an-
2 nuity based on calculations using a predeter-
3 mined formula; or

4 (B) a change in interest rates (or other fac-
5 tor, as determined by the Commission) that
6 apply to that annuity.

7 (4) *PURCHASER*.—The term “purchaser” means
8 a purchaser of a registered index-linked annuity.

9 (5) *REGISTERED INDEX-LINKED ANNUITY*.—The
10 term “registered index-linked annuity” means an an-
11 nuity—

12 (A) that is deemed to be a security;

13 (B) that is registered with the Commission
14 in accordance with section 5 of the Securities Act
15 of 1933 (15 U.S.C. 77e);

16 (C) that is issued by an insurance company
17 that is subject to the supervision of—

18 (i) the insurance commissioner or bank
19 commissioner of any State; or

20 (ii) any agency or officer performing
21 like functions as a commissioner described
22 in clause (i);

23 (D) that is not issued by an investment
24 company; and

25 (E) the returns of which—

2666

1 (i) are based on the performance of a
2 specified benchmark index or rate (or a reg-
3 istered exchange traded fund that seeks to
4 track the performance of a specified bench-
5 mark index or rate); and

6 (ii) may be subject to a market value
7 adjustment if amounts are withdrawn be-
8 fore the end of the period during which that
9 market value adjustment applies.

10 (6) *SECURITY.*—The term “security” has the
11 meaning given the term in section 2(a) of the *Securi-*
12 ties Act of 1933 (15 U.S.C. 77b(a)).

13 (b) *RULES.*—

14 (1) *IN GENERAL.*—Not later than 180 days after
15 the date of enactment of this Act, the Commission
16 shall propose, and, not later than 18 months after the
17 date of enactment of this Act, the Commission shall
18 prepare and finalize, new or amended rules, as ap-
19 propriate, to establish a new form in accordance with
20 paragraph (2) on which an issuer of a registered
21 index-linked annuity may register that registered
22 index-linked annuity, subject to conditions the Com-
23 mission determines appropriate, which may include
24 requiring the issuer to take the steps described in sec-
25 tion 240.12h–7(e) of title 17, Code of Federal Regula-

2667

1 *tions, or any successor regulation, with respect to the*
2 *registered index-linked annuity.*

3 (2) *DESIGN OF FORM.*—*In developing the form*
4 *required to be established under paragraph (1), the*
5 *Commission shall—*

6 (A) *design the form to ensure that a pur-*
7 *chaser using the form receives the information*
8 *necessary to make knowledgeable decisions, tak-*
9 *ing into account—*

10 (i) *the availability of information;*

11 (ii) *the knowledge and sophistication of*
12 *that class of purchasers;*

13 (iii) *the complexity of the registered*
14 *index-linked annuity; and*

15 (iv) *any other factor the Commission*
16 *determines appropriate;*

17 (B) *engage in investor testing; and*

18 (C) *incorporate the results of the testing re-*
19 *quired under subparagraph (B) in the design of*
20 *the form, with the goal of ensuring that key in-*
21 *formation is conveyed in terms that a purchaser*
22 *is able to understand.*

23 (c) *TREATMENT IF RULES NOT PREPARED AND FINAL-*
24 *IZED IN A TIMELY MANNER.*—

2668

1 (1) *IN GENERAL.*—*If, as of the date that is 18*
2 *months after the date of enactment of this Act, the*
3 *Commission has failed to prepare and finalize the*
4 *rules required under subsection (b)(1), any registered*
5 *index-linked annuity may be registered on the form*
6 *described in section 239.17b of title 17, Code of Fed-*
7 *eral Regulations, or any successor regulation.*

8 (2) *PREPARATION.*—*A registration described in*
9 *paragraph (1) shall be prepared pursuant to applica-*
10 *ble provisions of the form described in that para-*
11 *graph.*

12 (3) *TERMINATION.*—*This subsection shall termi-*
13 *nate upon the establishment by the Commission of the*
14 *form described in subsection (b).*

15 (d) *RULES OF CONSTRUCTION.*—*Nothing in this sec-*
16 *tion may be construed to—*

17 (1) *limit the authority of the Commission to—*

18 (A) *determine the information to be re-*
19 *quested in the form described in subsection (b);*
20 *or*

21 (B) *extend the eligibility for the form de-*
22 *scribed in subsection (b) to a product that is*
23 *similar to, but is not, a registered index-linked*
24 *annuity; or*

2669

1 (2) *preempt any State law, regulation, rule, or*
2 *order.*

3 ***TITLE II—MASIH ALINEJAD***
4 ***HUNT ACT OF 2022***

5 ***SEC. 201. SHORT TITLE.***

6 *This title may be cited as the “Masih Alinejad Harass-*
7 *ment and Unlawful Targeting Act of 2022” or the “Masih*
8 *Alinejad HUNT Act of 2022”.*

9 ***SEC. 202. FINDINGS.***

10 *Congress finds that the Government of the Islamic Re-*
11 *public of Iran surveils, harasses, terrorizes, tortures, ab-*
12 *ducts, and murders individuals who peacefully defend*
13 *human rights and freedoms in Iran, and innocent entities*
14 *and individuals considered by the Government of Iran to*
15 *be enemies of that regime, including United States citizens*
16 *on United States soil, and takes foreign nationals hostage,*
17 *including in the following instances:*

18 (1) *In 2021, Iranian intelligence agents were in-*
19 *dicted for plotting to kidnap United States citizen,*
20 *women’s rights activist, and journalist Masih*
21 *Alinejad, from her home in New York City, in retalia-*
22 *tion for exercising her rights under the First Amend-*
23 *ment to the Constitution of the United States. Ira-*
24 *nian agents allegedly spent at least approximately*
25 *half a million dollars to capture the outspoken critic*

2670

1 *of the authoritarianism of the Government of Iran,*
2 *and studied evacuating her by military-style speed-*
3 *boats to Venezuela before rendition to Iran.*

4 (2) *Prior to the New York kidnapping plot, Ms.*
5 *Alinejad's family in Iran was instructed by authori-*
6 *ties to lure Ms. Alinejad to Turkey. In an attempt to*
7 *intimidate her into silence, the Government of Iran*
8 *arrested 3 of Ms. Alinejad's family members in 2019,*
9 *and sentenced her brother to 8 years in prison for re-*
10 *fusing to denounce her.*

11 (3) *According to Federal prosecutors, the same*
12 *Iranian intelligence network that allegedly plotted to*
13 *kidnap Ms. Alinejad is also targeting critics of the*
14 *Government of Iran who live in Canada, the United*
15 *Kingdom, and the United Arab Emirates.*

16 (4) *In 2021, an Iranian diplomat was convicted*
17 *in Belgium of attempting to carry out a 2018 bomb-*
18 *ing of a dissident rally in France.*

19 (5) *In 2021, a Danish high court found a Nor-*
20 *wegian citizen of Iranian descent guilty of illegal es-*
21 *pionage and complicity in a failed plot to kill an Ira-*
22 *nian Arab dissident figure in Denmark.*

23 (6) *In 2021, the British Broadcasting Corpora-*
24 *tion (BBC) appealed to the United Nations to protect*
25 *BBC Persian employees in London who suffer regular*

2671

1 *harassment and threats of kidnapping by Iranian*
2 *government agents.*

3 *(7) In 2021, 15 militants allegedly working on*
4 *behalf of the Government of Iran were arrested in*
5 *Ethiopia for plotting to attack citizens of Israel, the*
6 *United States, and the United Arab Emirates, ac-*
7 *cording to United States officials.*

8 *(8) In 2020, Iranian agents allegedly kidnapped*
9 *United States resident and Iranian-German jour-*
10 *nalist Jamshid Sharmahd, while he was traveling to*
11 *India through Dubai. Iranian authorities announced*
12 *they had seized Mr. Sharmahd in “a complex oper-*
13 *ation”, and paraded him blindfolded on state tele-*
14 *vision. Mr. Sharmahd is arbitrarily detained in Iran,*
15 *allegedly facing the death penalty. In 2009, Mr.*
16 *Sharmahd was the target of an alleged Iran-directed*
17 *assassination plot in Glendora, California.*

18 *(9) In 2020, the Government of Turkey released*
19 *counterterrorism files exposing how Iranian authori-*
20 *ties allegedly collaborated with drug gangs to kidnap*
21 *Habib Chabi, an Iranian-Swedish activist for Iran’s*
22 *Arab minority. In 2020, the Government of Iran al-*
23 *legedly lured Mr. Chabi to Istanbul through a female*
24 *agent posing as a potential lover. Mr. Chabi was then*

2672

1 *allegedly kidnapped from Istanbul, and smuggled into*
2 *Iran where he faces execution, following a sham trial.*

3 *(10) In 2020, a United States-Iranian citizen*
4 *and an Iranian resident of California pleaded guilty*
5 *to charges of acting as illegal agents of the Govern-*
6 *ment of Iran by surveilling Jewish student facilities,*
7 *including the Hillel Center and Rohr Chabad Center*
8 *at the University of Chicago, in addition to*
9 *surveilling and collecting identifying information*
10 *about United States citizens and nationals who are*
11 *critical of the Iranian regime.*

12 *(11) In 2019, 2 Iranian intelligence officers at*
13 *the Iranian consulate in Turkey allegedly orchestrated*
14 *the assassination of Iranian dissident journalist*
15 *Masoud Molavi Vardanjani, who was shot while walk-*
16 *ing with a friend in Istanbul. Unbeknownst to Mr.*
17 *Molavi, his “friend” was in fact an undercover Ira-*
18 *nian agent and the leader of the killing squad, ac-*
19 *cording to a Turkish police report.*

20 *(12) In 2019, around 1,500 people were allegedly*
21 *killed amid a less than 2 week crackdown by security*
22 *forces on anti-government protests across Iran, in-*
23 *cluding at least an alleged 23 children and 400*
24 *women.*

2673

1 (13) *In 2019, Iranian operatives allegedly lured*
2 *Paris-based Iranian journalist Ruhollah Zam to Iraq,*
3 *where he was abducted, and hanged in Iran for sedi-*
4 *tion.*

5 (14) *In 2019, a Kurdistan regional court con-*
6 *victed an Iranian female for trying to lure Voice of*
7 *America reporter Ali Javanmardi to a hotel room in*
8 *Irbil, as part of a foiled Iranian intelligence plot to*
9 *kidnap and extradite Mr. Javanmardi, a critic of the*
10 *Government of Iran.*

11 (15) *In 2019, Federal Bureau of Investigation*
12 *agents visited the rural Connecticut home of Iran-*
13 *born United States author and poet Roya Hakakian*
14 *to warn her that she was the target of an assassina-*
15 *tion plot orchestrated by the Government of Iran.*

16 (16) *In 2019, the Government of the Netherlands*
17 *accused the Government of Iran of directing the assas-*
18 *sination of Iranian Arab activist Ahmad Mola Nissi,*
19 *in The Hague, and the assassination of another oppo-*
20 *sition figure, Reza Kolahi Samadi, who was mur-*
21 *dered near Amsterdam in 2015.*

22 (17) *In 2018, German security forces searched*
23 *for 10 alleged spies who were working for Iran's al-*
24 *Quds Force to collect information on targets related*

2674

1 *to the local Jewish community, including kinder-*
2 *gartens.*

3 *(18) In 2017, Germany convicted a Pakistani*
4 *man for working as an Iranian agent to spy on tar-*
5 *gets including a former German lawmaker and a*
6 *French-Israeli economics professor.*

7 *(19) In 2012, an Iranian American pleaded*
8 *guilty to conspiring with members of the Iranian*
9 *military to bomb a popular Washington, DC, res-*
10 *taurant with the aim of assassinating the ambassador*
11 *of Saudi Arabia to the United States.*

12 *(20) In 1996, agents of the Government of Iran*
13 *allegedly assassinated 5 Iranian dissident exiles*
14 *across Turkey, Pakistan, and Baghdad, over a 5-*
15 *month period that year.*

16 *(21) In 1992, the Foreign and Commonwealth*
17 *Office of the United Kingdom expelled 2 Iranians em-*
18 *ployed at the Iranian Embassy in London and a*
19 *third Iranian on a student visa amid allegations they*
20 *were plotting to kill Indian-born British American*
21 *novelist Salman Rushdie, pursuant to the fatwa*
22 *issued by then supreme leader of Iran, Ayatollah*
23 *Ruhollah Khomeini.*

2675

1 (22) *In 1992, 4 Iranian Kurdish dissidents were*
2 *assassinated at a restaurant in Berlin, Germany, al-*
3 *legedly by Iranian agents.*

4 (23) *In 1992, singer, actor, poet, and gay Ira-*
5 *nian dissident Fereydown Farrokhzad was found dead*
6 *with multiple stab wounds in his apartment in Ger-*
7 *many. His death is allegedly the work of Iran-di-*
8 *rected agents.*

9 (24) *In 1980, Ali Akbar Tabatabaei, a leading*
10 *critic of Iran and then president of the Iran Freedom*
11 *Foundation, was murdered in front of his Bethesda,*
12 *Maryland, home by an assassin disguised as a postal*
13 *courier. The Federal Bureau of Investigation had*
14 *identified the “mailman” as Dawud Salahuddin,*
15 *born David Theodore Belfield. Mr. Salahuddin was*
16 *working as a security guard at an Iranian interest*
17 *office in Washington, DC, when he claims he accepted*
18 *the assignment and payment of \$5,000 from the Gov-*
19 *ernment of Iran to kill Mr. Tabatabaei.*

20 (25) *Other exiled Iranian dissidents alleged to*
21 *have been victims of the Government of Iran’s mur-*
22 *derous extraterritorial campaign include Shahriar*
23 *Shafiq, Shapour Bakhtiar, and Gholam Ali Oveissi.*

24 (26) *Iranian Americans face an ongoing cam-*
25 *paign of intimidation both in the virtual and phys-*

2676

1 ical world by agents and affiliates of the Government
2 of Iran, which aims to stifle freedom of expression
3 and eliminate the threat Iranian authorities believe
4 democracy, justice, and gender equality pose to their
5 rule.

6 **SEC. 203. DEFINITIONS.**

7 *In this title:*

8 (1) *ADMISSION; ADMITTED; ALIEN.*—*The terms*
9 *“admission”, “admitted”, and “alien” have the mean-*
10 *ings given those terms in section 101 of the Immigra-*
11 *tion and Nationality Act (8 U.S.C. 1101).*

12 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
13 *TEES.*—*The term “appropriate congressional commit-*
14 *tees” means—*

15 (A) *the Committee on Banking, Housing,*
16 *and Urban Affairs, the Committee on Foreign*
17 *Relations, the Committee on the Judiciary, and*
18 *the Select Committee on Intelligence of the Sen-*
19 *ate; and*

20 (B) *the Committee on Financial Services,*
21 *the Committee on Foreign Affairs, the Committee*
22 *on the Judiciary, and the Permanent Select*
23 *Committee on Intelligence of the House of Rep-*
24 *resentatives.*

2677

1 (3) *CORRESPONDENT ACCOUNT; PAYABLE-*
2 *THROUGH ACCOUNT.*—*The terms “correspondent ac-*
3 *count” and “payable-through account” have the*
4 *meanings given those terms in section 5318A of title*
5 *31, United States Code.*

6 (4) *FOREIGN FINANCIAL INSTITUTION.*—*The term*
7 *“foreign financial institution” has the meaning of*
8 *that term as determined by the Secretary of the*
9 *Treasury pursuant to section 104(i) of the Com-*
10 *prehensive Iran Sanctions, Accountability, and Di-*
11 *vestment Act of 2010 (22 U.S.C. 8513(i)).*

12 (5) *FOREIGN PERSON.*—*The term “foreign per-*
13 *son” means any individual or entity that is not a*
14 *United States person.*

15 (6) *UNITED STATES PERSON.*—*The term “United*
16 *States person” means—*

17 (A) *a United States citizen or an alien law-*
18 *fully admitted for permanent residence to the*
19 *United States; or*

20 (B) *an entity organized under the laws of*
21 *the United States or any jurisdiction within the*
22 *United States, including a foreign branch of*
23 *such an entity.*

2678

1 **SEC. 204. REPORT AND IMPOSITION OF SANCTIONS WITH**
2 **RESPECT TO PERSONS WHO ARE RESPON-**
3 **SIBLE FOR OR COMPLICIT IN ABUSES TO-**
4 **WARD DISSIDENTS ON BEHALF OF THE GOV-**
5 **ERNMENT OF IRAN.**

6 *(a) REPORT REQUIRED.—*

7 *(1) IN GENERAL.—Not later than 180 days after*
8 *the date of the enactment of this Act, the Secretary of*
9 *State, in consultation with the Secretary of the Treas-*
10 *ury, the Director of National Intelligence, and the At-*
11 *torney General, shall submit to the appropriate con-*
12 *gressional committees a report that—*

13 *(A) includes a detailed description and as-*
14 *essment of—*

15 *(i) the state of human rights and the*
16 *rule of law inside Iran, including the treat-*
17 *ment of marginalized individuals and com-*
18 *munities in Iran;*

19 *(ii) actions taken by the Government of*
20 *Iran during the year preceding submission*
21 *of the report to target and silence dissidents*
22 *both inside and outside of Iran who advo-*
23 *cate for human rights inside Iran;*

24 *(iii) the methods used by the Govern-*
25 *ment of Iran to target and silence dissidents*
26 *both inside and outside of Iran; and*

† HR 2617 EAS2

2679

1 (iv) the means through which the Gov-
2 ernment of Iran finances efforts to target
3 and silence dissidents both inside and out-
4 side of Iran and the amount of that financ-
5 ing;

6 (B) identifies foreign persons working as
7 part of the Government of Iran or acting on be-
8 half of that Government or its proxies that are
9 involved in harassment and surveillance and
10 that the Secretary of State may also, as appro-
11 priate, determine, in consultation with the Sec-
12 retary of the Treasury, are knowingly responsible
13 for, complicit in, or involved in ordering, con-
14 spiring, planning, or implementing the surveil-
15 lance, harassment, kidnapping, illegal extra-
16 dition, imprisonment, torture, killing, or assas-
17 sination, on or after the date of the enactment of
18 this Act, of citizens of Iran (including citizens of
19 Iran of dual nationality) or citizens of the
20 United States, inside or outside Iran, who seek—

21 (i) to expose illegal or corrupt activity
22 carried out by officials of the Government of
23 Iran; or

24 (ii) to obtain, exercise, defend, or pro-
25 mote the human rights of individuals, in-

2680

1 cluding members of marginalized commu-
2 nities, in Iran; and

3 (C) includes, for each foreign person identi-
4 fied under subparagraph (B), a clear expla-
5 nation for why the foreign person was so identi-
6 fied.

7 (2) *UPDATES OF REPORT.*—The report required
8 by paragraph (1) shall be updated, and the updated
9 version submitted to the appropriate congressional
10 committees, during the 10-year period following the
11 date of the enactment of this Act—

12 (A) not less frequently than annually; and

13 (B) with respect to matters relating to the
14 identification of foreign persons under para-
15 graph (1)(B), on an ongoing basis as appro-
16 priate.

17 (3) *FORM OF REPORT.*—

18 (A) *IN GENERAL.*—Each report required by
19 paragraph (1) and each update required by
20 paragraph (2) shall be submitted in unclassified
21 form but may include a classified annex.

22 (B) *PUBLIC AVAILABILITY.*—The Secretary
23 of State shall post the unclassified portion of
24 each report required by paragraph (1) and each
25 update required by paragraph (2) on a publicly

2681

1 *available internet website of the Department of*
2 *State.*

3 **(b) IMPOSITION OF SANCTIONS.**—*In the case of a for-*
4 *eign person identified under paragraph (1)(B) of subsection*
5 *(a) in the most recent report or update submitted under*
6 *that subsection, the President shall impose the sanctions de-*
7 *scribed in subsection (c), pursuant to this section or an ap-*
8 *propriate Executive authority.*

9 **(c) SANCTIONS DESCRIBED.**—*The sanctions described*
10 *in this subsection are the following:*

11 **(1) BLOCKING OF PROPERTY.**—*The President*
12 *shall exercise all powers granted to the President by*
13 *the International Emergency Economic Powers Act*
14 *(50 U.S.C. 1701 et seq.) to the extent necessary to*
15 *block and prohibit all transactions in all property*
16 *and interests in property of a foreign person described*
17 *in subsection (a)(1)(B) if such property and interests*
18 *in property are in the United States, come within the*
19 *United States, or are or come within the possession*
20 *or control of a United States person.*

21 **(2) INADMISSIBILITY OF CERTAIN INDIVIDUALS**
22 *.—*

23 **(A) INELIGIBILITY FOR VISAS AND ADMIS-**
24 **SION TO THE UNITED STATES.**—*In the case of a*

2682

1 *foreign person described in subsection (a)(1)(B)*
2 *who is an individual, the individual is—*

3 *(i) inadmissible to the United States;*

4 *(ii) ineligible to receive a visa or other*
5 *documentation to enter the United States;*
6 *and*

7 *(iii) otherwise ineligible to be admitted*
8 *or paroled into the United States or to re-*
9 *ceive any other benefit under the Immigra-*
10 *tion and Nationality Act (8 U.S.C. 1101 et*
11 *seq.).*

12 *(B) CURRENT VISAS REVOKED.—*

13 *(i) IN GENERAL.—The visa or other*
14 *entry documentation of an individual de-*
15 *scribed in subparagraph (A) shall be re-*
16 *voked, regardless of when such visa or other*
17 *entry documentation is or was issued.*

18 *(ii) IMMEDIATE EFFECT.—A revoca-*
19 *tion under clause (i) shall—*

20 *(I) take effect immediately; and*

21 *(II) automatically cancel any*
22 *other valid visa or entry documenta-*
23 *tion that is in the individual's posses-*
24 *sion.*

2683

1 **SEC. 205. REPORT AND IMPOSITION OF SANCTIONS WITH**
2 **RESPECT TO FOREIGN FINANCIAL INSTITU-**
3 **TIONS CONDUCTING SIGNIFICANT TRANS-**
4 **ACTIONS WITH PERSONS RESPONSIBLE FOR**
5 **OR COMPLICIT IN ABUSES TOWARD DIS-**
6 **SIDENTS ON BEHALF OF THE GOVERNMENT**
7 **OF IRAN.**

8 (a) *REPORT REQUIRED.*—Not earlier than 30 days
9 and not later than 60 days after the Secretary of State sub-
10 mits to the appropriate congressional committees a report
11 required by section 204(a), the Secretary of the Treasury,
12 in consultation with the Secretary of State, shall submit
13 to the appropriate congressional committees a report that
14 identifies any foreign financial institution that knowingly
15 conducts a significant transaction with a foreign person
16 identified in the report submitted under section 204(a) on
17 or after the date on which the foreign person is identified
18 in that report.

19 (b) *IMPOSITION OF SANCTIONS.*—The Secretary of the
20 Treasury may prohibit the opening, or prohibit or impose
21 strict conditions on the maintaining, in the United States
22 of a correspondent account or a payable-through account
23 by a foreign financial institution identified under sub-
24 section (a).

25 **SEC. 206. EXCEPTIONS; WAIVERS; IMPLEMENTATION.**

26 (a) *EXCEPTIONS.*—

† HR 2617 EAS2

2684

1 (1) *EXCEPTION FOR INTELLIGENCE, LAW EN-*
2 *FORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—*
3 *Sanctions under sections 204 and 205 shall not apply*
4 *to any authorized intelligence, law enforcement, or*
5 *national security activities of the United States.*

6 (2) *EXCEPTION TO COMPLY WITH UNITED NA-*
7 *TIONS HEADQUARTERS AGREEMENT.—Sanctions*
8 *under section 204(c)(2) shall not apply with respect*
9 *to the admission of an individual to the United*
10 *States if the admission of the individual is necessary*
11 *to permit the United States to comply with the Agree-*
12 *ment regarding the Headquarters of the United Na-*
13 *tions, signed at Lake Success June 26, 1947, and en-*
14 *tered into force November 21, 1947, between the*
15 *United Nations and the United States, the Conven-*
16 *tion on Consular Relations, done at Vienna April 24,*
17 *1963, and entered into force March 19, 1967, or other*
18 *applicable international obligations.*

19 (b) *NATIONAL INTERESTS WAIVER.—The President*
20 *may waive the application of sanctions under section 204*
21 *with respect to a person if the President—*

22 (1) *determines that the waiver is in the national*
23 *interests of the United States; and*

2685

1 (2) *submits to the appropriate congressional*
2 *committees a report on the waiver and the reasons for*
3 *the waiver.*

4 (c) *IMPLEMENTATION; PENALTIES.—*

5 (1) *IMPLEMENTATION.—The President may exer-*
6 *cise all authorities provided to the President under*
7 *sections 203 and 205 of the International Emergency*
8 *Economic Powers Act (50 U.S.C. 1702 and 1704) to*
9 *carry out this title.*

10 (2) *PENALTIES.—A person that violates, at-*
11 *tempts to violate, conspires to violate, or causes a vio-*
12 *lation of section 204(c)(1) or 205(b) or any regula-*
13 *tion, license, or order issued to carry out either such*
14 *section shall be subject to the penalties set forth in*
15 *subsections (b) and (c) of section 206 of the Inter-*
16 *national Emergency Economic Powers Act (50 U.S.C.*
17 *1705) to the same extent as a person that commits an*
18 *unlawful act described in subsection (a) of that sec-*
19 *tion.*

20 **SEC. 207. EXCEPTION RELATING TO IMPORTATION OF**
21 **GOODS.**

22 (a) *IN GENERAL.—Notwithstanding any other provi-*
23 *sion of this title, the authorities and requirements to impose*
24 *sanctions under this title shall not include the authority*

2686

1 *or a requirement to impose sanctions on the importation*
2 *of goods.*

3 (b) *GOOD DEFINED.—In this section, the term “good”*
4 *means any article, natural or manmade substance, mate-*
5 *rial, supply or manufactured product, including inspection*
6 *and test equipment, and excluding technical data.*

7 ***TITLE III—TRADING***
8 ***PROHIBITIONS***

9 ***SEC. 301. TRADING PROHIBITION FOR 2 CONSECUTIVE***
10 ***NON-INSPECTION YEARS.***

11 *Section 104(i) of the Sarbanes-Oxley Act of 2002 (15*
12 *U.S.C. 7214(i)) is amended—*

13 (1) *in paragraph (2)(A)(ii), by striking “the for-*
14 *foreign jurisdiction described in clause (i)” and insert-*
15 *ing “a foreign jurisdiction”; and*

16 (2) *in paragraph (3)—*

17 (A) *in the paragraph heading, by striking*
18 *“3” and inserting “2”; and*

19 (B) *in subparagraph (A), in the matter pre-*
20 *ceding clause (i), by striking “3” and inserting*
21 *“2”.*

2687

1 **TITLE IV—ANTI-MONEY LAUN-**
2 **DERING WHISTLEBLOWER IM-**
3 **PROVEMENT**

4 **SEC. 401. WHISTLEBLOWER INCENTIVES AND PROTEC-**
5 **TIONS.**

6 (a) *IN GENERAL.*—Section 5323 of title 31, United
7 States Code, as amended by section 6314 of the Anti-Money
8 Laundering Act of 2020 (division F of Public Law 116–
9 283) is amended by striking subsection (b) and inserting
10 the following:

11 “(b) *AWARDS.*—

12 “(1) *IN GENERAL.*—In any covered judicial or
13 administrative action, or related action, the Sec-
14 retary, under regulations prescribed by the Secretary,
15 in consultation with the Attorney General and subject
16 to subsection (c), shall pay an award or awards to 1
17 or more whistleblowers who voluntarily provided
18 original information to the employer of the indi-
19 vidual, the Secretary, or the Attorney General, as ap-
20 plicable, that led to the successful enforcement of the
21 covered judicial or administrative action, or related
22 action, in an aggregate amount equal to—

23 “(A) not less than 10 percent, in total, of
24 what has been collected of the monetary sanctions
25 imposed in the action or related actions; and

2688

1 “(B) *not more than 30 percent, in total, of*
2 *what has been collected of the monetary sanctions*
3 *imposed in the action or related actions.*

4 “(2) *PAYMENT OF AWARDS.—*

5 “(A) *IN GENERAL.—Any amount paid*
6 *under paragraph (1) shall be paid from the*
7 *Fund established under paragraph (3).*

8 “(B) *RELATED ACTIONS.—The Secretary*
9 *may pay awards less than the amount described*
10 *in paragraph (1)(A) for related actions in which*
11 *a whistleblower may be paid by another whistle-*
12 *blower award program.*

13 “(3) *SOURCE OF AWARDS.—*

14 “(A) *IN GENERAL.—There shall be estab-*
15 *lished in the Treasury of the United States a re-*
16 *volving fund to be known as the Financial Integ-*
17 *riety Fund (referred to in this subsection as the*
18 *‘Fund’).*

19 “(B) *USE OF FUND.—The Fund shall be*
20 *available to the Secretary, without further ap-*
21 *propriation or fiscal year limitations, only for*
22 *the payment of awards to whistleblowers as pro-*
23 *vided in subsection (b).*

2689

1 “(C) *RESTRICTIONS ON USE OF FUND.*—*The*
2 *Fund shall not be available to pay any personnel*
3 *or administrative expenses.*

4 “(4) *DEPOSITS AND CREDITS.*—

5 “(A) *IN GENERAL.*—*There shall be deposited*
6 *into or credited to the Fund an amount equal*
7 *to—*

8 “(i) *any monetary sanction collected*
9 *by the Secretary or Attorney General in*
10 *any judicial or administrative action under*
11 *this title, chapter 35 or section 4305 or*
12 *4312 of title 50, or the Foreign Narcotics*
13 *Kingpin Designation Act (21 U.S.C. 1901*
14 *et seq.), unless the balance of the Fund at*
15 *the time the monetary sanction is collected*
16 *exceeds \$300,000,000; and*

17 “(ii) *all income from investments made*
18 *under paragraph (5).*

19 “(B) *ADDITIONAL AMOUNTS.*—*If the*
20 *amounts deposited into or credited to the Fund*
21 *under subparagraph (A) are not sufficient to sat-*
22 *isfy an award made under this subsection, there*
23 *shall be deposited into or credited to the Fund an*
24 *amount equal to the unsatisfied portion of the*
25 *award from any monetary sanction collected by*

2690

1 *the Secretary of the Treasury or Attorney Gen-*
2 *eral in the covered judicial or administrative ac-*
3 *tion on which the award is based.*

4 “(C) *EXCEPTION.*—*No amounts to be depos-*
5 *ited or transferred into the United States Vic-*
6 *tims of State Sponsored Terrorism Fund pursu-*
7 *ant to the Justice for United States Victims of*
8 *State Sponsored Terrorism Act (34 U.S.C.*
9 *20144) or the Crime Victims Fund pursuant sec-*
10 *tion 1402 of the Victims of Crime Act of 1984*
11 *(34 U.S.C. 20101) shall be deposited into or*
12 *credited to the Fund.*

13 “(5) *INVESTMENTS.*—

14 “(A) *AMOUNTS IN FUND MAY BE IN-*
15 *VESTED.*—*The Secretary of the Treasury may*
16 *invest the portion of the Fund that is not re-*
17 *quired to meet the current needs of the Fund.*

18 “(B) *ELIGIBLE INVESTMENTS.*—*Investments*
19 *shall be made by the Secretary of the Treasury*
20 *in obligations of the United States or obligations*
21 *that are guaranteed as to principal and interest*
22 *by the United States, with maturities suitable to*
23 *the needs of the Fund as determined by the Sec-*
24 *retary.*

2691

1 “(C) *INTEREST AND PROCEEDS CRED-*
2 *ITED.—The interest on, and the proceeds from*
3 *the sale or redemption of, any obligations held in*
4 *the Fund shall be credited to, and form a part*
5 *of, the Fund.*”.

6 (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*
7 *Section 5323 of title 31, United States Code, is amended—*
8 *(1) in subsection (a)—*

9 (A) *in paragraphs (1) and (5), by striking*
10 *“this subchapter or subchapter III” each place*
11 *the term appears and inserting “this subchapter,*
12 *chapter 35 or section 4305 or 4312 of title 50,*
13 *the Foreign Narcotics Kingpin Designation Act*
14 *(21 U.S.C. 1901 et seq.), or .), and for conspir-*
15 *acies to violate the aforementioned provisions”;*
16 *and*

17 (B) *in paragraph (4)—*

18 (i) *by inserting “covered” after “re-*
19 *spect to any”;*

20 (ii) *by striking “under this subchapter*
21 *or subchapter III”;* and

22 (iii) *by striking “action by the Sec-*
23 *retary or the Attorney General” and insert-*
24 *ing “covered action”;*

25 (2) *in subsection (c)(1)(B)(iii)—*

2692

1 (A) by striking “subchapter and subchapter
2 III” and inserting “this subchapter, chapter 35
3 or section 4305 or 4312 of title 50, and the For-
4 eign Narcotics Kingpin Designation Act (21
5 U.S.C. 1901 et seq.)”; and

6 (B) by striking “either such subchapter”
7 and inserting “the covered judicial or adminis-
8 trative action”; and

9 (3) in subsection (g)(4)(D)(i), by inserting
10 “chapter 35 or section 4305 or 4312 of title 50, or the
11 Foreign Narcotics Kingpin Designation Act (21
12 U.S.C. 1901 et seq.),” after “subchapter,”.

13 **TITLE V—SMALL BUSINESS**
14 **MERGERS, ACQUISITIONS,**
15 **SALES, AND BROKERAGE SIM-**
16 **PLIFICATION**

17 **SEC. 501. REGISTRATION EXEMPTION FOR MERGER AND AC-**
18 **QUISITION BROKERS.**

19 (a) *IN GENERAL.*—Section 15(b) of the Securities Ex-
20 change Act of 1934 (15 U.S.C. 78o(b)) is amended by add-
21 ing at the end the following:

22 “(13) *REGISTRATION EXEMPTION FOR MERGER*
23 *AND ACQUISITION BROKERS.*—

2693

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), an M&A broker shall be ex-*
3 *empt from registration under this section.*

4 “(B) *EXCLUDED ACTIVITIES.*—*An M&A*
5 *broker is not exempt from registration under this*
6 *paragraph if such broker does any of the fol-*
7 *lowing:*

8 “(i) *Directly or indirectly, in connec-*
9 *tion with the transfer of ownership of an el-*
10 *igible privately held company, receives,*
11 *holds, transmits, or has custody of the funds*
12 *or securities to be exchanged by the parties*
13 *to the transaction.*

14 “(ii) *Engages on behalf of an issuer in*
15 *a public offering of any class of securities*
16 *that is registered, or is required to be reg-*
17 *istered, with the Commission under section*
18 *12 or with respect to which the issuer files,*
19 *or is required to file, periodic information,*
20 *documents, and reports under subsection*
21 *(d).*

22 “(iii) *Engages on behalf of any party*
23 *in a transaction involving a shell company,*
24 *other than a business combination related*
25 *shell company.*

2694

1 “(iv) *Directly, or indirectly through*
2 *any of its affiliates, provides financing re-*
3 *lated to the transfer of ownership of an eli-*
4 *gible privately held company.*

5 “(v) *Assists any party to obtain fi-*
6 *nancing from an unaffiliated third party*
7 *without—*

8 “(I) *complying with all other ap-*
9 *plicable laws in connection with such*
10 *assistance, including, if applicable,*
11 *Regulation T (12 C.F.R. 220 et seq.);*
12 *and*

13 “(II) *disclosing any compensation*
14 *in writing to the party.*

15 “(vi) *Represents both the buyer and the*
16 *seller in the same transaction without pro-*
17 *viding clear written disclosure as to the*
18 *parties the broker represents and obtaining*
19 *written consent from both parties to the*
20 *joint representation.*

21 “(vii) *Facilitates a transaction with a*
22 *group of buyers formed with the assistance*
23 *of the M&A broker to acquire the eligible*
24 *privately held company.*

2695

1 “(viii) *Engages in a transaction in-*
2 *volving the transfer of ownership of an eli-*
3 *gible privately held company to a passive*
4 *buyer or group of passive buyers.*

5 “(ix) *Binds a party to a transfer of*
6 *ownership of an eligible privately held com-*
7 *pany.*

8 “(C) *DISQUALIFICATION.—An M&A broker*
9 *is not exempt from registration under this para-*
10 *graph if such broker (and if and as applicable,*
11 *including any officer, director, member, man-*
12 *ager, partner, or employee of such broker)—*

13 “(i) *has been barred from association*
14 *with a broker or dealer by the Commission,*
15 *any State, or any self-regulatory organiza-*
16 *tion; or*

17 “(ii) *is suspended from association*
18 *with a broker or dealer.*

19 “(D) *RULE OF CONSTRUCTION.—Nothing in*
20 *this paragraph shall be construed to limit any*
21 *other authority of the Commission to exempt any*
22 *person, or any class of persons, from any provi-*
23 *sion of this title, or from any provision of any*
24 *rule or regulation thereunder.*

25 “(E) *DEFINITIONS.—In this paragraph:*

2696

1 “(i) *BUSINESS COMBINATION RELATED*
2 *SHELL COMPANY.*—*The term ‘business com-*
3 *bination related shell company’ means a*
4 *shell company that is formed by an entity*
5 *that is not a shell company—*

6 “(I) *solely for the purpose of*
7 *changing the corporate domicile of that*
8 *entity solely within the United States;*
9 *or*

10 “(II) *solely for the purpose of*
11 *completing a business combination*
12 *transaction (as defined under section*
13 *230.165(f) of title 17, Code of Federal*
14 *Regulations) among one or more enti-*
15 *ties other than the company itself, none*
16 *of which is a shell company.*

17 “(ii) *CONTROL.*—*The term ‘control’*
18 *means the power, directly or indirectly, to*
19 *direct the management or policies of a com-*
20 *pany, whether through ownership of securi-*
21 *ties, by contract, or otherwise. There is a*
22 *presumption of control if, upon completion*
23 *of a transaction, the buyer or group of buy-*
24 *ers—*

2697

1 “(I) *has the right to vote 25 per-*
2 *cent or more of a class of voting securi-*
3 *ties or the power to sell or direct the*
4 *sale of 25 percent or more of a class of*
5 *voting securities; or*

6 “(II) *in the case of a partnership*
7 *or limited liability company, has the*
8 *right to receive upon dissolution, or*
9 *has contributed, 25 percent or more of*
10 *the capital.*

11 “(iii) *ELIGIBLE PRIVATELY HELD COM-*
12 *PANY.—The term ‘eligible privately held*
13 *company’ means a privately held company*
14 *that meets both of the following conditions:*

15 “(I) *The company does not have*
16 *any class of securities registered, or re-*
17 *quired to be registered, with the Com-*
18 *mission under section 12 or with re-*
19 *spect to which the company files, or is*
20 *required to file, periodic information,*
21 *documents, and reports under sub-*
22 *section (d).*

23 “(II) *In the fiscal year ending im-*
24 *mediately before the fiscal year in*
25 *which the services of the M&A broker*

2698

1 *are initially engaged with respect to*
2 *the securities transaction, the company*
3 *meets either or both of the following*
4 *conditions (determined in accordance*
5 *with the historical financial account-*
6 *ing records of the company):*

7 “(aa) *The earnings of the*
8 *company before interest, taxes, de-*
9 *preciation, and amortization are*
10 *less than \$25,000,000.*

11 “(bb) *The gross revenues of*
12 *the company are less than*
13 *\$250,000,000.*

14 *For purposes of this subclause, the*
15 *Commission may by rule modify the*
16 *dollar figures if the Commission deter-*
17 *mines that such a modification is nec-*
18 *essary or appropriate in the public in-*
19 *terest or for the protection of investors.*

20 “(iv) *M&A BROKER.—The term ‘M&A*
21 *broker’ means a broker, and any person as-*
22 *sociated with a broker, engaged in the busi-*
23 *ness of effecting securities transactions sole-*
24 *ly in connection with the transfer of owner-*
25 *ship of an eligible privately held company,*

2699

1 *regardless of whether the broker acts on be-*
2 *half of a seller or buyer, through the pur-*
3 *chase, sale, exchange, issuance, repurchase,*
4 *or redemption of, or a business combination*
5 *involving, securities or assets of the eligible*
6 *privately held company, if the broker rea-*
7 *sonably believes that—*

8 *“(I) upon consummation of the*
9 *transaction, any person acquiring se-*
10 *curities or assets of the eligible pri-*
11 *vately held company, acting alone or*
12 *in concert—*

13 *“(aa) will control the eligible*
14 *privately held company or the*
15 *business conducted with the assets*
16 *of the eligible privately held com-*
17 *pany; and*

18 *“(bb) directly or indirectly,*
19 *will be active in the management*
20 *of the eligible privately held com-*
21 *pany or the business conducted*
22 *with the assets of the eligible pri-*
23 *vately held company, including*
24 *without limitation, for example,*
25 *by—*

2700

1 “(AA) electing executive
2 officers;

3 “(BB) approving the
4 annual budget;

5 “(CC) serving as an ex-
6 ecutive or other executive
7 manager; or

8 “(DD) carrying out
9 such other activities as the
10 Commission may, by rule,
11 determine to be in the public
12 interest; and

13 “(II) if any person is offered secu-
14 rities in exchange for securities or as-
15 sets of the eligible privately held com-
16 pany, such person will, prior to becom-
17 ing legally bound to consummate the
18 transaction, receive or have reasonable
19 access to the most recent fiscal year-
20 end financial statements of the issuer
21 of the securities as customarily pre-
22 pared by the management of the issuer
23 in the normal course of operations and,
24 if the financial statements of the issuer
25 are audited, reviewed, or compiled, any

2701

1 *related statement by the independent*
2 *accountant, a balance sheet dated not*
3 *more than 120 days before the date of*
4 *the offer, and information pertaining*
5 *to the management, business, results of*
6 *operations for the period covered by the*
7 *foregoing financial statements, and*
8 *material loss contingencies of the*
9 *issuer.*

10 “(v) *SHELL COMPANY.*—*The term ‘shell*
11 *company’ means a company that at the*
12 *time of a transaction with an eligible pri-*
13 *vately held company—*

14 “(I) *has no or nominal oper-*
15 *ations; and*

16 “(II) *has—*

17 “(aa) *no or nominal assets;*

18 “(bb) *assets consisting solely*
19 *of cash and cash equivalents; or*

20 “(cc) *assets consisting of any*
21 *amount of cash and cash equiva-*
22 *lents and nominal other assets.*

23 “(F) *INFLATION ADJUSTMENT.*—

24 “(i) *IN GENERAL.*—*On the date that is*
25 *5 years after the date of the enactment of*

2702

1 *this paragraph, and every 5 years there-*
2 *after, each dollar amount in subparagraph*
3 *(E)(iii)(II) shall be adjusted by—*

4 *“(I) dividing the annual value of*
5 *the Employment Cost Index For Wages*
6 *and Salaries, Private Industry Work-*
7 *ers (or any successor index), as pub-*
8 *lished by the Bureau of Labor Statis-*
9 *tics, for the calendar year preceding*
10 *the calendar year in which the adjust-*
11 *ment is being made by the annual*
12 *value of such index (or successor) for*
13 *the calendar year ending December 31,*
14 *2020; and*

15 *“(II) multiplying such dollar*
16 *amount by the quotient obtained under*
17 *subclause (I).*

18 *“(ii) ROUNDING.—Each dollar amount*
19 *determined under clause (i) shall be round-*
20 *ed to the nearest multiple of \$100,000.”.*

21 *(b) EFFECTIVE DATE.—This section and any amend-*
22 *ment made by this section shall take effect on the date that*
23 *is 90 days after the date of enactment of this Act.*

2703

1 ***TITLE VI—PUBLIC AND FEDER-***
2 ***ALLY ASSISTED HOUSING***
3 ***FIRE SAFETY***

4 ***SEC. 601. SMOKE ALARMS IN FEDERALLY ASSISTED HOUS-***
5 ***ING.***

6 *(a) PUBLIC HOUSING, TENANT-BASED ASSISTANCE,*
7 *AND PROJECT-BASED ASSISTANCE.—The United States*
8 *Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—*
9 *(1) in section 3(a) (42 U.S.C. 1437a(a)), by add-*
10 *ing at the end the following:*

11 *“(9) QUALIFYING SMOKE ALARMS.—*

12 *“(A) IN GENERAL.—Each public housing*
13 *agency shall ensure that a qualifying smoke*
14 *alarm is installed in accordance with applicable*
15 *codes and standards published by the Inter-*
16 *national Code Council or the National Fire Pro-*
17 *tection Association and the requirements of the*
18 *National Fire Protection Association Standard*
19 *72, or any successor standard, in each level and*
20 *in or near each sleeping area in any dwelling*
21 *unit in public housing owned or operated by the*
22 *public housing agency, including in basements*
23 *but excepting crawl spaces and unfinished attics,*
24 *and in each common area in a project con-*
25 *taining such a dwelling unit.*

2704

1 “(B) *DEFINITIONS.*—*For purposes of this*
2 *paragraph, the following definitions shall apply:*

3 “(i) *SMOKE ALARM DEFINED.*—*The*
4 *term ‘smoke alarm’ has the meaning given*
5 *the term ‘smoke detector’ in section 29(d) of*
6 *the Federal Fire Prevention and Control*
7 *Act of 1974 (15 U.S.C. 2225(d)).*

8 “(ii) *QUALIFYING SMOKE ALARM DE-*
9 *FINED.*—*The term ‘qualifying smoke alarm’*
10 *means a smoke alarm that—*

11 “(I) *in the case of a dwelling unit*
12 *built before the date of enactment of*
13 *this paragraph and not substantially*
14 *rehabilitated after the date of enact-*
15 *ment of this paragraph—*

16 “(aa) *(AA) is hardwired; or*

17 “(BB) *uses 10-year non re-*
18 *chargeable, nonreplaceable pri-*
19 *mary batteries and is sealed, is*
20 *tamper resistant, and contains si-*
21 *lencing means; and*

22 “(bb) *provides notification*
23 *for persons with hearing loss as*
24 *required by the National Fire*

2705

1 *Protection Association Standard*
2 *72, or any successor standard; or*
3 *“(II) in the case of a dwelling*
4 *unit built or substantially rehabili-*
5 *tated after the date of enactment of this*
6 *paragraph, is hardwired.”; and*

7 *(2) in section 8 (42 U.S.C. 1437f)—*

8 *(A) by inserting after subsection (k) the fol-*
9 *lowing:*

10 *“(l) QUALIFYING SMOKE ALARMS.—*

11 *“(1) IN GENERAL.—Each owner of a dwelling*
12 *unit receiving project-based assistance under this sec-*
13 *tion shall ensure that qualifying smoke alarms are in-*
14 *stalled in accordance with applicable codes and*
15 *standards published by the International Code Coun-*
16 *cil or the National Fire Protection Association and*
17 *the requirements of the National Fire Protection Asso-*
18 *ciation Standard 72, or any successor standard, in*
19 *each level and in or near each sleeping area in such*
20 *dwelling unit, including in basements but excepting*
21 *crawl spaces and unfinished attics, and in each com-*
22 *mon area in a project containing such a dwelling*
23 *unit.*

24 *“(2) DEFINITIONS.—For purposes of this sub-*
25 *section, the following definitions shall apply:*

2706

1 “(A) *SMOKE ALARM DEFINED.*—*The term*
2 *‘smoke alarm’ has the meaning given the term*
3 *‘smoke detector’ in section 29(d) of the Federal*
4 *Fire Prevention and Control Act of 1974 (15*
5 *U.S.C. 2225(d)).*

6 “(B) *QUALIFYING SMOKE ALARM DE-*
7 *FINED.*—*The term ‘qualifying smoke alarm’*
8 *means a smoke alarm that—*

9 “(i) *in the case of a dwelling unit built*
10 *before the date of enactment of this sub-*
11 *section and not substantially rehabilitated*
12 *after the date of enactment of this sub-*
13 *section—*

14 “(I)(aa) *is hardwired; or*

15 “(bb) *uses 10-year non recharge-*
16 *able, nonreplaceable primary batteries*
17 *and—*

18 “(AA) *is sealed;*

19 “(BB) *is tamper resistant;*
20 *and*

21 “(CC) *contains silencing*
22 *means; and*

23 “(II) *provides notification for per-*
24 *sons with hearing loss as required by*
25 *the National Fire Protection Associa-*

2707

1 *tion Standard 72, or any successor*
2 *standard; or*

3 *“(ii) in the case of a dwelling unit*
4 *built or substantially rehabilitated after the*
5 *date of enactment of this paragraph, is*
6 *hardwired.”; and*

7 *(B) in subsection (o), by adding at the end*
8 *the following:*

9 *“(22) QUALIFYING SMOKE ALARMS.—*

10 *“(A) IN GENERAL.—Each dwelling unit re-*
11 *ceiving tenant-based assistance or project-based*
12 *assistance under this subsection shall have a*
13 *qualifying smoke alarm installed in accordance*
14 *with applicable codes and standards published*
15 *by the International Code Council or the Na-*
16 *tional Fire Protection Association and the re-*
17 *quirements of the National Fire Protection Asso-*
18 *ciation Standard 72, or any successor standard,*
19 *in each level and in or near each sleeping area*
20 *in such dwelling unit, including in basements*
21 *but excepting crawl spaces and unfinished attics,*
22 *and in each common area in a project con-*
23 *taining such a dwelling unit.*

24 *“(B) DEFINITIONS.—For purposes of this*
25 *paragraph, the following definitions shall apply:*

2708

1 “(i) *SMOKE ALARM DEFINED.*—*The*
2 *term ‘smoke alarm’ has the meaning given*
3 *the term ‘smoke detector’ in section 29(d) of*
4 *the Federal Fire Prevention and Control*
5 *Act of 1974 (15 U.S.C. 2225(d)).*

6 “(ii) *QUALIFYING SMOKE ALARM DE-*
7 *FINED.*—*The term ‘qualifying smoke alarm’*
8 *means a smoke alarm that—*

9 “(I) *in the case of a dwelling unit*
10 *built before the date of enactment of*
11 *this paragraph and not substantially*
12 *rehabilitated after the date of enact-*
13 *ment of this paragraph—*

14 “(aa) *(AA) is hardwired; or*

15 “(BB) *uses 10-year non re-*
16 *chargeable, nonreplaceable pri-*
17 *mary batteries and is sealed, is*
18 *tamper resistant, and contains si-*
19 *lencing means; and*

20 “(bb) *provides notification*
21 *for persons with hearing loss as*
22 *required by the National Fire*
23 *Protection Association Standard*
24 *72, or any successor standard; or*

2709

1 “(II) in the case of a dwelling
2 unit built or substantially rehabili-
3 tated after the date of enactment of this
4 paragraph, is hardwired.”.

5 (b) *SUPPORTIVE HOUSING FOR THE ELDERLY.*—Sec-
6 tion 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j))
7 is amended by adding at the end the following:

8 “(10) *QUALIFYING SMOKE ALARMS.*—

9 “(A) *IN GENERAL.*—Each owner of a dwell-
10 ing unit assisted under this section shall ensure
11 that qualifying smoke alarms are installed in ac-
12 cordance with the requirements of applicable
13 codes and standards and the National Fire Pro-
14 tection Association Standard 72, or any suc-
15 cessor standard, in each level and in or near
16 each sleeping area in such dwelling unit, includ-
17 ing in basements but excepting crawl spaces and
18 unfinished attics, and in each common area in
19 a project containing such a dwelling unit.

20 “(B) *DEFINITIONS.*—For purposes of this
21 paragraph, the following definitions shall apply:

22 “(i) *SMOKE ALARM DEFINED.*—The
23 term ‘smoke alarm’ has the meaning given
24 the term ‘smoke detector’ in section 29(d) of

2710

1 *the Federal Fire Prevention and Control*
2 *Act of 1974 (15 U.S.C. 2225(d)).*

3 “(ii) *QUALIFYING SMOKE ALARM DE-*
4 *FINED.—The term ‘qualifying smoke alarm’*
5 *means a smoke alarm that—*

6 *“(I) in the case of a dwelling unit*
7 *built before the date of enactment of*
8 *this paragraph and not substantially*
9 *rehabilitated after the date of enact-*
10 *ment of this paragraph—*

11 *“(aa)(AA) is hardwired; or*

12 *“(BB) uses 10-year non re-*
13 *chargeable, nonreplaceable pri-*
14 *mary batteries and is sealed, is*
15 *tamper resistant, and contains si-*
16 *lencing means; and*

17 *“(bb) provides notification*
18 *for persons with hearing loss as*
19 *required by the National Fire*
20 *Protection Association Standard*
21 *72, or any successor standard; or*

22 *“(II) in the case of a dwelling*
23 *unit built or substantially rehabili-*
24 *tated after the date of enactment of this*
25 *paragraph, is hardwired.”.*

† **HR 2617 EAS2**

2711

1 (c) *SUPPORTIVE HOUSING FOR PERSONS WITH DIS-*
2 *ABILITIES.*—Section 811(j) of the Cranston-Gonzalez Na-
3 *tional Affordable Housing Act* (42 U.S.C. 8013(j)) is
4 *amended by adding at the end the following:*

5 “(8) *QUALIFYING SMOKE ALARMS.*—

6 “(A) *IN GENERAL.*—Each dwelling unit as-
7 *sisted under this section shall contain qualifying*
8 *smoke alarms that are installed in accordance*
9 *with applicable codes and standards published*
10 *by the International Code Council or the Na-*
11 *tional Fire Protection Association and the re-*
12 *quirements of the National Fire Protection Asso-*
13 *ciation Standard 72, or any successor standard,*
14 *in each level and in or near each sleeping area*
15 *in such dwelling unit, including in basements*
16 *but excepting crawl spaces and unfinished attics,*
17 *and in each common area in a project con-*
18 *taining such a dwelling unit.*

19 “(B) *DEFINITIONS.*—For purposes of this
20 *paragraph, the following definitions shall apply:*

21 “(i) *SMOKE ALARM DEFINED.*—The
22 *term ‘smoke alarm’ has the meaning given*
23 *the term ‘smoke detector’ in section 29(d) of*
24 *the Federal Fire Prevention and Control*
25 *Act of 1974 (15 U.S.C. 2225(d)).*

2712

1 “(ii) *QUALIFYING SMOKE ALARM DE-*
2 *FINED.—The term ‘qualifying smoke alarm’*
3 *means a smoke alarm that—*

4 “(I) *in the case of a dwelling unit*
5 *built before the date of enactment of*
6 *this paragraph and not substantially*
7 *rehabilitated after the date of enact-*
8 *ment of this paragraph—*

9 “(aa)(AA) *is hardwired; or*

10 “(BB) *uses 10-year non re-*
11 *chargeable, nonreplaceable pri-*
12 *mary batteries and is sealed, is*
13 *tamper resistant, and contains si-*
14 *lencing means; and*

15 “(bb) *provides notification*
16 *for persons with hearing loss as*
17 *required by the National Fire*
18 *Protection Association Standard*
19 *72, or any successor standard; or*

20 “(II) *in the case of a dwelling*
21 *unit built or substantially rehabili-*
22 *tated after the date of enactment of this*
23 *paragraph, is hardwired.”.*

24 (d) *HOUSING OPPORTUNITIES FOR PERSONS WITH*
25 *AIDS.—Section 856 of the Cranston-Gonzalez National Af-*

2713

1 *fordable Housing Act (42 U.S.C. 12905) is amended by add-*
2 *ing at the end the following new subsection:*

3 “(j) *QUALIFYING SMOKE ALARMS.*—

4 “(1) *IN GENERAL.*—*Each dwelling unit assisted*
5 *under this subtitle shall contain qualifying smoke*
6 *alarms that are installed in accordance with applica-*
7 *ble codes and standards published by the Inter-*
8 *national Code Council or the National Fire Protec-*
9 *tion Association and the requirements of the National*
10 *Fire Protection Association Standard 72, or any suc-*
11 *cessor standard, in each level and in or near each*
12 *sleeping area in such dwelling unit, including in*
13 *basements but excepting crawl spaces and unfinished*
14 *attics, and in each common area in a project con-*
15 *taining such a dwelling unit.*

16 “(2) *DEFINITIONS.*—*For purposes of this sub-*
17 *section, the following definitions shall apply:*

18 “(A) *SMOKE ALARM DEFINED.*—*The term*
19 *‘smoke alarm’ has the meaning given the term*
20 *‘smoke detector’ in section 29(d) of the Federal*
21 *Fire Prevention and Control Act of 1974 (15*
22 *U.S.C. 2225(d)).*

23 “(B) *QUALIFYING SMOKE ALARM DE-*
24 *FINED.*—*The term ‘qualifying smoke alarm’*
25 *means a smoke alarm that—*

2714

1 “(i) *in the case of a dwelling unit built*
2 *before the date of enactment of this sub-*
3 *section and not substantially rehabilitated*
4 *after the date of enactment of this sub-*
5 *section—*

6 “(I)(aa) *is hardwired; or*
7 “(bb) *uses 10-year non recharge-*
8 *able, nonreplaceable primary batteries*
9 *and—*

10 “(AA) *is sealed;*
11 “(BB) *is tamper resistant;*
12 *and*
13 “(CC) *contains silencing*
14 *means; and*

15 “(II) *provides notification for per-*
16 *sons with hearing loss as required by*
17 *the National Fire Protection Associa-*
18 *tion Standard 72, or any successor*
19 *standard; or*

20 “(ii) *in the case of a dwelling unit*
21 *built or substantially rehabilitated after the*
22 *date of enactment of this subsection, is*
23 *hardwired.”.*

24 (e) *RURAL HOUSING.—Title V of the Housing Act of*
25 *1949 (42 U.S.C. 1471 et seq.) is amended—*

2715

1 (1) *in section 514 (42 U.S.C. 1484), by adding*
2 *at the end the following:*

3 “(k) *QUALIFYING SMOKE ALARMS.*—

4 “(1) *IN GENERAL.*—*Housing and related facili-*
5 *ties constructed with loans under this section shall*
6 *contain qualifying smoke alarms that are installed in*
7 *accordance with applicable codes and standards pub-*
8 *lished by the International Code Council or the Na-*
9 *tional Fire Protection Association and the require-*
10 *ments of the National Fire Protection Association*
11 *Standard 72, or any successor standard, in each level*
12 *and in or near each sleeping area in such dwelling*
13 *unit, including in basements but excepting crawl*
14 *spaces and unfinished attics, and in each common*
15 *area in a project containing such a dwelling unit.*

16 “(2) *DEFINITIONS.*—*For purposes of this sub-*
17 *section, the following definitions shall apply:*

18 “(A) *SMOKE ALARM DEFINED.*—*The term*
19 *‘smoke alarm’ has the meaning given the term*
20 *‘smoke detector’ in section 29(d) of the Federal*
21 *Fire Prevention and Control Act of 1974 (15*
22 *U.S.C. 2225(d)).*

23 “(B) *QUALIFYING SMOKE ALARM DE-*
24 *FINED.*—*The term ‘qualifying smoke alarm’*
25 *means a smoke alarm that—*

2716

1 “(i) *in the case of a dwelling unit built*
2 *before the date of enactment of this sub-*
3 *section and not substantially rehabilitated*
4 *after the date of enactment of this sub-*
5 *section—*

6 “(I)(aa) *is hardwired; or*
7 “(bb) *uses 10-year non recharge-*
8 *able, nonreplaceable primary batteries*
9 *and—*

10 “(AA) *is sealed;*
11 “(BB) *is tamper resistant;*
12 *and*
13 “(CC) *contains silencing*
14 *means; and*

15 “(II) *provides notification for per-*
16 *sons with hearing loss as required by*
17 *the National Fire Protection Associa-*
18 *tion Standard 72, or any successor*
19 *standard; or*

20 “(ii) *in the case of a dwelling unit*
21 *built or substantially rehabilitated after the*
22 *date of enactment of this subsection, is*
23 *hardwired.”; and*

24 (2) *in section 515(m) (42 U.S.C. 1485(m)), by*
25 *adding at the end the following:*

† HR 2617 EAS2

2717

1 “(3) *QUALIFYING SMOKE ALARMS.*—

2 “(A) *IN GENERAL.*—*Housing and related facili-*
3 *ties rehabilitated or repaired with amounts received*
4 *under a loan made or insured under this section shall*
5 *contain qualifying smoke alarms that are installed in*
6 *accordance with applicable codes and standards pub-*
7 *lished by the International Code Council or the Na-*
8 *tional Fire Protection Association and the require-*
9 *ments of the National Fire Protection Association*
10 *Standard 72, or any successor standard, in each level*
11 *and in or near each sleeping area in such dwelling*
12 *unit, including in basements but excepting crawl*
13 *spaces and unfinished attics, and in each common*
14 *area in a project containing such a dwelling unit.*

15 “(B) *DEFINITIONS.*—*For purposes of this para-*
16 *graph, the following definitions shall apply:*

17 “(i) *SMOKE ALARM DEFINED.*—*The term*
18 *‘smoke alarm’ has the meaning given the term*
19 *‘smoke detector’ in section 29(d) of the Federal*
20 *Fire Prevention and Control Act of 1974 (15*
21 *U.S.C. 2225(d)).*

22 “(ii) *QUALIFYING SMOKE ALARM DE-*
23 *FINED.*—*The term ‘qualifying smoke alarm’*
24 *means a smoke alarm that—*

2718

1 “(I) *in the case of a dwelling unit built*
2 *before the date of enactment of this para-*
3 *graph and not substantially rehabilitated*
4 *after the date of enactment of this para-*
5 *graph—*

6 “(aa)(AA) *is hardwired; or*

7 “(BB) *uses 10-year non recharge-*
8 *able, nonreplaceable primary batteries*
9 *and is sealed, is tamper resistant, and*
10 *contains silencing means; and*

11 “(bb) *provides notification for*
12 *persons with hearing loss as required*
13 *by the National Fire Protection Asso-*
14 *ciation Standard 72, or any successor*
15 *standard; or*

16 “(II) *in the case of a dwelling unit*
17 *built or substantially rehabilitated after the*
18 *date of enactment of this paragraph, is*
19 *hardwired.”.*

20 (f) *FARM LABOR HOUSING DIRECT LOANS &*
21 *GRANTS.—Section 516 of the Housing Act of 1949 (42*
22 *U.S.C. 1486) is amended—*

23 (1) *in subsection (c)—*

24 (A) *in paragraph (2), by striking “and” at*
25 *the end;*

2719

1 (B) in paragraph (3), by striking the period
2 at the end and inserting “; and”; and

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

4 “(4) that such housing shall contain qualifying
5 smoke alarms that are installed in accordance with
6 applicable codes and standards published by the
7 International Code Council or the National Fire Pro-
8 tection Association and the requirements of the Na-
9 tional Fire Protection Association Standard 72, or
10 any successor standard, in each level and in or near
11 each sleeping area in such dwelling unit, including in
12 basements but excepting crawl spaces and unfinished
13 attics, and in each common area in a project con-
14 taining such a dwelling unit.”; and

15 (2) in subsection (g)—

16 (A) in paragraph (3) by striking “and” at
17 the end;

18 (B) in paragraph (4), by striking the period
19 at the end and inserting a semicolon; and

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

21 “(5) the term ‘smoke alarm’ has the meaning
22 given the term ‘smoke detector’ in section 29(d) of the
23 Federal Fire Prevention and Control Act of 1974 (15
24 U.S.C. 2225(d)); and

2720

1 “(6) the term ‘qualifying smoke alarm’ means a
2 *smoke alarm that—*

3 “(A) in the case of a dwelling unit built be-
4 *fore the date of enactment of this paragraph and*
5 *not substantially rehabilitated after the date of*
6 *enactment of this paragraph—*

7 “(i)(I) is hardwired; or

8 “(II) uses 10-year non rechargeable,
9 *nonreplaceable primary batteries and—*

10 “(aa) is sealed;

11 “(bb) is tamper resistant; and

12 “(cc) contains silencing means;

13 *and*

14 “(ii) provides notification for persons
15 *with hearing loss as required by the Na-*
16 *tional Fire Protection Association Standard*
17 *72, or any successor standard; or*

18 “(B) in the case of a dwelling unit built or
19 *substantially rehabilitated after the date of en-*
20 *actment of this paragraph, is hardwired.”.*

21 (g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated to carry out the amendments*
23 *made by this section such sums as are necessary for each*
24 *of fiscal years 2023 through 2027.*

2721

1 (h) *EFFECTIVE DATE.*—*The amendments made by sub-*
2 *sections (a) through (f) shall take effect on the date that*
3 *is 2 years after the date of enactment of this Act.*

4 (i) *NO PREEMPTION.*—*Nothing in the amendments*
5 *made by this section shall be construed to preempt or limit*
6 *the applicability of any State or local law relating to the*
7 *installation and maintenance of smoke alarms in housing*
8 *that requires standards that are more stringent than the*
9 *standards described in the amendments made by this sec-*
10 *tion.*

11 ***TITLE VII—BENJAMIN BERELL***
12 ***FERENCZ CONGRESSIONAL***
13 ***GOLD MEDAL***

14 ***SEC. 701. SHORT TITLE.***

15 *This title may be cited as the “Benjamin Berell*
16 *Ferencz Congressional Gold Medal Act”.*

17 ***SEC. 702. FINDINGS.***

18 *Congress finds the following:*

19 (1) *Benjamin “Ben” Berell Ferencz was born on*
20 *March 11, 1920, in Transylvania, now modern-day*
21 *Hungary.*

22 (2) *In 1920, Ben and his family fled anti-Se-*
23 *mitic persecution and emigrated to the United States.*
24 *Ben grew up in New York City, and, in 1940, was*

2722

1 *awarded a scholarship to Harvard Law School where*
2 *he graduated with honors.*

3 *(3) After the onset of World War II, Ben enlisted*
4 *in the United States Army in 1943, and joined an*
5 *anti-aircraft artillery battalion preparing for the in-*
6 *vasion of France. As an enlisted man under General*
7 *Patton, he fought in most of the major campaigns in*
8 *Europe.*

9 *(4) As Nazi atrocities were uncovered, Ben was*
10 *transferred to a newly created War Crimes Branch of*
11 *the Army to gather evidence of war crimes that could*
12 *be used in a court of law to prosecute persons respon-*
13 *sible for these crimes. Ben documented the horrors*
14 *perpetrated by Nazi Germany, visiting concentration*
15 *camps as they were liberated.*

16 *(5) At the end of 1945, Ben was honorably dis-*
17 *charged from the United States Army with the rank*
18 *of Sergeant of Infantry. He had been awarded five*
19 *battle stars.*

20 *(6) In 1946, the United States Government re-*
21 *cruited Ben to join the team working on the Nurem-*
22 *berg tribunals, a novel independent court established*
23 *to try top-ranking Nazi officials for crimes per-*
24 *petrated during the course of the war, including those*
25 *crimes we now call the Holocaust. Mr. Ferencz was*

2723

1 *sent to Berlin to oversee a team of 50 researchers in-*
2 *vestigating official Nazi records, which provided over-*
3 *whelming evidence to implicate German doctors, law-*
4 *yers, judges, generals, industrialists, and others in*
5 *genocide.*

6 *(7) By 1948, at age 27, Ben had secured enough*
7 *evidence to prosecute 22 SS members of Nazi killing*
8 *squads charged for the murder of over 1,000,0000*
9 *Jewish, Roma, Soviet, and other men, women, and*
10 *children in shooting massacres in occupied Soviet ter-*
11 *ritory. He was appointed chief prosecutor in the*
12 *Einsatzgruppen Trial, in what the Associated Press*
13 *called “the biggest murder trial in history”. The court*
14 *found 20 Nazi officials guilty of war crimes, crimes*
15 *against humanity, and membership in a criminal or-*
16 *ganization for their roles in the murder of over a mil-*
17 *lion people. An additional two defendants were found*
18 *guilty for membership in a criminal organization.*

19 *(8) After the Nuremberg trials ended, Ben fought*
20 *for compensation for victims and survivors of the*
21 *Holocaust, the return of stolen assets, and other forms*
22 *of restitution for those who had suffered at the hands*
23 *of the Nazis.*

24 *(9) Since the 1970s, Ben has worked tirelessly to*
25 *promote development of international mechanisms to*

2724

1 outlaw and punish aggressive war and the crimes of
2 genocide, crimes against humanity and war crimes.
3 His efforts contributed to the establishment of the
4 International Criminal Court and to the recognition
5 of aggression as an international crime.

6 (10) Ben is a tireless advocate for international
7 criminal justice and the conviction that the rule of
8 law offers the world a sustainable path to stem con-
9 flict and reach peaceful conclusions to geopolitical
10 disputes. His unwavering goal has been “to establish
11 a legal precedent that would encourage a more hu-
12 mane and secure world in the future”.

13 (11) Ben, at age 102, is still active, giving
14 speeches throughout the world about lessons learned
15 during his extraordinary career. He is compelled by
16 the imperative to “replace the rule of force with the
17 rule of law”, promoting judicial mechanisms that can
18 resolve conflict. He often tells young people to “never
19 give up” because the fight for peace and justice is
20 worth the long struggle ahead.

21 **SEC. 703. CONGRESSIONAL GOLD MEDAL.**

22 (a) *PRESENTATION AUTHORIZED.*—The Speaker of the
23 House of Representatives and the President pro tempore of
24 the Senate shall make appropriate arrangements for the
25 presentation, on behalf of the Congress, of a gold medal of

2725

1 *appropriate design to Benjamin Berell Ferencz, in recogni-*
2 *tion of his service to the United States and international*
3 *community during the post-World War II Nuremberg trials*
4 *and lifelong advocacy for international criminal justice and*
5 *rule of law.*

6 (b) *DESIGN AND STRIKING.*—*For purposes of the pres-*
7 *entation referred to in subsection (a), the Secretary of the*
8 *Treasury (referred to in this title as the “Secretary”) shall*
9 *strike a gold medal with suitable emblems, devices, and in-*
10 *scriptions, to be determined by the Secretary. The design*
11 *shall bear an image of, and inscription of the name of, Ben-*
12 *jamin Berell Ferencz.*

13 (c) *DISPOSITION OF MEDAL.*—*Following the award of*
14 *the gold medal under subsection (a), the gold medal shall*
15 *be given to Benjamin Berell Ferencz or, if unavailable, to*
16 *his son, Donald Ferencz.*

17 **SEC. 704. DUPLICATE MEDALS.**

18 (a) *IN GENERAL.*—*The Secretary may strike and sell*
19 *duplicates in bronze of the gold medal struck pursuant to*
20 *section 703, at a price sufficient to cover the cost thereof,*
21 *including labor, materials, dies, use of machinery, and*
22 *overhead expenses.*

23 (b) *UNITED STATES HOLOCAUST MEMORIAL MU-*
24 *SEUM.*—

2726

1 (1) *IN GENERAL.*—*The Secretary shall provide a*
2 *duplicate bronze medal described under subsection (a)*
3 *to the United States Holocaust Memorial Museum.*

4 (2) *SENSE OF CONGRESS.*—*It is the sense of*
5 *Congress that the United States Holocaust Memorial*
6 *Museum should make the duplicate medal received*
7 *under this subsection available for display to the pub-*
8 *lic whenever the United States Holocaust Memorial*
9 *Museum determines that such display is timely, fea-*
10 *sible, and practical.*

11 **SEC. 705. STATUS OF MEDALS.**

12 (a) *NATIONAL MEDALS.*—*The medals struck pursuant*
13 *to this title are national medals for purposes of chapter 51*
14 *of title 31, United States Code.*

15 (b) *NUMISMATIC ITEMS.*—*For purposes of section 5134*
16 *of title 31, United States Code, all medals struck under this*
17 *title shall be considered to be numismatic items.*

18 **SEC. 706. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS**
19 **OF SALE.**

20 (a) *AUTHORITY TO USE FUND AMOUNTS.*—*There is*
21 *authorized to be charged against the United States Mint*
22 *Public Enterprise Fund such amounts as may be necessary*
23 *to pay for the costs of the medals struck under this title.*

24 (b) *PROCEEDS OF SALE.*—*Amounts received from the*
25 *sale of duplicate bronze medals authorized under section*

2727

1 704 shall be deposited into the United States Mint Public
2 Enterprise Fund.

3 **TITLE VIII—CONGRESSIONAL**
4 **OVERSIGHT COMMISSION**

5 **SEC. 801. TERMINATION OF CONGRESSIONAL OVERSIGHT**
6 **COMMISSION.**

7 Section 4020(f) of the CARES Act (15 U.S.C. 9055(f))
8 is amended by striking “September 30, 2025” and inserting
9 “June 30, 2023”.

10 **TITLE IX—FLOOD INSURANCE**

11 **SEC. 901. REAUTHORIZATION OF NATIONAL FLOOD INSUR-**
12 **ANCE PROGRAM.**

13 (a) *FINANCING.*—Section 1309(a) of the National
14 Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amend-
15 ed by striking “September 30, 2022” and inserting “Sep-
16 tember 30, 2023”.

17 (b) *PROGRAM EXPIRATION.*—Section 1319 of the Na-
18 tional Flood Insurance Act of 1968 (42 U.S.C. 4026) is
19 amended by striking “September 30, 2022” and inserting
20 “September 30, 2023”.

21 (c) *RETROACTIVE EFFECTIVE DATE.*—The amend-
22 ments made by subsections (a) and (b) shall take effect as
23 if enacted on September 30, 2022.

2728

1 ***DIVISION BB—CONSUMER***
2 ***PROTECTION AND COMMERCE***
3 ***TITLE I—MANUFACTURING.GOV***

4 ***SEC. 101. MANUFACTURING.GOV HUB.***

5 (a) *DEFINITION.*—*In this section, the term “Sec-*
6 *retary” means the Secretary of Commerce.*

7 (b) *ESTABLISHMENT.*—*Not later than 1 year after the*
8 *date of enactment of this Act, the Secretary, in coordination*
9 *with the Chief Information Officer of the Department of*
10 *Commerce, shall modify the manufacturing.gov website by*
11 *establishing a section of the website to be known as the*
12 *“manufacturing.gov hub”.*

13 (c) *FUNCTIONS.*—*The manufacturing.gov hub estab-*
14 *lished under subsection (b) shall—*

15 (1) *serve as the primary hub for information re-*
16 *lating to every Federal manufacturing program, in-*
17 *cluding the programs identified in the report of the*
18 *Government Accountability Office entitled “U.S.*
19 *Manufacturing” (GAO 17–240), published on March*
20 *28, 2017;*

21 (2) *provide the contact information of relevant*
22 *program offices carrying out the Federal manufac-*
23 *turing programs described in paragraph (1);*

24 (3) *provide an avenue for public input and feed-*
25 *back relating to—*

2729

1 (A) the functionality of the website of the
2 Department of Commerce;

3 (B) the Federal manufacturing programs
4 described in paragraph (1); and

5 (C) any other manufacturing-related chal-
6 lenges experienced by manufacturers in the
7 United States;

8 (4) establish web pages within the hub that shall
9 focus on—

10 (A) technology and research and develop-
11 ment;

12 (B) trade;

13 (C) workforce development and training;

14 (D) industrial commons and supply chains;

15 and

16 (E) small and medium manufacturers; and

17 (5) use machine learning to—

18 (A) identify frequently asked questions; and

19 (B) disseminate to the public answers to the
20 questions identified under subparagraph (A).

21 (d) *NO ADDITIONAL FUNDS.*—No additional funds are
22 authorized to be appropriated for the purpose of carrying
23 out this section.

2730

1 ***TITLE II—STURDY***

2 ***SEC. 201. CONSUMER PRODUCT SAFETY STANDARD TO PRO-***
3 ***TECT AGAINST TIP-OVER OF CLOTHING STOR-***
4 ***AGE UNITS.***

5 (a) *CLOTHING STORAGE UNIT DEFINED.*—*In this sec-*
6 *tion, the term “clothing storage unit” means any free-stand-*
7 *ing furniture item manufactured in the United States or*
8 *imported for use in the United States that is intended for*
9 *the storage of clothing, typical of bedroom furniture.*

10 (b) *CPSC DETERMINATION OF SCOPE.*—*The Con-*
11 *sumer Product Safety Commission shall specify the types*
12 *of furniture items within the scope of subsection (a) as part*
13 *of a standard promulgated under this section based on tip-*
14 *over data as reasonably necessary to protect children up*
15 *to 72 months of age from injury or death.*

16 (c) *CONSUMER PRODUCT SAFETY STANDARD RE-*
17 *QUIRED.*—

18 (1) *IN GENERAL.*—*Except as provided in sub-*
19 *section (f)(1), not later than 1 year after the date of*
20 *the enactment of this Act, the Consumer Product Safe-*
21 *ty Commission shall—*

22 (A) *in consultation with representatives of*
23 *consumer groups, clothing storage unit manufac-*
24 *turers, craft or handmade furniture manufactur-*
25 *ers, and independent child product engineers and*

2731

1 *experts, examine and assess the effectiveness of*
2 *any voluntary consumer product safety stand-*
3 *ards for clothing storage units; and*

4 *(B) in accordance with section 553 of title*
5 *5, United States Code, and paragraph (2), pro-*
6 *mulgate a final consumer product safety stand-*
7 *ard for clothing storage units to protect children*
8 *from tip-over-related death or injury, that shall*
9 *take effect 180 days after the date of promulga-*
10 *tion or such a later date as the Commission de-*
11 *termines appropriate.*

12 *(2) REQUIREMENTS.—The standard promulgated*
13 *under paragraph (1) shall protect children from tip-*
14 *over-related death or injury with—*

15 *(A) tests that simulate the weight of chil-*
16 *dren up to 60 pounds;*

17 *(B) objective, repeatable, reproducible, and*
18 *measurable tests or series of tests that simulate*
19 *real-world use and account for impacts on cloth-*
20 *ing storage unit stability that may result from*
21 *placement on carpeted surfaces, drawers with*
22 *items in them, multiple open drawers, and dy-*
23 *namic force;*

24 *(C) testing of all clothing storage units, in-*
25 *cluding those 27 inches and above in height; and*

† HR 2617 EAS2

2732

1 (D) *warning requirements based on ASTM*
2 *F2057–19, or its successor at the time of enact-*
3 *ment, provided that the Consumer Product Safe-*
4 *ty Commission may strengthen the warning re-*
5 *quirements of ASTM F2057–19, or its successor,*
6 *if reasonably necessary to protect children from*
7 *tip-over-related death or injury.*

8 (3) *TESTING CLARIFICATION.—Tests referred to*
9 *in paragraph (2)(B) shall allow for the utilization of*
10 *safety features (excluding tip restraints) to work as*
11 *intended if the features cannot be overridden by con-*
12 *sumers in normal use.*

13 (4) *TREATMENT OF STANDARD.—A consumer*
14 *product safety standard promulgated under para-*
15 *graph (1) shall be treated as a consumer product safe-*
16 *ty rule promulgated under section 9 of the Consumer*
17 *Product Safety Act (15 U.S.C. 2058).*

18 (d) *ADOPTION OF VOLUNTARY STANDARD.—*

19 (1) *IN GENERAL.—If a voluntary standard exists*
20 *that meets the requirements of paragraph (2), the*
21 *Commission shall, not later than 90 days after the*
22 *date on which such determination is made and in ac-*
23 *cordance with section 553 of title 5, United States*
24 *Code, promulgate a final consumer product safety*
25 *standard that adopts the applicable performance re-*

2733

1 *quirements of such voluntary standard related to pro-*
2 *tecting children from tip-over-related death or injury.*
3 *A consumer product safety standard promulgated*
4 *under this subsection shall be treated as a consumer*
5 *product safety rule promulgated under section 9 of the*
6 *Consumer Product Safety Act (15 U.S.C. 2058). Such*
7 *standard shall take effect 120 days after the date of*
8 *the promulgation of the rule, or such a later date as*
9 *the Commission determines appropriate. Such stand-*
10 *ard will supersede any other existing standard for*
11 *clothing storage units to protect children from tip-*
12 *over-related death or injury.*

13 (2) *REQUIREMENTS.—The requirements of this*
14 *paragraph with respect to a voluntary standard for*
15 *clothing storage units are that such standard—*

16 (A) *protects children up to 72 months of age*
17 *from tip-over-related death or injury;*

18 (B) *meets the requirements described in sub-*
19 *section (c)(2);*

20 (C) *is, or will be, published not later than*
21 *60 days after the date of enactment of this Act;*
22 *and*

23 (D) *is developed by ASTM International or*
24 *such other standard development organization*

2734

1 *that the Commission determines is in compliance*
2 *with the intent of this section.*

3 (3) *NOTICE REQUIRED TO BE PUBLISHED IN THE*
4 *FEDERAL REGISTER.—The Commission shall publish*
5 *a notice in the Federal Register upon beginning the*
6 *promulgation of a rule under this subsection.*

7 (e) *REVISION OF VOLUNTARY STANDARD.—*

8 (1) *NOTICE TO COMMISSION.—If the performance*
9 *requirements of a voluntary standard adopted under*
10 *subsection (d) are subsequently revised, the organiza-*
11 *tion that revised the performance requirements of such*
12 *standard shall notify the Commission of such revision*
13 *after final approval.*

14 (2) *TREATMENT OF REVISION.—Not later than*
15 *90 days after the date on which the Commission is*
16 *notified of revised performance requirements of a vol-*
17 *untary standard described in paragraph (1) (or such*
18 *later date as the Commission determines appro-*
19 *priate), the Commission shall determine whether the*
20 *revised performance requirements meet the require-*
21 *ments of subsection (d)(2)(B), and if so, modify, in*
22 *accordance with section 553 of title 5, United States*
23 *Code, the standard promulgated under subsection (d)*
24 *to include the revised performance requirements that*
25 *the Commission determines meet such requirements.*

2735

1 *The modified standard shall take effect after 180 days*
2 *or such later date as the Commission deems appro-*
3 *priate.*

4 (f) *SUBSEQUENT RULEMAKING.—*

5 (1) *IN GENERAL.—Beginning 5 years after the*
6 *date of enactment of this Act, subsequent to the publi-*
7 *cation of a consumer product safety standard under*
8 *this section, the Commission may, at any time, ini-*
9 *tiate rulemaking, in accordance with section 553 of*
10 *title 5, United States Code, to modify the require-*
11 *ments of such standard or to include additional pro-*
12 *visions if the Commission makes a determination that*
13 *such modifications or additions are reasonably nec-*
14 *essary to protect children from tip-over-related death*
15 *or injury.*

16 (2) *PETITION FOR REVISION OF RULE.—*

17 (A) *IN GENERAL.—If the Commission re-*
18 *ceives a petition for a new or revised test that*
19 *permits incorporated safety features (excluding*
20 *tip restraints) to work as intended, if the fea-*
21 *tures cannot be overridden by consumers in nor-*
22 *mal use and provide an equivalent or greater*
23 *level of safety as the tests developed under sub-*
24 *section (c)(2) or the performance requirements*
25 *described in subsection (d)(2)(B), as applicable,*

2736

1 *the Commission shall determine within 120*
2 *days—*

3 *(i) whether the petition meets the re-*
4 *quirements for petitions set forth in section*
5 *1051.5 of title 16, Code of Federal Regula-*
6 *tions, or any successor regulation imple-*
7 *menting section 9(i) of the Consumer Prod-*
8 *uct Safety Act (15 U.S.C. 2058(i)); and*

9 *(ii) whether the petition demonstrates*
10 *that the test could reasonably meet the re-*
11 *quirements of subsection (c)(2)(B), and if*
12 *so, the Commission shall determine by re-*
13 *corded vote, within 60 days after the deter-*
14 *mination, whether to initiate rulemaking,*
15 *in accordance with section 553 of title 5,*
16 *United States Code, to revise a consumer*
17 *product safety standard promulgated under*
18 *this section to include the new or revised*
19 *test.*

20 *(B) DEMONSTRATION OF COMPLIANCE.—*
21 *Compliance with the testing requirements of a*
22 *standard revised under subparagraph (A) may*
23 *be demonstrated either through the performance*
24 *of a new or revised test under subparagraph (A)*
25 *or the performance of the tests otherwise required*

2737

1 *under a standard promulgated under this sec-*
2 *tion.*

3 (3) *TREATMENT OF RULES.—Any rule promul-*
4 *gated under this subsection, including any modifica-*
5 *tion or revision made under this subsection, shall be*
6 *treated as a consumer product safety rule promul-*
7 *gated under section 9 of the Consumer Product Safety*
8 *Act (15 U.S.C. 2058).*

9 ***TITLE III—INFORM CONSUMERS***

10 ***SEC. 301. COLLECTION, VERIFICATION, AND DISCLOSURE***
11 ***OF INFORMATION BY ONLINE MARKETPLACES***
12 ***TO INFORM CONSUMERS.***

13 (a) *COLLECTION AND VERIFICATION OF INFORMA-*
14 *TION.—*

15 (1) *COLLECTION.—*

16 (A) *IN GENERAL.—An online marketplace*
17 *shall require any high-volume third party seller*
18 *on such online marketplace’s platform to provide,*
19 *not later than 10 days after qualifying as a*
20 *high-volume third party seller on the platform,*
21 *the following information to the online market-*
22 *place:*

23 (i) *BANK ACCOUNT.—*

24 (I) *IN GENERAL.—A bank account*
25 *number, or, if such seller does not have*

2738

1 *a bank account, the name of the payee*
2 *for payments issued by the online mar-*
3 *ketplace to such seller.*

4 (II) *PROVISION OF INFORMA-*
5 *TION.—The bank account or payee in-*
6 *formation required under subclause (I)*
7 *may be provided by the seller in the*
8 *following ways:*

9 (aa) *To the online market-*
10 *place.*

11 (bb) *To a payment processor*
12 *or other third party contracted by*
13 *the online marketplace to main-*
14 *tain such information, provided*
15 *that the online marketplace en-*
16 *sures that it can obtain such in-*
17 *formation within 3 business days*
18 *from such payment processor or*
19 *other third party.*

20 (ii) *CONTACT INFORMATION.—Contact*
21 *information for such seller as follows:*

22 (I) *With respect to a high-volume*
23 *third party seller that is an indi-*
24 *vidual, the individual's name.*

2739

1 (II) *With respect to a high-volume*
2 *third party seller that is not an indi-*
3 *vidual, one of the following forms of*
4 *contact information:*

5 (aa) *A copy of a valid gov-*
6 *ernment-issued identification for*
7 *an individual acting on behalf of*
8 *such seller that includes the indi-*
9 *vidual's name.*

10 (bb) *A copy of a valid gov-*
11 *ernment-issued record or tax doc-*
12 *ument that includes the business*
13 *name and physical address of*
14 *such seller.*

15 (iii) *TAX ID.—A business tax identi-*
16 *fication number, or, if such seller does not*
17 *have a business tax identification number, a*
18 *taxpayer identification number.*

19 (iv) *WORKING EMAIL AND PHONE NUM-*
20 *BER.—A current working email address*
21 *and phone number for such seller.*

22 (B) *NOTIFICATION OF CHANGE; ANNUAL*
23 *CERTIFICATION.—An online marketplace shall—*

24 (i) *periodically, but not less than an-*
25 *nually, notify any high-volume third party*

2740

1 *seller on such online marketplace’s platform*
2 *of the requirement to keep any information*
3 *collected under subparagraph (A) current;*
4 *and*

5 *(ii) require any high-volume third*
6 *party seller on such online marketplace’s*
7 *platform to, not later than 10 days after re-*
8 *ceiving the notice under clause (i), electroni-*
9 *cally certify that—*

10 *(I) the seller has provided any*
11 *changes to such information to the on-*
12 *line marketplace, if any such changes*
13 *have occurred; or*

14 *(II) there have been no changes to*
15 *such seller’s information.*

16 *(C) SUSPENSION.—In the event that a high-*
17 *volume third party seller does not provide the in-*
18 *formation or certification required under this*
19 *paragraph, the online marketplace shall, after*
20 *providing the seller with written or electronic no-*
21 *tice and an opportunity to provide such infor-*
22 *mation or certification not later than 10 days*
23 *after the issuance of such notice, suspend any fu-*
24 *ture sales activity of such seller until such seller*
25 *provides such information or certification.*

2741

1 (2) *VERIFICATION.*—

2 (A) *IN GENERAL.*—*An online marketplace*
3 *shall—*

4 (i) *verify the information collected*
5 *under paragraph (1)(A) not later than 10*
6 *days after such collection; and*

7 (ii) *verify any change to such informa-*
8 *tion not later than 10 days after being noti-*
9 *fied of such change by a high-volume third*
10 *party seller under paragraph (1)(B).*

11 (B) *PRESUMPTION OF VERIFICATION.*—*In*
12 *the case of a high-volume third party seller that*
13 *provides a copy of a valid government-issued tax*
14 *document, any information contained in such*
15 *document shall be presumed to be verified as of*
16 *the date of issuance of such document.*

17 (3) *DATA USE LIMITATION.*—*Data collected solely*
18 *to comply with the requirements of this section may*
19 *not be used for any other purpose unless required by*
20 *law.*

21 (4) *DATA SECURITY REQUIREMENT.*—*An online*
22 *marketplace shall implement and maintain reason-*
23 *able security procedures and practices, including ad-*
24 *ministrative, physical, and technical safeguards, ap-*
25 *propriate to the nature of the data and the purposes*

2742

1 *for which the data will be used, to protect the data*
2 *collected to comply with the requirements of this sec-*
3 *tion from unauthorized use, disclosure, access, de-*
4 *struction, or modification.*

5 ***(b) DISCLOSURE REQUIRED.—***

6 ***(1) REQUIREMENT.—***

7 ***(A) IN GENERAL.—****An online marketplace*
8 *shall—*

9 *(i) require any high-volume third*
10 *party seller with an aggregate total of*
11 *\$20,000 or more in annual gross revenues*
12 *on such online marketplace, and that uses*
13 *such online marketplace’s platform, to pro-*
14 *vide the information described in subpara-*
15 *graph (B) to the online marketplace; and*

16 *(ii) disclose the information described*
17 *in subparagraph (B) to consumers in a*
18 *clear and conspicuous manner—*

19 ***(I) on the product listing page***
20 ***(including via hyperlink); or***

21 ***(II) in the order confirmation***
22 ***message or other document or commu-***
23 ***nication made to the consumer after***
24 ***the purchase is finalized and in the***

2743

1 *consumer's account transaction his-*
2 *tory.*

3 *(B) INFORMATION DESCRIBED.—The infor-*
4 *mation described in this subparagraph is the fol-*
5 *lowing:*

6 *(i) Subject to paragraph (2), the iden-*
7 *tity of the high-volume third party seller,*
8 *including—*

9 *(I) the full name of the seller,*
10 *which may include the seller name or*
11 *seller's company name, or the name by*
12 *which the seller or company operates*
13 *on the online marketplace;*

14 *(II) the physical address of the*
15 *seller; and*

16 *(III) contact information for the*
17 *seller, to allow for the direct,*
18 *unhindered communication with high-*
19 *volume third party sellers by users of*
20 *the online marketplace, including—*

21 *(aa) a current working phone*
22 *number;*

23 *(bb) a current working email*
24 *address; or*

2744

1 (cc) other means of direct
2 electronic messaging (which may
3 be provided to such seller by the
4 online marketplace), provided that
5 the requirements of this item shall
6 not prevent an online marketplace
7 from monitoring communications
8 between high-volume third party
9 sellers and users of the online
10 marketplace for fraud, abuse, or
11 spam.

12 (ii) Whether the high-volume third
13 party seller used a different seller to supply
14 the consumer product to the consumer upon
15 purchase, and, upon the request of an au-
16 thenticated purchaser, the information de-
17 scribed in clause (i) relating to any such
18 seller that supplied the consumer product to
19 the purchaser, if such seller is different than
20 the high-volume third party seller listed on
21 the product listing prior to purchase.

22 (2) EXCEPTION.—

23 (A) IN GENERAL.—Subject to subparagraph
24 (B), upon the request of a high-volume third
25 party seller, an online marketplace may provide

2745

1 *for partial disclosure of the identity information*
2 *required under paragraph (1)(B)(i) in the fol-*
3 *lowing situations:*

4 *(i) If such seller certifies to the online*
5 *marketplace that the seller does not have a*
6 *business address and only has a residential*
7 *street address, or has a combined business*
8 *and residential address, the online market-*
9 *place may—*

10 *(I) disclose only the country and,*
11 *if applicable, the State in which such*
12 *seller resides; and*

13 *(II) inform consumers that there*
14 *is no business address available for the*
15 *seller and that consumer inquiries*
16 *should be submitted to the seller by*
17 *phone, email, or other means of elec-*
18 *tronic messaging provided to such sell-*
19 *er by the online marketplace.*

20 *(ii) If such seller certifies to the online*
21 *marketplace that the seller is a business that*
22 *has a physical address for product returns,*
23 *the online marketplace may disclose the sell-*
24 *er's physical address for product returns.*

2746

1 (iii) *If such seller certifies to the online*
2 *marketplace that the seller does not have a*
3 *phone number other than a personal phone*
4 *number, the online marketplace shall inform*
5 *consumers that there is no phone number*
6 *available for the seller and that consumer*
7 *inquiries should be submitted to the seller's*
8 *email address or other means of electronic*
9 *messaging provided to such seller by the on-*
10 *line marketplace.*

11 (B) *LIMITATION ON EXCEPTION.—If an on-*
12 *line marketplace becomes aware that a high-vol-*
13 *ume third party seller has made a false represen-*
14 *tation to the online marketplace in order to jus-*
15 *tify the provision of a partial disclosure under*
16 *subparagraph (A) or that a high-volume third*
17 *party seller who has requested and received a*
18 *provision for a partial disclosure under subpara-*
19 *graph (A) has not provided responsive answers*
20 *within a reasonable time frame to consumer in-*
21 *quiries submitted to the seller by phone, email,*
22 *or other means of electronic messaging provided*
23 *to such seller by the online marketplace, the on-*
24 *line marketplace shall, after providing the seller*
25 *with written or electronic notice and an oppor-*

2747

1 *tunity to respond not later than 10 days after*
2 *the issuance of such notice, suspend any future*
3 *sales activity of such seller unless such seller con-*
4 *sents to the disclosure of the identity information*
5 *required under paragraph (1)(B)(i).*

6 *(3) REPORTING MECHANISM.—An online market-*
7 *place shall disclose to consumers in a clear and con-*
8 *spicuous manner on the product listing of any high-*
9 *volume third party seller a reporting mechanism that*
10 *allows for electronic and telephonic reporting of sus-*
11 *picious marketplace activity to the online market-*
12 *place.*

13 *(4) COMPLIANCE.—If a high-volume third party*
14 *seller does not comply with the requirements to pro-*
15 *vide and disclose information under this subsection,*
16 *the online marketplace shall, after providing the seller*
17 *with written or electronic notice and an opportunity*
18 *to provide or disclose such information not later than*
19 *10 days after the issuance of such notice, suspend any*
20 *future sales activity of such seller until the seller com-*
21 *plies with such requirements.*

22 *(c) ENFORCEMENT BY FEDERAL TRADE COMMIS-*
23 *SION.—*

24 *(1) UNFAIR AND DECEPTIVE ACTS OR PRAC-*
25 *TICES.—A violation of subsection (a) or (b) by an on-*

2748

1 *line marketplace shall be treated as a violation of a*
2 *rule defining an unfair or deceptive act or practice*
3 *prescribed under section 18(a)(1)(B) of the Federal*
4 *Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).*

5 (2) *POWERS OF THE COMMISSION.—*

6 (A) *IN GENERAL.—The Commission shall*
7 *enforce subsections (a) and (b) in the same man-*
8 *ner, by the same means, and with the same juris-*
9 *diction, powers, and duties as though all appli-*
10 *cable terms and provisions of the Federal Trade*
11 *Commission Act (15 U.S.C. 41 et seq.) were in-*
12 *corporated into and made a part of this section.*

13 (B) *PRIVILEGES AND IMMUNITIES.—Any*
14 *person that violates subsection (a) or (b) shall be*
15 *subject to the penalties, and entitled to the privi-*
16 *leges and immunities, provided in the Federal*
17 *Trade Commission Act (15 U.S.C. 41 et seq.).*

18 (3) *REGULATIONS.—The Commission may pro-*
19 *mulgate regulations under section 553 of title 5,*
20 *United States Code, with respect to the collection,*
21 *verification, or disclosure of information under this*
22 *section, provided that such regulations are limited to*
23 *what is necessary to collect, verify, and disclose such*
24 *information.*

2749

1 (4) *AUTHORITY PRESERVED.*—*Nothing in this*
2 *section shall be construed to limit the authority of the*
3 *Commission under any other provision of law.*

4 (d) *ENFORCEMENT BY STATE ATTORNEYS GEN-*
5 *ERAL.*—

6 (1) *IN GENERAL.*—*If the attorney general of a*
7 *State has reason to believe that any online market-*
8 *place has violated or is violating this section or a reg-*
9 *ulation promulgated under this section that affects*
10 *one or more residents of that State, the attorney gen-*
11 *eral of the State may bring a civil action in any ap-*
12 *propriate district court of the United States, to—*

13 (A) *enjoin further such violation by the de-*
14 *fendant;*

15 (B) *enforce compliance with this section or*
16 *such regulation;*

17 (C) *obtain civil penalties in the amount*
18 *provided for under subsection (c);*

19 (D) *obtain other remedies permitted under*
20 *State law; and*

21 (E) *obtain damages, restitution, or other*
22 *compensation on behalf of residents of the State.*

23 (2) *NOTICE.*—*The attorney general of a State*
24 *shall provide prior written notice of any action under*
25 *paragraph (1) to the Commission and provide the*

2750

1 *Commission with a copy of the complaint in the ac-*
2 *tion, except in any case in which such prior notice*
3 *is not feasible, in which case the attorney general*
4 *shall serve such notice immediately upon instituting*
5 *such action.*

6 (3) *INTERVENTION BY THE COMMISSION.—Upon*
7 *receiving notice under paragraph (2), the Commission*
8 *shall have the right—*

9 (A) *to intervene in the action;*

10 (B) *upon so intervening, to be heard on all*
11 *matters arising therein; and*

12 (C) *to file petitions for appeal.*

13 (4) *LIMITATION ON STATE ACTION WHILE FED-*
14 *ERAL ACTION IS PENDING.—If the Commission has*
15 *instituted a civil action for violation of this section*
16 *or a regulation promulgated under this section, no*
17 *State attorney general, or official or agency of a*
18 *State, may bring a separate action under paragraph*
19 *(1) during the pendency of that action against any*
20 *defendant named in the complaint of the Commission*
21 *for any violation of this section or a regulation pro-*
22 *mulgated under this section that is alleged in the*
23 *complaint. A State attorney general, or official or*
24 *agency of a State, may join a civil action for a viola-*

2751

1 *tion of this section or regulation promulgated under*
2 *this section filed by the Commission.*

3 (5) *RULE OF CONSTRUCTION.—For purposes of*
4 *bringing a civil action under paragraph (1), nothing*
5 *in this section shall be construed to prevent the chief*
6 *law enforcement officer, or official or agency of a*
7 *State, from exercising the powers conferred on such*
8 *chief law enforcement officer, or official or agency of*
9 *a State, by the laws of the State to conduct investiga-*
10 *tions, administer oaths or affirmations, or compel the*
11 *attendance of witnesses or the production of documen-*
12 *tary and other evidence.*

13 (6) *ACTIONS BY OTHER STATE OFFICIALS.—*

14 (A) *IN GENERAL.—In addition to civil ac-*
15 *tions brought by attorneys general under para-*
16 *graph (1), any other officer of a State who is au-*
17 *thorized by the State to do so, except for any pri-*
18 *vate person on behalf of the State attorney gen-*
19 *eral, may bring a civil action under paragraph*
20 *(1), subject to the same requirements and limita-*
21 *tions that apply under this subsection to civil*
22 *actions brought by attorneys general.*

23 (B) *SAVINGS PROVISION.—Nothing in this*
24 *subsection may be construed to prohibit an au-*
25 *thorized official of a State from initiating or*

2752

1 *continuing any proceeding in a court of the*
2 *State for a violation of any civil or criminal law*
3 *of the State.*

4 *(e) SEVERABILITY.—If any provision of this section,*
5 *or the application thereof to any person or circumstance,*
6 *is held invalid, the remainder of this section and the appli-*
7 *cation of such provision to other persons not similarly situ-*
8 *ated or to other circumstances shall not be affected by the*
9 *invalidation.*

10 *(f) DEFINITIONS.—In this section:*

11 (1) *COMMISSION.—The term “Commission”*
12 *means the Federal Trade Commission.*

13 (2) *CONSUMER PRODUCT.—The term “consumer*
14 *product” has the meaning given such term in section*
15 *101 of the Magnuson-Moss Warranty—Federal Trade*
16 *Commission Improvement Act (15 U.S.C. 2301) and*
17 *section 700.1 of title 16, Code of Federal Regulations.*

18 (3) *HIGH-VOLUME THIRD PARTY SELLER.—*

19 (A) *IN GENERAL.—The term “high-volume*
20 *third party seller” means a participant on an*
21 *online marketplace’s platform who is a third*
22 *party seller and, in any continuous 12-month*
23 *period during the previous 24 months, has en-*
24 *tered into 200 or more discrete sales or trans-*
25 *actions of new or unused consumer products and*

2753

1 *an aggregate total of \$5,000 or more in gross*
2 *revenues.*

3 (B) *CLARIFICATION.—For purposes of cal-*
4 *culating the number of discrete sales or trans-*
5 *actions or the aggregate gross revenues under*
6 *subparagraph (A), an online marketplace shall*
7 *only be required to count sales or transactions*
8 *made through the online marketplace and for*
9 *which payment was processed by the online mar-*
10 *ketplace, either directly or through its payment*
11 *processor.*

12 (4) *ONLINE MARKETPLACE.—The term “online*
13 *marketplace” means any person or entity that oper-*
14 *ates a consumer-directed electronically based or*
15 *accessed platform that—*

16 (A) *includes features that allow for, facili-*
17 *tate, or enable third party sellers to engage in*
18 *the sale, purchase, payment, storage, shipping, or*
19 *delivery of a consumer product in the United*
20 *States;*

21 (B) *is used by one or more third party sell-*
22 *ers for such purposes; and*

23 (C) *has a contractual or similar relation-*
24 *ship with consumers governing their use of the*
25 *platform to purchase consumer products.*

2754

1 (5) *SELLER.*—*The term “seller” means a person*
2 *who sells, offers to sell, or contracts to sell a consumer*
3 *product through an online marketplace’s platform.*

4 (6) *THIRD PARTY SELLER.*—

5 (A) *IN GENERAL.*—*The term “third party*
6 *seller” means any seller, independent of an on-*
7 *line marketplace, who sells, offers to sell, or con-*
8 *tracts to sell a consumer product in the United*
9 *States through such online marketplace’s plat-*
10 *form.*

11 (B) *EXCLUSIONS.*—*The term “third party*
12 *seller” does not include, with respect to an online*
13 *marketplace—*

14 (i) *a seller who operates the online*
15 *marketplace’s platform; or*

16 (ii) *a business entity that has—*

17 (I) *made available to the general*
18 *public the entity’s name, business ad-*
19 *dress, and working contact informa-*
20 *tion;*

21 (II) *an ongoing contractual rela-*
22 *tionship with the online marketplace to*
23 *provide the online marketplace with*
24 *the manufacture, distribution, whole-*

2755

1 *saling, or fulfillment of shipments of*
2 *consumer products; and*
3 *(III) provided to the online mar-*
4 *ketplace identifying information, as*
5 *described in subsection (a), that has*
6 *been verified in accordance with that*
7 *subsection.*

8 *(7) VERIFY.—The term “verify” means to con-*
9 *firm information provided to an online marketplace*
10 *pursuant to this section, which may include the use*
11 *of one or more methods that enable the online market-*
12 *place to reliably determine that any information and*
13 *documents provided are valid, corresponding to the*
14 *seller or an individual acting on the seller’s behalf,*
15 *not misappropriated, and not falsified.*

16 *(g) RELATIONSHIP TO STATE LAWS.—No State or po-*
17 *litical subdivision of a State, or territory of the United*
18 *States, may establish or continue in effect any law, regula-*
19 *tion, rule, requirement, or standard that conflicts with the*
20 *requirements of this section.*

21 *(h) EFFECTIVE DATE.—This section shall take effect*
22 *180 days after the date of the enactment of this Act.*

2756

1 ***TITLE IV—VIRGINIA GRAEME***
2 ***BAKER POOL AND SPA SAFE-***
3 ***TY ACT REAUTHORIZATION***

4 ***SEC. 401. COVERED ENTITY DEFINED.***

5 *(a) IN GENERAL.—Section 1403 of the Virginia*
6 *Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8002)*
7 *is amended—*

8 *(1) by redesignating paragraphs (4), (5), (6),*
9 *(7), and (8) as paragraphs (6), (7), (8), (9), and (10),*
10 *respectively; and*

11 *(2) by inserting after paragraph (3) the fol-*
12 *lowing:*

13 *“(4) COVERED ENTITY.—The term ‘covered enti-*
14 *ty’ means—*

15 *“(A) a State; or*

16 *“(B) an Indian Tribe.*

17 *“(5) INDIAN TRIBE.—The term ‘Indian Tribe’*
18 *has the meaning given that term in section 4(e) of the*
19 *Indian Self-Determination and Education Assistance*
20 *Act (25 U.S.C. 5304(e)).”.*

21 *(b) TECHNICAL CORRECTION.—Paragraph (10) of sec-*
22 *tion 1403 of the Virginia Graeme Baker Pool and Spa Safe-*
23 *ty Act (as so redesignated) is amended by striking “section*
24 *3(10) of the Consumer Product Safety Act (15 U.S.C.*

2757

1 2052(10))” and inserting “section 3(a) of the Consumer
2 Product Safety Act (15 U.S.C. 2052(a))”.

3 **SEC. 402. SWIMMING POOL SAFETY GRANT PROGRAM.**

4 (a) *IN GENERAL.*—Section 1405 of the Virginia
5 Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004)
6 is amended to read as follows:

7 **“SEC. 1405. SWIMMING POOL SAFETY GRANT PROGRAM.**

8 “(a) *IN GENERAL.*—Subject to the availability of ap-
9 propriations authorized by subsection (e), the Commission
10 shall carry out a grant program to provide assistance to
11 eligible covered entities.

12 “(b) *ELIGIBILITY.*—To be eligible for a grant under
13 the program, a covered entity shall—

14 “(1) demonstrate to the satisfaction of the Com-
15 mission that, as of the date on which the covered enti-
16 ty submits an application to the Commission for a
17 grant under this section, the covered entity has en-
18 acted and provides for the enforcement of a statute
19 that—

20 “(A) except as provided in section
21 1406(a)(1)(A)(i), applies to all swimming pools
22 constructed in the State or in the jurisdiction of
23 the Indian Tribe (as the case may be) on or after
24 such date; and

2758

1 “(B) meets the minimum State law require-
2 ments of section 1406; and

3 “(2) submit an application to the Commission at
4 such time, in such form, and containing such addi-
5 tional information as the Commission may require.

6 “(c) AMOUNT OF GRANT.—The Commission shall de-
7 termine the amount of a grant awarded under this section,
8 and shall consider—

9 “(1) the population of the covered entity;

10 “(2) the relative enforcement and implementa-
11 tion needs of the covered entity; and

12 “(3) allocation of grant funds in a manner de-
13 signed to provide the maximum benefit from the pro-
14 gram in terms of protecting children from drowning
15 or entrapment.

16 “(d) USE OF GRANT FUNDS.—A State or an Indian
17 Tribe receiving a grant under this section shall use—

18 “(1) at least 25 percent of amounts made avail-
19 able—

20 “(A) to hire and train personnel for imple-
21 mentation and enforcement of standards under
22 the swimming pool and spa safety law of the
23 State or Indian Tribe; and

2759

1 “(B) to defray administrative costs associ-
2 ated with the hiring and training programs
3 under subparagraph (A); and

4 “(2) the remainder—

5 “(A) to educate pool owners, pool operators,
6 and other members of the public about the stand-
7 ards under the swimming pool and spa safety
8 law of the State or Indian Tribe and about the
9 prevention of drowning or entrapment of chil-
10 dren using swimming pools and spas; and

11 “(B) to defray administrative costs associ-
12 ated with the education programs under sub-
13 paragraph (A).

14 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
15 authorized to be appropriated to the Commission for fiscal
16 year 2023 \$2,500,000 to carry out this section.”.

17 (b) *CONFORMING AMENDMENTS.*—Section 1406 of the
18 Virginia Graeme Baker Pool and Spa Safety Act (15
19 U.S.C. 8005) is amended—

20 (1) in subsection (a)(2), by striking “the eligi-
21 bility of a State” each place it appears and inserting
22 “the eligibility of a covered entity”; and

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

24 “(e) *STATE DEFINED.*—In this section, the term ‘State’
25 includes an Indian Tribe.”.

2760

1 **SEC. 403. REAUTHORIZATION OF CPSC EDUCATION AND**
2 **AWARENESS PROGRAM.**

3 *Section 1407 of the Virginia Graeme Baker Pool and*
4 *Spa Safety Act (15 U.S.C. 8006) is amended to read as*
5 *follows:*

6 **“SEC. 1407. EDUCATION AND AWARENESS PROGRAM.**

7 *“(a) IN GENERAL.—The Commission shall establish*
8 *and carry out an education and awareness program to in-*
9 *form the public of methods to prevent drowning and entrap-*
10 *ment in swimming pools and spas. In carrying out the pro-*
11 *gram, the Commission shall develop—*

12 *“(1) educational materials designed for swim-*
13 *ming pool and spa manufacturers, service companies,*
14 *and supply retail outlets, including guidance on bar-*
15 *rier and drain cover inspection, maintenance, and re-*
16 *placement;*

17 *“(2) educational materials designed for swim-*
18 *ming pool and spa owners and operators, consumers,*
19 *States, and Indian Tribes; and*

20 *“(3) a national media campaign to promote*
21 *awareness of swimming pool and spa safety.*

22 *“(b) AUTHORIZATION OF APPROPRIATIONS.—There*
23 *are authorized to be appropriated to the Commission for*
24 *fiscal year 2023 \$2,500,000 to carry out the education and*
25 *awareness program authorized by subsection (a).”.*

2761

1 ***TITLE V—RANSOMWARE ACT***

2 ***SEC. 501. SHORT TITLE.***

3 *This title may be cited as the “Reporting Attacks from*
4 *Nations Selected for Oversight and Monitoring Web Attacks*
5 *and Ransomware from Enemies Act” or the*
6 *“RANSOMWARE Act”.*

7 ***SEC. 502. INCLUSION OF REPORT.***

8 *Section 2 of Public Law 116–173 is amended—*

9 *(1) in paragraph (3), by striking “; and”;*

10 *(2) in paragraph (4), by striking the period at*
11 *the end and inserting “; and”; and*

12 *(3) by adding at the end the following:*

13 *“(5) the first report required by the*
14 *RANSOMWARE Act.”.*

15 ***SEC. 503. REPORT ON RANSOMWARE AND OTHER CYBER-RE-***
16 ***LATED ATTACKS BY CERTAIN FOREIGN INDI-***
17 ***VIDUALS, COMPANIES, AND GOVERNMENTS.***

18 *(a) IN GENERAL.—With the transmission of the report*
19 *required by section 2 of Public Law 116–173, and sepa-*
20 *rately in 2025 and 2027, the Federal Trade Commission*
21 *shall transmit to the Committee on Energy and Commerce*
22 *of the House of Representatives and the Committee on Com-*
23 *merce, Science, and Transportation of the Senate a report,*
24 *which may include a classified annex for information that*
25 *is nonpublic or related to Commission investigations or*

2762

1 *interagency deliberations, and that shall include the fol-*
2 *lowing:*

3 (1) *The number and details of cross-border com-*
4 *plaints received by the Commission (including which*
5 *such complaints were acted upon and which such*
6 *complaints were not acted upon) that relate to inci-*
7 *dents that were reported to the Commission as com-*
8 *mitted by individuals, companies, or governments, in-*
9 *cluding those described in subsection (b), broken down*
10 *by each type of individual, type of company, or gov-*
11 *ernment described in a paragraph of such subsection.*

12 (2) *The number and details of cross-border com-*
13 *plaints received by the Commission (including which*
14 *such complaints were acted upon and which such*
15 *complaints were not acted upon) that involve*
16 *ransomware or other cyber-related attacks that were*
17 *reported to the Commission as committed by individ-*
18 *uals, companies, or governments, including those de-*
19 *scribed in subsection (b), broken down by each type*
20 *of individual, type of company, or government de-*
21 *scribed in a paragraph of such subsection.*

22 (3) *A description of trends in the number of*
23 *cross-border complaints received by the Commission*
24 *and reported to the Commission as incidents that*
25 *were committed by individuals, companies, or govern-*

2763

1 *ments, including those described in subsection (b),*
2 *broken down by each type of individual, type of com-*
3 *pany, or government described in a paragraph of*
4 *such subsection.*

5 *(4) Identification and details of foreign agencies*
6 *(including foreign law enforcement agencies (as de-*
7 *finied in section 4 of the Federal Trade Commission*
8 *Act (15 U.S.C. 44))) located in Russia, China, North*
9 *Korea, or Iran with which the Commission has co-*
10 *operated and the results of such cooperation, includ-*
11 *ing any foreign agency enforcement action or lack*
12 *thereof.*

13 *(5) A description of Commission litigation, in*
14 *relation to cross-border complaints described in para-*
15 *graphs (1) and (2), brought in foreign courts and the*
16 *results of such litigation.*

17 *(6) Any recommendations for legislation that*
18 *may advance the mission of the Commission in car-*
19 *rying out the U.S. SAFE WEB Act of 2006 and the*
20 *amendments made by such Act.*

21 *(7) Any recommendations for legislation that*
22 *may advance the security of the United States and*
23 *United States companies against ransomware and*
24 *other cyber-related attacks.*

2764

1 (8) *Any recommendations for United States citi-*
2 *zens and United States businesses to implement best*
3 *practices on mitigating ransomware and other cyber-*
4 *related attacks.*

5 (b) *INDIVIDUALS, COMPANIES, AND GOVERNMENTS DE-*
6 *SCRIBED.—The individuals, companies, and governments*
7 *described in this subsection are the following:*

8 (1) *An individual located within Russia or with*
9 *direct or indirect ties to the Government of the Rus-*
10 *sian Federation.*

11 (2) *A company located within Russia or with di-*
12 *rect or indirect ties to the Government of the Russian*
13 *Federation.*

14 (3) *The Government of the Russian Federation.*

15 (4) *An individual located within China or with*
16 *direct or indirect ties to the Government of the Peo-*
17 *ple’s Republic of China.*

18 (5) *A company located within China or with di-*
19 *rect or indirect ties to the Government of the People’s*
20 *Republic of China.*

21 (6) *The Government of the People’s Republic of*
22 *China.*

23 (7) *An individual located within North Korea or*
24 *with direct or indirect ties to the Government of the*
25 *Democratic People’s Republic of Korea.*

2765

1 (8) *A company located within North Korea or*
2 *with direct or indirect ties to the Government of the*
3 *Democratic People’s Republic of Korea.*

4 (9) *The Government of the Democratic People’s*
5 *Republic of Korea.*

6 (10) *An individual located within Iran or with*
7 *direct or indirect ties to the Government of the Is-*
8 *lamic Republic of Iran.*

9 (11) *A company located within Iran or with di-*
10 *rect or indirect ties to the Government of the Islamic*
11 *Republic of Iran.*

12 (12) *The Government of the Islamic Republic of*
13 *Iran.*

14 ***TITLE VI—TRAVEL AND TOURISM***

15 ***SEC. 600. DEFINED TERM.***

16 *In this title, the term “COVID–19 public health emer-*
17 *gency”—*

18 (1) *means the public health emergency first de-*
19 *clared on January 31, 2020, by the Secretary of*
20 *Health and Human Services under section 319 of the*
21 *Public Health Service Act (42 U.S.C. 247d) with re-*
22 *spect to COVID–19; and*

23 (2) *includes any renewal of such declaration*
24 *pursuant to such section 319.*

2766

1 ***Subtitle A—Travel Promotion***

2 **SEC. 601. SHORT TITLE.**

3 *This subtitle may be cited as the “Visit America Act”.*

4 **SEC. 602. PURPOSES.**

5 *The purposes of this subtitle are—*

6 (1) *to support the travel and tourism industry,*
7 *which produces economic impacts that are vital to*
8 *our national economy; and*

9 (2) *to establish national goals for international*
10 *visitors to the United States, including—*

11 (A) *recommendations for achieving such*
12 *goals and timelines for implementing such rec-*
13 *ommendations;*

14 (B) *coordination between Federal and State*
15 *agencies;*

16 (C) *the resources needed by each Govern-*
17 *ment agency to achieve such goals; and*

18 (D) *the number of international visitors*
19 *and the value of national travel exports.*

20 **SEC. 603. SENSE OF CONGRESS.**

21 *It is the sense of Congress that—*

22 (1) *setting a national goal for the number of*
23 *international visitors to the United States is vital for*
24 *aligning Federal tourism policy to support American*
25 *jobs and economic growth;*

2767

1 (2) *setting a national goal for travel exports is*
2 *vital for aligning Federal tourism policy to support*
3 *American jobs, increase travel exports, and improve*
4 *our Nation’s balance of trade;*

5 (3) *the travel industry is an essential part of the*
6 *United States services exports with respect to busi-*
7 *ness, education, medical, and leisure travel;*

8 (4) *the promotion of travel and visitation by the*
9 *Corporation for Travel Promotion (doing business as*
10 *“Brand USA”) is vital to increasing visitation and*
11 *articulating the visitation laws of the United States;*
12 *and*

13 (5) *there is an urgent need for a coordinated*
14 *travel and tourism industry response and strategy to*
15 *respond to the current state of such industry and fu-*
16 *ture unforeseen circumstances that may impact the*
17 *travel and tourism industry.*

18 **SEC. 604. ASSISTANT SECRETARY OF COMMERCE FOR TRAV-**
19 **EL AND TOURISM.**

20 *Section 2(d) of the Reorganization Plan Numbered 3*
21 *of 1979 (93 Stat. 1382; 5 U.S.C. App.) is amended—*

22 (1) *by striking “There shall be in the Depart-*
23 *ment two additional Assistant Secretaries” and in-*
24 *serting “(1) There shall be in the Department three*
25 *additional Assistant Secretaries, including the Assist-*

2768

1 *ant Secretary of Commerce for Travel and Tourism,”;*
2 *and*

3 *(2) by adding at the end the following:*

4 *“(2) The Assistant Secretary of Commerce for*
5 *Travel and Tourism shall report directly to the Under*
6 *Secretary of Commerce for International Trade.”.*

7 **SEC. 605. RESPONSIBILITIES OF THE ASSISTANT SEC-**
8 **RETARY OF COMMERCE FOR TRAVEL AND**
9 **TOURISM.**

10 *(a) VISITATION GOALS.—The Assistant Secretary of*
11 *Commerce for Travel and Tourism (referred to in this sec-*
12 *tion as the “Assistant Secretary”) shall—*

13 *(1) after consultation with the travel and tour-*
14 *ism industry, work with the Travel Promotion Com-*
15 *mittee and the United States Travel and Tourism Ad-*
16 *visory Board to establish an annual goal, consistent*
17 *with the goals of the travel and tourism strategy de-*
18 *veloped pursuant to section 606(1), for—*

19 *(A) the number of international visitors to*
20 *the United States; and*

21 *(B) the value of travel and tourism com-*
22 *merce;*

23 *(2) develop recommendations for achieving the*
24 *annual goals established pursuant to paragraph (1);*

2769

1 (3) *ensure that travel and tourism policy is de-*
2 *veloped in consultation with—*

3 *(A) the Tourism Policy Council;*

4 *(B) the Secretary of State;*

5 *(C) the Secretary of Homeland Security;*

6 *(D) the Corporation for Travel Promotion;*

7 *(E) the United States Travel and Tourism*
8 *Advisory Board; and*

9 *(F) travel and tourism industry representa-*
10 *tives, including public and private destination*
11 *marketing organizations, travel and tourism*
12 *suppliers, gig economy representatives, and labor*
13 *representatives from these industries;*

14 (4) *establish short, medium, and long-term*
15 *timelines for implementing the recommendations de-*
16 *veloped pursuant to paragraph (2);*

17 (5) *conduct Federal agency needs assessments, in*
18 *consultation with the Office of Management and*
19 *Budget and other relevant Federal agencies, to iden-*
20 *tify the resources, statutory or regulatory changes,*
21 *and private sector engagement needed to achieve the*
22 *annual visitation goals; and*

23 (6) *provide assessments and recommendations*
24 *to—*

2770

1 (A) *the Committee on Commerce, Science,*
2 *and Transportation of the Senate;*

3 (B) *the Committee on Energy and Com-*
4 *merce of the House of Representatives; and*

5 (C) *the public through a publicly accessible*
6 *website.*

7 (b) *DOMESTIC TRAVEL AND TOURISM.—The Assistant*
8 *Secretary, to the extent feasible, shall—*

9 (1) *evaluate, on an ongoing basis, domestic pol-*
10 *icy options for supporting competitiveness with re-*
11 *spect to the strengths, weaknesses, and growth of the*
12 *domestic travel industry;*

13 (2) *develop recommendations and goals to sup-*
14 *port and enhance domestic tourism, separated by*
15 *business and leisure; and*

16 (3) *engage public and private stakeholders to*
17 *support domestic tourism.*

18 (c) *WORKFORCE.—The Assistant Secretary shall—*

19 (1) *consult with the Secretary of Labor to de-*
20 *velop strategies and best practices for improving the*
21 *timeliness and reliability of travel and tourism work-*
22 *force data;*

23 (2) *work with the Secretary of Labor and the*
24 *Bureau of Economic Analysis to improve travel and*
25 *tourism industry data;*

2771

1 (3) *provide recommendations for policy enhance-*
2 *ments and efficiencies; and*

3 (4) *provide policy recommendations regarding*
4 *the gig economy as it relates to travel and tourism.*

5 (d) *FACILITATION OF INTERNATIONAL BUSINESS*
6 *TRAVEL.—The Assistant Secretary, in coordination with*
7 *relevant Federal agencies, shall strive to increase and facili-*
8 *tate international business travel to the United States and*
9 *ensure competitiveness by—*

10 (1) *facilitating large meetings, incentives, con-*
11 *ferences, and exhibitions in the United States;*

12 (2) *emphasizing rural and other destinations in*
13 *the United States that are rich in cultural heritage*
14 *or ecological tourism, among other uniquely American*
15 *destinations, as locations for hosting international*
16 *meetings, incentives, conferences, and exhibitions; and*

17 (3) *facilitating sports and recreation events and*
18 *activities in the United States.*

19 (e) *RECOVERY STRATEGIES.—*

20 (1) *IN GENERAL.—Not later than 1 year after*
21 *amounts are appropriated to the Department of Com-*
22 *merce to accomplish the purposes of this section, the*
23 *Assistant Secretary, in consultation with the entities*
24 *referred to in subsection (a)(3), shall develop recovery*
25 *strategies for the travel and tourism industry in re-*

2772

1 *sponse to the economic impacts of the COVID–19*
2 *pandemic and in anticipation of other unpredictable*
3 *catastrophic events that would significantly affect the*
4 *travel and tourism industry, such as hurricanes,*
5 *floods, tsunamis, tornadoes, wildfires, terrorist at-*
6 *tacks, and pandemics.*

7 (2) *COST-BENEFIT ANALYSIS.*—*In developing the*
8 *recovery strategies under paragraph (1), the Assistant*
9 *Secretary shall conduct cost-benefit analyses that take*
10 *into account the health and economic effects of public*
11 *health mitigation measures on the travel and tourism*
12 *industry.*

13 (f) *REPORTING REQUIREMENTS.*—

14 (1) *ASSISTANT SECRETARY.*—*The Assistant Sec-*
15 *retary, subject to the availability of appropriations,*
16 *shall produce an annual forecasting report on the*
17 *travel and tourism industry, which shall include cur-*
18 *rent and anticipated—*

19 (A) *domestic employment needs;*

20 (B) *international inbound volume and*
21 *spending, taking into account the lasting effects*
22 *of the COVID–19 public health emergency and*
23 *the impact of the recovery strategy implemented*
24 *pursuant to subsection (e)(1); and*

2773

1 (C) domestic volume and spending, includ-
2 ing Federal and State public land travel and
3 tourism data.

4 (2) BUREAU OF ECONOMIC ANALYSIS.—The Di-
5 rector of the Bureau of Economic Analysis, subject to
6 the availability of appropriations and to the extent
7 feasible, should make quarterly updates to the Travel
8 and Tourism Satellite Accounts, including—

9 (A) State-level travel and tourism spending
10 data;

11 (B) travel and tourism workforce data for
12 full-time and part-time employment; and

13 (C) Federal and State public lands outdoor
14 recreational activity and tourism spending data.

15 (3) NATIONAL TRAVEL AND TOURISM OFFICE.—
16 The Director of the National Travel and Tourism Of-
17 fice—

18 (A) in partnership with the Bureau of Eco-
19 nomic Analysis and other relevant Federal agen-
20 cies, shall provide a monthly report on inter-
21 national arrival and spending data to—

22 (i) the Travel and Tourism Advisory
23 Board; and

24 (ii) the public through a publicly ac-
25 cessible website; and

† HR 2617 EAS2

2774

1 (B) shall include questions in the Survey of
2 International Air Travelers regarding wait-
3 times, visits to public lands, and State data, to
4 the extent applicable.

5 **SEC. 606. TRAVEL AND TOURISM STRATEGY.**

6 Not less frequently than once every 10 years, the Sec-
7 retary of Commerce, in consultation with the United States
8 Travel and Tourism Advisory Board, the Tourism Policy
9 Council, the Secretary of State, and the Secretary of Home-
10 land Security, shall develop and submit to Congress a 10-
11 year travel and tourism strategy, which shall include—

12 (1) the establishment of goals with respect to the
13 number of annual international visitors to the United
14 States and the annual amount of travel and tourism
15 commerce in the United States during such 10-year
16 period;

17 (2) the resources needed to achieve the goals es-
18 tablished pursuant to paragraph (1); and

19 (3) recommendations for statutory or regulatory
20 changes that would be necessary to achieve such goals.

21 **SEC. 607. UNITED STATES TRAVEL AND TOURISM ADVISORY**
22 **BOARD.**

23 Section 3 of the Act entitled “An Act to encourage trav-
24 el in the United States, and for other purposes” (15 U.S.C.
25 1546) is amended to read as follows:

2775

1 **“SEC. 3. UNITED STATES TRAVEL AND TOURISM ADVISORY**
2 **BOARD.**

3 “(a) *IN GENERAL.*—*There is established the United*
4 *States Travel and Tourism Advisory Board (referred to in*
5 *this section as the ‘Board’), the members of which shall be*
6 *appointed by the Secretary of Commerce for 2-year terms*
7 *from companies and organizations in the travel and tour-*
8 *ism industry.*

9 “(b) *EXECUTIVE DIRECTOR.*—*The Assistant Secretary*
10 *of Commerce for Travel and Tourism shall serve as the Ex-*
11 *ecutive Director of the Board.*

12 “(c) *EXECUTIVE SECRETARIAT.*—*The National Travel*
13 *and Tourism Office of the International Trade Administra-*
14 *tion shall serve as the Executive Secretariat for the Board.*

15 “(d) *FUNCTIONS.*—*The Board’s Charter shall specify*
16 *that the Board will—*

17 “(1) *serve as the advisory body to the Secretary*
18 *of Commerce on matters relating to the travel and*
19 *tourism industry in the United States;*

20 “(2) *advise the Secretary of Commerce on gov-*
21 *ernment policies and programs that affect the United*
22 *States travel and tourism industry;*

23 “(3) *offer counsel on current and emerging*
24 *issues;*

2776

1 “(4) provide a forum for discussing and pro-
2 posing solutions to problems related to the travel and
3 tourism industry; and

4 “(5) provide advice regarding the domestic travel
5 and tourism industry as an economic engine.

6 “(e) *RECOVERY STRATEGIES.*—The Board shall assist
7 the Assistant Secretary of Commerce for Travel and Tour-
8 ism in the development and implementation of the recovery
9 strategies required under section 605(e)(1) of the Visit
10 America Act.”.

11 **SEC. 608. DATA ON DOMESTIC TRAVEL AND TOURISM.**

12 *The Assistant Secretary of Commerce for Travel and*
13 *Tourism, subject to the availability of appropriations, shall*
14 *collect and make public aggregate data on domestic travel*
15 *and tourism trends.*

16 **SEC. 609. COMPLETION OF PROCEEDING.**

17 *If the Secretary of Commerce, before the date of the*
18 *enactment of this Act, has taken any action that, in whole*
19 *or in part, implements this title or the amendments made*
20 *by this title, the Secretary is not required to revisit such*
21 *action to the extent such action is consistent with this title*
22 *and the amendments made by this title.*

2777

1 ***Subtitle B—Travel Safety***

2 ***SEC. 611. STUDY AND REPORT ON EFFECTS OF COVID-19***
3 ***PANDEMIC ON TRAVEL AND TOURISM INDUS-***
4 ***TRY IN UNITED STATES.***

5 (a) *DEFINITIONS.—In this section:*

6 (1) *PANDEMIC PERIOD.—The term “pandemic*
7 *period” has the meaning given the term “emergency*
8 *period” in section 1135(g)(1)(B) of the Social Secu-*
9 *rity Act (42 U.S.C. 1320b–5(g)(1)(B)), excluding any*
10 *portion of such period after the date that is 1 year*
11 *after the date of the enactment of this Act.*

12 (2) *SECRETARY.—The term “Secretary” means*
13 *the Secretary of Commerce.*

14 (3) *TRAVEL AND TOURISM INDUSTRY.—The term*
15 *“travel and tourism industry” means the travel and*
16 *tourism industry in the United States.*

17 (b) *INTERIM STUDY AND REPORT.—*

18 (1) *IN GENERAL.—Not later than 3 months after*
19 *the date of the enactment of this Act, the Secretary,*
20 *after consultation with relevant stakeholders, includ-*
21 *ing the United States Travel and Tourism Advisory*
22 *Board, shall—*

23 (A) *complete an interim study, which shall*
24 *be based on data available at the time the study*
25 *is conducted and provide a framework for the*

2778

1 *study required under subsection (c), regarding*
2 *the effects of the COVID–19 pandemic on the*
3 *travel and tourism industry, including various*
4 *segments of the travel and tourism industry,*
5 *such as domestic, international, leisure, business,*
6 *conventions, meetings, and events; and*

7 *(B) submit a report containing the results*
8 *of such interim study to—*

9 *(i) the Committee on Commerce,*
10 *Science, and Transportation of the Senate;*
11 *and*

12 *(ii) the Committee on Energy and*
13 *Commerce of the House of Representatives.*

14 (2) *AVAILABILITY.—The Secretary shall make the*
15 *report described in paragraph (1) publicly available*
16 *on the website of the Department of Commerce.*

17 (c) *IN GENERAL.—Not later than 1 year after the date*
18 *of the enactment of this Act, the Secretary, in consultation*
19 *with the United States Travel and Tourism Advisory Board*
20 *and the head of any other Federal agency the Secretary con-*
21 *siders appropriate, shall complete a study on the effects of*
22 *the COVID–19 pandemic on the travel and tourism indus-*
23 *try, including various segments of the travel and tourism*
24 *industry, such as domestic, international, leisure, business,*
25 *conventions, meetings, and events.*

2779

1 (d) *MATTERS FOR CONSIDERATION.*—*In conducting*
2 *the interim study required under subsection (b) and the*
3 *study required under subsection (c), the Secretary shall con-*
4 *sider—*

5 (1) *changes in employment rates in the travel*
6 *and tourism industry during the pandemic period;*

7 (2) *changes in revenues of businesses in the trav-*
8 *el and tourism industry during the pandemic period;*

9 (3) *changes in employment and sales in indus-*
10 *tries related to the travel and tourism industry, and*
11 *changes in contributions of the travel and tourism in-*
12 *dustry to such related industries, during the pan-*
13 *demic period;*

14 (4) *the effects attributable to the changes de-*
15 *scribed in paragraphs (1) through (3) in the travel*
16 *and tourism industry and such related industries on*
17 *the overall economy of the United States, including—*

18 (A) *an analysis of regional economies (on a*
19 *per capita basis) during the pandemic period;*
20 *and*

21 (B) *the projected effects of such changes on*
22 *the regional and overall economy of the United*
23 *States following the pandemic period;*

24 (5) *the effects attributable to the changes de-*
25 *scribed in paragraphs (1) through (3) in the travel*

2780

1 *and tourism industry and such related industries on*
2 *minority communities, including Native Americans,*
3 *Native Hawaiians, and Alaska Natives;*

4 *(6) reports on the economic impact of COVID–*
5 *19 issued by other Federal agencies;*

6 *(7) the costs and health benefits associated with*
7 *COVID–19 requirements for air travel for entry into*
8 *or exit from the United States and any consequent*
9 *disincentives for tourism;*

10 *(8) any Federal barriers related to the response*
11 *to the COVID–19 pandemic that are disincentivizing*
12 *international tourism in the United States, including*
13 *the source and policy rationale for these barriers; and*

14 *(9) any additional matters that the Secretary*
15 *considers appropriate.*

16 *(e) CONSULTATION AND PUBLIC COMMENT.—In con-*
17 *ducting the study required under subsection (c), the Sec-*
18 *retary shall—*

19 *(1) consult with representatives of—*

20 *(A) the small business sector;*

21 *(B) the restaurant or food service sector;*

22 *(C) the hotel and alternative accommoda-*
23 *tions sector;*

24 *(D) the attractions or recreation sector;*

25 *(E) the outdoor recreation sector;*

2781

- 1 (F) the travel distribution services sector;
2 (G) destination marketing organizations;
3 (H) State tourism offices;
4 (I) the passenger air, railroad, bus, and
5 rental car sectors; and
6 (J) labor representatives for—
7 (i) the sectors referred to in subpara-
8 graph (I); and
9 (ii) security screening personnel des-
10 ignated by the Administrator of the Trans-
11 portation Security Administration; and
12 (2) provide an opportunity for public comment
13 and advice relevant to conducting such study.
14 (f) REPORT TO CONGRESS.—
15 (1) IN GENERAL.—Not later than 6 months after
16 the completion of the study required under subsection
17 (c), the Secretary, in consultation with the United
18 States Travel and Tourism Advisory Board and the
19 Tourism Policy Council, shall submit a report to the
20 Committee on Commerce, Science, and Transpor-
21 tation of the Senate and the Committee on Energy
22 and Commerce of the House of Representatives that
23 contains—
24 (A) the results of such study;
25 (B) policy recommendations for—

2782

1 (i) promoting and assisting the travel
2 and tourism industry generally; and
3 (ii) promoting and assisting travel and
4 tourism to Native American, Native Hawai-
5 ian, and Alaska Native communities, by
6 fully implementing the Native American
7 Tourism and Improving Visitor Experience
8 Act (Public Law 114–221); and
9 (C) a description of the actions that should
10 be taken by the Federal Government to accelerate
11 the implementation of travel and tourism poli-
12 cies and programs authorized by law.

13 (2) *AVAILABILITY.*—The Secretary shall make the
14 report described in paragraph (1) publicly available
15 on the website of the Department of Commerce.

16 ***DIVISION CC—WATER RELATED***
17 ***MATTERS***

18 ***SEC. 101. EXTENSION OF AUTHORIZATIONS RELATED TO***
19 ***FISH RECOVERY PROGRAMS.***

20 Section 3 of Public Law 106–392 (114 Stat. 1603; 123
21 Stat. 1310) is amended—

22 (1) by striking “2023” each place it appears and
23 inserting “2024”;

24 (2) in subsection (b)(1), by striking
25 “\$179,000,000” and inserting “\$184,000,000”;

2783

1 (3) in subsection (b)(2), by striking
2 “\$30,000,000” and inserting “\$25,000,000”;
3 (4) in subsection (h), by striking “, at least 1
4 year prior to such expiration,”; and
5 (5) in subsection (j), by striking “2021” each
6 place it appears and inserting “2022”.

7 **SEC. 102. COLORADO RIVER SYSTEM CONSERVATION PILOT**
8 **PROGRAM.**

9 Section 206 of the Energy and Water Development and
10 Related Agencies Appropriations Act, 2015 (43 U.S.C. 620
11 note; Public Law 113–235), is amended—

12 (1) in subsection (b)(2), by striking “additional
13 funds” and inserting “funds for new water conserva-
14 tion agreements or”;
15 (2) in subsection (c)(2), by striking “2022” and
16 inserting “2024”; and
17 (3) in subsection (d), by striking “2018” and in-
18 serting “2025”.

19 **SEC. 103. SALTON SEA PROJECTS.**

20 Section 1101 of the Reclamation Projects Authoriza-
21 tion and Adjustment Act of 1992 (Public Law 102–575; 106
22 Stat. 4661) is amended—

23 (1) by redesignating subsections (b) through (d)
24 as subsections (c) through (e), respectively;

2784

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

3 “(b) *ADDITIONAL PROJECT AUTHORITIES.—*

4 “(1) *IN GENERAL.—The Secretary of the Inte-*
5 *rior, acting through the Commissioner of Reclama-*
6 *tion, may provide grants and enter into contracts*
7 *and cooperative agreements to carry out projects lo-*
8 *cated in the area of the Salton Sea in southern Cali-*
9 *fornia to mitigate impacts from dust from dry and*
10 *drying lakebeds and to improve fish and wildlife*
11 *habitat, recreational opportunities, and water qual-*
12 *ity, in partnership with—*

13 “(A) *State, Tribal, and local governments;*

14 “(B) *water districts;*

15 “(C) *joint powers authorities, including the*
16 *Salton Sea Authority;*

17 “(D) *nonprofit organizations; and*

18 “(E) *institutions of higher education.*

19 “(2) *INCLUDED ACTIVITIES.—The projects de-*
20 *scribed in paragraph (1) may include—*

21 “(A) *construction, operation, maintenance,*
22 *permitting, and design activities required for the*
23 *projects; and*

24 “(B) *dust suppression projects.”; and*

2785

1 (3) *in subsection (c) (as so redesignated), by*
2 *striking “project referred to in subsection (a)” and in-*
3 *serting “projects referred to in subsections (a) and*
4 *(b)”.*

5 **SEC. 104. AUTHORIZATION OF SUN RIVER PROJECT, MON-**
6 **TANA.**

7 (a) *AUTHORIZATION.—The Secretary, acting through*
8 *the Commissioner of Reclamation and pursuant to the rec-*
9 *lamation laws, may construct, operate, and maintain fa-*
10 *cilities in the Sun River project, Montana, for the purpose*
11 *of hydroelectric power generation.*

12 (b) *EFFECT.—The authorization under subsection (a)*
13 *shall—*

14 (1) *be in addition to any other authorizations*
15 *for the Sun River project under existing law; and*

16 (2) *not limit, restrict, or alter operations of the*
17 *Sun River project in a manner that would be adverse*
18 *to the satisfaction of valid existing water rights or*
19 *water deliveries to the holder of any valid water serv-*
20 *ice contract.*

2786

1 **SEC. 105. ELIGIBILITY UNDER THE INFRASTRUCTURE IN-**
2 **VESTMENT AND JOBS ACT OF SMALL WATER**
3 **STORAGE AND GROUNDWATER STORAGE**
4 **PROJECTS.**

5 *Section 40903(b)(1)(B)(i) of the Infrastructure Invest-*
6 *ment and Jobs Act (43 U.S.C. 3203(b)(1)(B)(i)) is amended*
7 *by striking “2,000” and inserting “200”.*

8 ***DIVISION DD—PUBLIC LAND***
9 ***MANAGEMENT***

10 **SEC. 1. DEFINITION OF SECRETARY.**

11 *In this division, the term “Secretary” means the Sec-*
12 *retary of the Interior.*

13 ***TITLE I—DEPARTMENT OF THE***
14 ***INTERIOR PROVISIONS***

15 **SEC. 101. PILOT PROGRAM FOR NATIVE PLANT SPECIES.**

16 *(a) DEFINITIONS.—In this section:*

17 *(1) INVASIVE SPECIES.—The term “invasive spe-*
18 *cies” means, with respect to a particular ecosystem,*
19 *a nonnative organism, the introduction of which*
20 *causes or is likely to cause economic or environmental*
21 *harm or harm to human, animal, or plant health.*

22 *(2) LOCALLY ADAPTED.—The term “locally*
23 *adapted” means, with respect to plants, plants that—*
24 *(A) originate from an area that is geo-*
25 *graphically proximate to a planting area; and*

2787

1 (B) are environmentally adapted to and
2 likely to become established and persist in that
3 planting area.

4 (3) *NATIVE PLANT SPECIES*.—The term “native
5 plant species” means, with respect to a particular
6 ecosystem, a species that, other than as a result of an
7 introduction, historically occurred or currently occurs
8 in that ecosystem.

9 (4) *NONNATIVE*.—The term “nonnative” means,
10 with respect to a particular ecosystem, an organism,
11 including the seeds, eggs, spores, or other biological
12 material of the organism capable of propagating that
13 species, that occurs outside of the natural range of the
14 organism.

15 (5) *PLANT MATERIAL*.—The term “plant mate-
16 rial” means a plant or the seeds, eggs, spores, or other
17 biological material of a plant capable of propagating
18 the species of the plant.

19 (b) *ESTABLISHMENT*.—Not later than 180 days after
20 the date on which funds are made available to carry out
21 this section, the Secretary shall, in accordance with any ex-
22 isting laws and management policies, carry out a pilot pro-
23 gram to prioritize the use of native plant species within
24 geographically diverse units of the National Park System

2788

1 *and public land administered by the Bureau of Land Man-*
2 *agement.*

3 (c) *IMPLEMENTATION.—In carrying out the pilot pro-*
4 *gram under subsection (b), the Secretary shall, to the extent*
5 *practicable—*

6 (1) *give preference to the use of locally adapted*
7 *native plant materials where appropriate;*

8 (2) *incorporate efforts to prevent, control, or*
9 *eradicate the spread of invasive species;*

10 (3) *incorporate efforts to use native plants in*
11 *areas that have experienced a recent wildfire event;*
12 *and*

13 (4) *identify situations in which the use of non-*
14 *native plants may be warranted.*

15 (d) *COORDINATION.—The Secretary shall, in carrying*
16 *out the pilot program under subsection (b), coordinate ac-*
17 *tivities with—*

18 (1) *the National Seed Strategy of the Bureau of*
19 *Land Management;*

20 (2) *the Plant Conservation Alliance; and*

21 (3) *the Plant Materials Centers of the Natural*
22 *Resources Conservation Service.*

23 (e) *TERMINATION OF AUTHORITY.—The authority to*
24 *carry out the pilot program under subsection (b) terminates*

2789

1 *on the date that is 5 years after the date on which the pilot*
2 *program is established under that subsection.*

3 *(f) REPORT.—Not later than 1 year after the date on*
4 *which the authority to carry out the pilot program termi-*
5 *nates under subsection (e), the Secretary shall submit to*
6 *Congress a report describing—*

7 *(1) the results of the pilot program carried out*
8 *under subsection (b); and*

9 *(2) the cost-effectiveness of using native plants in*
10 *units of the National Park System and public land*
11 *administered by the Bureau of Land Management.*

12 **SEC. 102. REAUTHORIZATION OF THE HIGHLANDS CON-**
13 **SERVATION ACT.**

14 *The Highlands Conservation Act (Public Law 108–*
15 *421; 118 Stat. 2375) is amended—*

16 *(1) in section 3—*

17 *(A) by amending paragraph (1) to read as*
18 *follows:*

19 *“(1) HIGHLANDS REGION.—The term ‘Highlands*
20 *region’ means—*

21 *“(A) the area depicted on the map entitled*
22 *‘The Highlands Region’, dated June 2004, up-*
23 *dated after the date of enactment of this sub-*
24 *paragraph to comprise each municipality in-*
25 *cluded on the list of municipalities included in*

2790

1 *the Highlands region as of that date of enact-*
2 *ment, and maintained in the headquarters of the*
3 *Forest Service in Washington, District of Colum-*
4 *bia; and*

5 *“(B) a municipality approved by the Direc-*
6 *tor of the United States Fish and Wildlife Serv-*
7 *ice under section 4(e).”;*

8 *(B) in paragraph (3), by amending sub-*
9 *paragraph (B) to read as follows:*

10 *“(B) identified by a Highlands State as*
11 *having high conservation value using the best*
12 *available science and geographic information*
13 *systems; and”;*

14 *(C) in paragraph (4)(A), by striking “; or”*
15 *and inserting “, including a political subdivi-*
16 *sion thereof; or”;* and

17 *(D) by striking paragraphs (5) through (7);*
18 *(2) in section 4—*

19 *(A) in subsection (a)(1), by striking “in the*
20 *Study” and all that follows through the end of*
21 *the paragraph and inserting “using the best*
22 *available science and geographic information*
23 *systems; and”;*

24 *(B) in subsection (c), by amending para-*
25 *graph (5) to read as follows:*

2791

1 “(5) provides that land conservation partnership
2 projects will be consistent with areas identified as
3 having high conservation value in accordance with
4 the purposes described in section 2 in the Highlands
5 region.”;

6 (C) in subsection (e), by striking “fiscal
7 years 2005 through 2021” and inserting “fiscal
8 years 2023 through 2029”;

9 (D) by redesignating subsection (e) as sub-
10 section (g); and

11 (E) by inserting after subsection (d) the fol-
12 lowing:

13 “(e) *REQUEST FOR INCLUSION OF ADDITIONAL MU-*
14 *NICIPALITY.—The Director of the United States Fish and*
15 *Wildlife Service may, at the request of a Highlands State,*
16 *with the concurrence of the municipality, approve the inclu-*
17 *sion of a municipality within the State as part of the High-*
18 *lands region.*

19 “(f) *LIMITATION ON ADMINISTRATIVE EXPENSES.—*

20 “(1) *FEDERAL ADMINISTRATION.—The Secretary*
21 *of the Interior may not expend more than \$300,000*
22 *for the administration of this Act in each fiscal year.*

23 “(2) *STATE ADMINISTRATION.—A State that re-*
24 *ceives funds under this section for a land conservation*
25 *partnership project may not use more than 5 percent*

2792

1 *of the funds to administer the land conservation part-*
2 *nership project.”;*

3 *(3) in section 5—*

4 *(A) in subsection (a), by striking “the*
5 *Study, Update, and any future study that the*
6 *Forest Service may undertake in”;*

7 *(B) in subsection (b)—*

8 *(i) in paragraph (1), by striking “, in-*
9 *cluding a Pennsylvania and Connecticut*
10 *Update”;* and

11 *(ii) in paragraph (2), by striking “the*
12 *findings” and all that follows through the*
13 *end of the paragraph and inserting “with*
14 *stakeholders regarding implementation of*
15 *the program; and”;* and

16 *(C) in subsection (c), by striking “2005*
17 *through 2014” and inserting “2023 through*
18 *2029”;* and

19 *(4) in section 6, by adding at the end the fol-*
20 *lowing:*

21 “*(f) APPRAISAL METHODOLOGY.—*

22 “*(1) IN GENERAL.—With respect to an appraisal*
23 *related to a land acquisition carried out under this*
24 *Act, a Highlands State shall use an appraisal meth-*
25 *odology approved by the Secretary of the Interior.*

2793

1 “(2) *ALTERNATIVE APPRAISAL METHODOLOGY.*—
2 *A Highlands State may petition the Secretary of the*
3 *Interior to consider an alternative appraisal method-*
4 *ology when there is a conflict, in any Highlands*
5 *State, between—*

6 “(A) *an appraisal methodology approved by*
7 *the Secretary of the Interior under paragraph*
8 *(1); and*

9 “(B) *applicable State law.*”.

10 **SEC. 103. CADASTRE OF FEDERAL REAL PROPERTY.**

11 (a) *DEFINITIONS.*—*In this section:*

12 (1) *CADASTRE.*—

13 (A) *IN GENERAL.*—*The term “cadastre”*
14 *means an inventory of real property developed*
15 *through collecting, storing, retrieving, or dissemi-*
16 *nating graphical or digital data depicting nat-*
17 *ural or man-made physical features, phenomena,*
18 *or boundaries of the earth, and any information*
19 *related to the data, including—*

20 (i) *surveys;*

21 (ii) *maps;*

22 (iii) *charts;*

23 (iv) *satellite and airborne remote sens-*
24 *ing data;*

25 (v) *images; and*

2794

1 (vi) *services of an architectural or en-*
2 *gineering nature performed by 1 or more*
3 *professionals, as authorized to perform the*
4 *services under State law, if applicable, such*
5 *as—*

6 (I) *a surveyor;*

7 (II) *a photogrammetrist;*

8 (III) *a hydrographer;*

9 (IV) *a geodesist; or*

10 (V) *a cartographer.*

11 (B) *INCLUSIONS.—The term “cadastre” in-*
12 *cludes—*

13 (i) *a reference frame consisting of a*
14 *current geodetic network that is consistent*
15 *with, and not duplicative of, the National*
16 *Geodetic Survey of the National Oceanic and*
17 *Atmospheric Administration;*

18 (ii) *a series of current and accurate*
19 *large-scale maps;*

20 (iii) *an existing cadastral boundary*
21 *overlay delineating all cadastral parcels;*

22 (iv) *a system for indexing and identi-*
23 *fying each cadastral parcel; and*

24 (v) *a series of land data files, each in-*
25 *cluding the parcel identifier, which can be*

2795

1 *used to retrieve information and cross-ref-*
2 *erence between and among other existing*
3 *data files that may contain information*
4 *about the use, assets, and infrastructure of*
5 *each parcel.*

6 (2) *FEDERAL REAL PROPERTY.*—

7 (A) *IN GENERAL.*—*The term “Federal real*
8 *property” means any real property owned,*
9 *leased, or otherwise managed by the Secretary*
10 *concerned.*

11 (B) *EXCLUSIONS.*—*The term “Federal real*
12 *property” does not include—*

13 (i) *real property held in trust by the*
14 *Federal Government for the benefit of 1 or*
15 *more Indian Tribes or individual Indians;*
16 *or*

17 (ii) *restricted land owned by an In-*
18 *dian Tribe or individual Indians.*

19 (3) *REAL PROPERTY.*—*The term “real property”*
20 *means real estate consisting of—*

21 (A) *land;*

22 (B) *buildings, crops, forests, or other re-*
23 *sources still attached to or within the land;*

24 (C) *improvements or fixtures permanently*
25 *attached to the land;*

2796

1 (D) any structure on the land; or

2 (E) any interest, benefit, right, or privilege
3 in the property described in subparagraphs (A)
4 through (D).

5 (4) *SECRETARY CONCERNED.*—The term “Sec-
6 retary concerned” means—

7 (A) the Secretary; or

8 (B) the Secretary of Agriculture, acting
9 through the Chief of the Forest Service.

10 (b) *CADASTRE OF FEDERAL REAL PROPERTY.*—

11 (1) *INTERAGENCY DATA STANDARDIZATION.*—Not
12 later than 18 months after the date of enactment of
13 this Act, the Secretaries concerned shall jointly de-
14 velop and adopt interagency standards to ensure com-
15 patibility and interoperability among applicable Fed-
16 eral databases with respect to the collection and dis-
17 semination of data relating to Federal real property.

18 (2) *DEVELOPMENT OF CADASTRE.*—Not later
19 than 2 years after the date of enactment of this Act,
20 the Secretaries concerned, subject to the availability of
21 appropriations, shall develop (and thereafter main-
22 tain) a current and accurate multipurpose cadastre of
23 Federal real property under the jurisdiction of the
24 Secretaries concerned to support Federal land man-

2797

1 *agement activities on Federal real property, includ-*
2 *ing—*

3 *(A) resource development and conservation;*

4 *(B) agricultural use;*

5 *(C) active forest management;*

6 *(D) environmental protection; and*

7 *(E) other use of the real property.*

8 *(3) CONSOLIDATION AND REPORT.—Not later*
9 *than 180 days after the date of enactment of this Act,*
10 *the Secretaries concerned shall submit to the Com-*
11 *mittee on Energy and Natural Resources of the Sen-*
12 *ate and the Committee on Natural Resources of the*
13 *House of Representatives a report describing—*

14 *(A) the existing real property inventories or*
15 *any components of any cadastre of Federal real*
16 *property currently authorized by law or main-*
17 *tained by the Secretary concerned, including—*

18 *(i) the statutory authorization for each*
19 *existing real property inventory or compo-*
20 *nent of a cadastre; and*

21 *(ii) the amount expended by the Fed-*
22 *eral Government for each existing real prop-*
23 *erty inventory or component of a cadastre*
24 *in fiscal year 2022;*

2798

1 (B) the existing real property inventories or
2 any components of any cadastre of Federal real
3 property currently authorized by law or main-
4 tained by the Secretary concerned that will be
5 eliminated or consolidated into the multipurpose
6 cadastre under paragraph (2);

7 (C)(i) the existing real property inventories
8 or any components of any cadastre of Federal
9 real property currently authorized by law or
10 maintained by the Secretary concerned that will
11 not be eliminated or consolidated into the multi-
12 purpose cadastre under paragraph (2); and

13 (ii) a justification for not eliminating or
14 consolidating an existing real property inventory
15 or component of a cadastre described in clause
16 (i) into the multipurpose cadastre under para-
17 graph (2);

18 (D) the use of existing real property inven-
19 tories or any components of any cadastre cur-
20 rently maintained by any unit of State or local
21 government that can be used to identify Federal
22 real property within that unit of government;

23 (E) the cost savings that will be achieved by
24 eliminating or consolidating duplicative or
25 unnneeded real property inventories or any com-

2799

1 *ponents of any cadastre of Federal real property*
2 *currently authorized by law or maintained by*
3 *the Secretary concerned that will become part of*
4 *the multipurpose cadastre under paragraph (2);*

5 *(F) a plan for the implementation of this*
6 *section, including a cost estimate and an assess-*
7 *ment of the feasibility of using revenue from any*
8 *transactional activity authorized by law to offset*
9 *any costs of implementing this section; and*

10 *(G) recommendations for any legislation*
11 *necessary to increase the cost savings and en-*
12 *hance the effectiveness and efficiency of replac-*
13 *ing, eliminating, or consolidating Federal real*
14 *property inventories or any components of any*
15 *cadastre of Federal real property currently au-*
16 *thorized by law or maintained by the Secretary*
17 *concerned.*

18 *(4) COORDINATION.—*

19 *(A) IN GENERAL.—In carrying out this sec-*
20 *tion, the Secretaries concerned shall—*

21 *(i) participate (in accordance with sec-*
22 *tion 216 of the E-Government Act of 2002*
23 *(44 U.S.C. 3501 note; Public Law 107–347)*
24 *and section 757 of the Geospatial Data Act*
25 *of 2018 (43 U.S.C. 2806)) in the establish-*

2800

1 *ment of such standards and common proto-*
2 *cols as are necessary to ensure the inter-*
3 *operability of geospatial information per-*
4 *taining to the cadastre under paragraph (2)*
5 *for all users of the information;*

6 *(ii) coordinate with, seek assistance*
7 *and cooperation of, and provide liaison to*
8 *the Federal Geographic Data Committee es-*
9 *tablished by section 753(a) of the Geospatial*
10 *Data Act of 2018 (43 U.S.C. 2802(a)) for*
11 *the implementation of and compliance with*
12 *such standards and requirements of that Act*
13 *as may be applicable to—*

14 *(I) the cadastre under paragraph*
15 *(2); and*

16 *(II) any aspect of the development*
17 *of the cadastre under paragraph (2);*

18 *(iii) integrate, or make the cadastre*
19 *interoperable with, the Federal Real Prop-*
20 *erty Profile or other inventories established*
21 *pursuant to Executive Order 13327 (40*
22 *U.S.C. 121 note; relating to Federal real*
23 *property asset management), the Federal*
24 *Assets Sale and Transfer Act of 2016 (40*
25 *U.S.C. 1303 note; Public Law 114–287), or*

† HR 2617 EAS2

2801

1 *the Federal Property Management Reform*
2 *Act of 2016 (Public Law 114–318; 130 Stat.*
3 *1608); and*

4 *(iv) to the maximum extent prac-*
5 *ticable, integrate with and leverage current*
6 *cadastre activities of units of State and*
7 *local government.*

8 *(B) CONTRACTS CONSIDERED SURVEYING*
9 *AND MAPPING.—*

10 *(i) IN GENERAL.—A contract between*
11 *the Secretaries concerned and a member of*
12 *the private sector to provide products and*
13 *services for the development of the cadastre*
14 *shall be considered to be a contract for serv-*
15 *ices of surveying and mapping (within the*
16 *meaning of chapter 11 of title 40, United*
17 *States Code).*

18 *(ii) SELECTION PROCEDURES.—A con-*
19 *tract described in clause (i) shall be entered*
20 *into in accordance with the selection proce-*
21 *dures in chapter 11 of title 40, United*
22 *States Code.*

23 *(c) TRANSPARENCY AND PUBLIC ACCESS.—The Sec-*
24 *retary concerned shall—*

2802

1 (1) *in accordance with any requirements appli-*
2 *cable to the Secretary concerned under section 759 of*
3 *the Geospatial Data Act of 2018 (43 U.S.C. 2808),*
4 *make the cadastre under subsection (b)(2) publicly*
5 *available on the internet—*

6 (A) *in a graphically geo-enabled and*
7 *searchable format; and*

8 (B) *in a manner that is consistent with,*
9 *and meets any requirements for integration with,*
10 *the GeoPlatform established under section 758(a)*
11 *of that Act (43 U.S.C. 2807(a));*

12 (2) *ensure that the inventory referred to in sub-*
13 *section (b) includes the identification of all land suit-*
14 *able for disposal and the appraised value of the land,*
15 *if an appraisal has been conducted, in accordance*
16 *with the Federal Land Policy and Management Act*
17 *of 1976 (43 U.S.C. 1701 et seq.); and*

18 (3) *in consultation with the Secretary of Defense*
19 *and the Secretary of Homeland Security, prevent the*
20 *disclosure of any parcel or parcels of land, any build-*
21 *ings or facilities on the land, or any information re-*
22 *lated to the land, buildings, or facilities if that disclo-*
23 *sure would impair or jeopardize the national security*
24 *or homeland defense of the United States.*

2803

1 (d) *APPLICABLE LAW*.—Any data that is part of the
2 cadastre developed under subsection (b)(2) shall be—

3 (1) *considered to be geospatial data for purposes*
4 *of the Geospatial Data Act of 2018 (43 U.S.C. 2801*
5 *et seq.); and*

6 (2) *subject to the requirements of that Act.*

7 (e) *EFFECT*.—Nothing in this section—

8 (1) *creates any substantive or procedural right*
9 *or benefit; or*

10 (2) *requires or authorizes—*

11 (A) *any new surveying or mapping of Fed-*
12 *eral real property;*

13 (B) *the evaluation of any parcel of land or*
14 *other real property for potential management by*
15 *a non-Federal entity;*

16 (C) *the disposal of any Federal real prop-*
17 *erty; or*

18 (D) *any new appraisal or assessment of—*

19 (i) *the value of any parcel of Federal*
20 *land or other real property; or*

21 (ii) *the cultural and archaeological re-*
22 *sources on any parcel of Federal land or*
23 *other real property.*

2804

1 **SEC. 104. SALE OR LEASE OF LAND TO FEDERALLY RECOG-**
2 **NIZED INDIAN TRIBES UNDER THE RECRE-**
3 **ATION AND PUBLIC PURPOSES ACT.**

4 (a) *APPLICATION; ACREAGE LIMITATIONS.*—*The first*
5 *section of the Act of June 14, 1926 (commonly known as*
6 *the “Recreation and Public Purposes Act”) (44 Stat. 741,*
7 *chapter 578; 68 Stat. 174, chapter 263; 43 U.S.C. 869), is*
8 *amended—*

9 (1) *in subsection (a)—*

10 (A) *in the first sentence—*

11 (i) *by inserting “federally recognized*
12 *Indian Tribe,” before “Territory,”; and*

13 (ii) *by inserting “Tribal,” before “Ter-*
14 *ritorial,”; and*

15 (B) *in the second sentence, by inserting “,*
16 *Tribal,” before “or local authority”;*

17 (2) *in subsection (b)—*

18 (A) *by striking “(i) For recreational” and*
19 *inserting the following:*

20 “(1) *For recreational*”;

21 (B) *by striking “(ii) For public purposes”*
22 *and inserting the following:*

23 “(2) *For public purposes*”;

24 (C) *in paragraph (1) (as so designated), by*
25 *adding at the end the following:*

2805

1 “(D) To any federally recognized Indian
2 Tribe, 6,400 acres.”; and

3 (D) in paragraph (2) (as so designated), by
4 adding at the end the following:

5 “(D) To any federally recognized Indian
6 Tribe, 640 acres.”; and

7 (3) in subsection (c)—

8 (A) in the second sentence, by striking
9 “States and counties and to State and Federal”
10 and inserting “States, federally recognized In-
11 dian Tribes, and counties and to State, Tribal,
12 Territorial, and Federal”; and

13 (B) in the last sentence, by striking “, ex-
14 cept for a use authorized under the Act of June
15 1, 1938 (52 Stat. 609; 43 U.S.C., sec. 682a), as
16 amended”.

17 (b) CONVEYANCE.—Section 2 of the Act of June 14,
18 1926 (commonly known as the “Recreation and Public Pur-
19 poses Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869–1),
20 is amended—

21 (1) by inserting “, federally recognized Indian
22 Tribe” before “, Territory” each place it appears;

23 (2) by inserting “Tribal,” before “Territorial,”
24 each place it appears; and

2806

1 (3) *by inserting “federally recognized Indian*
2 *Tribe or” before “municipal corporation” each place*
3 *it appears.*

4 ***TITLE II—FOREST SERVICE***
5 ***PROVISIONS***

6 ***SEC. 201. ADMINISTRATION OF THE LAND BETWEEN THE***
7 ***LAKES NATIONAL RECREATION AREA.***

8 (a) *DEFINITIONS.—Section 502 of the Land Between*
9 *the Lakes Protection Act of 1998 (16 U.S.C. 460lll) is*
10 *amended—*

11 (1) *by redesignating paragraphs (11) through*
12 *(15) as paragraphs (12) through (16), respectively;*
13 *and*

14 (2) *by inserting after paragraph (10) the fol-*
15 *lowing:*

16 “(11) *QUALIFIED RESIDENT OR RELATIVE.—The*
17 *term ‘qualified resident or relative’ means—*

18 “(A) *a former resident of the area within*
19 *the Recreation Area or the spouse of a former*
20 *resident of that area; or*

21 “(B) *a widow, widower, or lineal descend-*
22 *ant of an individual buried in a cemetery lo-*
23 *cated in the Recreation Area.”.*

24 (b) *ESTABLISHMENT.—Section 511(b) of the Land Be-*
25 *tween the Lakes Protection Act of 1998 (16 U.S.C. 460lll—*

2807

1 11(b)) is amended by striking paragraph (3) and inserting
2 the following:

3 “(3) *STATUS OF UNIT.*—The Secretary shall ad-
4 minister the Recreation Area as a separate unit of the
5 National Forest System.”.

6 (c) *ADVISORY BOARD.*—Section 522 of the Land Be-
7 tween the Lakes Protection Act of 1998 (16 U.S.C. 460lll–
8 22) is amended—

9 (1) in subsection (b)—

10 (A) in the matter preceding paragraph (1),
11 by striking “17” and inserting “13”;

12 (B) by striking paragraphs (4) and (5);

13 (C) in paragraph (3), by adding “and”
14 after the semicolon at the end; and

15 (D) by redesignating paragraph (6) as
16 paragraph (4);

17 (2) in subsection (c), by striking paragraph (2)
18 and inserting the following:

19 “(2) *NONCONSECUTIVE TERMS.*—Members of the
20 Advisory Board may serve multiple terms, but may
21 not serve consecutive terms.”;

22 (3) in subsection (f)—

23 (A) in the matter preceding paragraph (1),
24 by striking “may advise” and inserting “shall
25 advise”;

2808

1 (B) in paragraph (1), by striking “and”
2 after the semicolon at the end;

3 (C) in paragraph (2), by striking the period
4 at the end and inserting a semicolon; and

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

6 “(3) an annual work plan for recreation and en-
7 vironment education areas in the Recreation Area,
8 including the heritage program, with the non-
9 appropriated amounts in the Land Between the Lakes
10 Management Fund;

11 “(4) an annual forest management and harvest
12 plan for the Recreation Area; and

13 “(5) the Land Between the Lakes Management
14 Fund.”; and

15 (4) in subsection (g)—

16 (A) in paragraph (1), by striking “bian-
17 nually” and inserting “twice each year”;

18 (B) in paragraph (3), by inserting “, on a
19 public website of the Department of Agriculture,”
20 before “and by”; and

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

22 “(4) MINUTES.—The Secretary shall publish the
23 minutes of each meeting of the Advisory Board on a
24 public website of the Department of Agriculture.”.

2809

1 (d) *FEES*.—Section 523(a) of the Land Between the
2 Lakes Protection Act of 1998 (16 U.S.C. 460lll–23(a)) is
3 amended by striking “may charge reasonable fees” and in-
4 serting “shall charge reasonable fees, in consultation with
5 the Advisory Board and consistent with the Federal Lands
6 Recreation Enhancement Act (16 U.S.C. 6801 et seq.),”.

7 (e) *DISPOSITION OF RECEIPTS*.—Section 524 of the
8 Land Between the Lakes Protection Act of 1998 (16 U.S.C.
9 460lll–24) is amended by striking subsection (b) and insert-
10 ing the following:

11 “(b) *USE*.—Amounts in the Land Between the Lakes
12 Management Fund shall be available to the Secretary until
13 expended, without further appropriation, for construction,
14 improvement, or maintenance in the Recreation Area.

15 “(c) *RESTRICTION ON USE OF FUND*.—Except as pro-
16 vided in subsection (b), amounts in the Land Between the
17 Lakes Management Fund shall not be used for management
18 of the Recreation Area, including salaries and expenses.”.

19 (f) *COOPERATIVE AUTHORITIES AND GIFTS*.—Section
20 526 of the Land Between the Lakes Protection Act of 1998
21 (16 U.S.C. 460lll–26) is amended by adding at the end the
22 following:

23 “(c) *MEMORANDA OF UNDERSTANDING*.—The Sec-
24 retary may, for purposes of carrying out this Act—

2810

1 “(1) enter into memoranda of understanding
2 with State or local government entities, including law
3 enforcement, as appropriate, to clarify jurisdictional
4 matters, such as road management, policing, and
5 other functions that are typically performed by the
6 entity on non-Federal land; and

7 “(2) make available on a public website of the
8 Department of Agriculture any memoranda of under-
9 standing entered into under paragraph (1).”.

10 (g) CEMETERIES.—Section 528 of the Land Between
11 the Lakes Protection Act of 1998 (16 U.S.C. 460lll–28) is
12 amended—

13 (1) by striking “The Secretary” and inserting
14 the following:

15 “(a) IN GENERAL.—The Secretary”; and

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

17 “(b) LAND FOR PLOTS FOR QUALIFIED RESIDENTS OR
18 RELATIVES.—

19 “(1) REQUESTS.—The Secretary, on request from
20 a qualified resident or relative or a cemetery associa-
21 tion, shall grant additional land for the minor expan-
22 sion of existing cemeteries within the Recreation
23 Area, to the extent necessary, to allow for the burial
24 of qualified residents or relatives.

2811

1 “(2) *EXPENSES*.—Any expenses required to move
2 border fences or markers due to an expansion under
3 paragraph (1) shall be the responsibility of the person
4 making the request under that paragraph.”.

5 (h) *RESOURCE MANAGEMENT*.—Section 529 of the
6 *Land Between the Lakes Protection Act of 1998 (16 U.S.C.*
7 *460lll–29)* is amended by adding at the end the following:

8 “(c) *HISTORICAL RESOURCES*.—

9 “(1) *IN GENERAL*.—The Secretary shall identify
10 and manage the historical resources of the Recreation
11 Area—

12 “(A) in accordance with the requirements of
13 division A of subtitle III of title 54, United
14 States Code (formerly known as the ‘National
15 Historic Preservation Act’); and

16 “(B) in consultation with qualified resi-
17 dents or relatives.

18 “(2) *CONSIDERATION*.—The Secretary shall—

19 “(A) in accordance with applicable law,
20 give consideration to requests by qualified resi-
21 dents or relatives to use and maintain tradi-
22 tional sites, buildings, cemeteries, and other
23 areas of cultural importance in the Recreation
24 Area; and

2812

1 “(B) consult with qualified residents or rel-
2 atives in the management of the historical re-
3 sources of the Recreation Area.”.

4 (i) *AUTHORIZATION OF APPROPRIATIONS.*—Section
5 551 of the Land Between the Lakes Protection Act of 1998
6 (16 U.S.C. 460lll–61) is amended—

7 (1) in subsection (a)(2), by striking “Recreation
8 Area area” and inserting “Recreation Area”; and
9 (2) by striking subsection (c) and inserting the
10 following:

11 “(c) *USE OF FUNDS.*—

12 “(1) *IN GENERAL.*—Except as provided in para-
13 graph (2), the Secretary of Agriculture may expend
14 amounts appropriated to carry out this title in a
15 manner consistent with the authorities exercised by
16 the Tennessee Valley Authority before the transfer of
17 the Recreation Area to the administrative jurisdiction
18 of the Secretary of Agriculture, including campground
19 management and visitor services, paid advertisement,
20 and procurement of food and supplies for resale pur-
21 poses.

22 “(2) *EXCEPTION.*—The Secretary of Agriculture
23 shall not use amounts appropriated to carry out this
24 title for an activity described in section 524(b).”.

2813

1 **SEC. 202. HAWAII NATIONAL FOREST STUDY.**

2 (a) *DEFINITIONS.—In this section:*

3 (1) *SECRETARY.—The term “Secretary” means*
4 *the Secretary of Agriculture, acting through the Chief*
5 *of the Forest Service.*

6 (2) *STUDY AREA.—The term “study area” means*
7 *the islands of Hawaii, Maui, Molokai, Lanai, Oahu,*
8 *and Kauai in the State of Hawaii.*

9 (b) *STUDY.—*

10 (1) *IN GENERAL.—The Secretary shall conduct a*
11 *study—*

12 (A) *to determine the suitability and feasi-*
13 *bility of establishing a unit of the National For-*
14 *est System in the study area; and*

15 (B) *to identify available land within the*
16 *study area that could be included in the unit de-*
17 *scribed in subparagraph (A).*

18 (2) *COORDINATION AND CONSULTATION.—In con-*
19 *ducting the study under paragraph (1), the Secretary*
20 *shall—*

21 (A) *coordinate with the Hawaii Depart-*
22 *ment of Land and Natural Resources; and*

23 (B) *consult with the Hawaii Department of*
24 *Agriculture and other interested governmental*
25 *entities, private and nonprofit organizations,*
26 *and any interested individuals.*

2814

1 (3) *CONTENTS.—In conducting the study under*
2 *paragraph (1), the Secretary shall—*

3 (A) *consider unique vegetation types that*
4 *occur in the study area and that should be tar-*
5 *geted for inclusion in the unit of the National*
6 *Forest System described in paragraph (1)(A);*

7 (B) *evaluate the ability of the Secretary—*

8 (i) *to improve and protect forest areas*
9 *within the study area; and*

10 (ii) *to secure favorable water flows*
11 *within the study area;*

12 (C) *determine whether the unit of the Na-*
13 *tional Forest System described in paragraph*
14 *(1)(A) would expand, enhance, or duplicate—*

15 (i) *resource protection; and*

16 (ii) *visitor-use opportunities;*

17 (D) *consider parcels of an appropriate size*
18 *or location to be capable of economical adminis-*
19 *tration as part of the National Forest System*
20 *separately or jointly with the other land identi-*
21 *fied under paragraph (1)(B);*

22 (E) *evaluate the willingness of landowners*
23 *to sell or transfer land in the study area to the*
24 *Secretary;*

2815

1 (F) evaluate the suitability of land in the
2 study area for potential selection and designa-
3 tion as a research natural area or an experi-
4 mental forest;

5 (G) identify cost estimates for any Federal
6 acquisition, development, operation, and mainte-
7 nance that would be needed to establish the unit
8 of the National Forest System described in para-
9 graph (1)(A); and

10 (H) consider other alternatives for the con-
11 servation, protection, and use of areas within the
12 study area by the Federal Government, State or
13 local government entities, or private and non-
14 profit organizations.

15 (c) *EFFECT.*—Nothing in this section authorizes the
16 Secretary to take any action that would affect the use of
17 any land owned by the United States or not owned by the
18 United States.

19 (d) *REPORT.*—Not later than 3 years after the date
20 of enactment of this Act, the Secretary shall submit to the
21 Committee on Energy and Natural Resources of the Senate
22 and the Committee on Natural Resources of the House of
23 Representatives a report that describes—

24 (1) the results of the study; and

2816

1 (2) *any conclusions and recommendations of the*
2 *Secretary.*

3 ***TITLE III—LAND CONVEYANCES***
4 ***AND EXCHANGES***

5 ***SEC. 301. GILT EDGE MINE CONVEYANCE.***

6 (1) *DEFINITIONS.—In this section*

7 (1) *FEDERAL LAND.—The term “Federal land”*
8 *means all right, title, and interest of the United*
9 *States in and to approximately 266 acres of National*
10 *Forest System land within the Gilt Edge Mine Super-*
11 *fund Boundary, as generally depicted on the map.*

12 (2) *MAP.—The term “map” means the map enti-*
13 *tled “Gilt Edge Mine Conveyance Act” and dated Au-*
14 *gust 20, 2020.*

15 (3) *SECRETARY.—The term “Secretary” means*
16 *the Secretary of Agriculture, acting through the Chief*
17 *of the Forest Service.*

18 (4) *STATE.—The term “State” means State of*
19 *South Dakota.*

20 (2) *LAND CONVEYANCE.—*

21 (1) *IN GENERAL.—Subject to the terms and con-*
22 *ditions described in this section, if the State submits*
23 *to the Secretary an offer to acquire the Federal land*
24 *for the market value, as determined by the appraisal*

2817

1 *under paragraph (3), the Secretary shall convey the*
2 *Federal land to the State.*

3 (2) *TERMS AND CONDITIONS.—The conveyance*
4 *under paragraph (1) shall be—*

5 (A) *subject to valid existing rights;*

6 (B) *made by quitclaim deed; and*

7 (C) *subject to any other terms and condi-*
8 *tions as the Secretary considers appropriate to*
9 *protect the interests of the United States.*

10 (3) *APPRAISAL.—*

11 (A) *IN GENERAL.—After the State submits*
12 *an offer under paragraph (1), the Secretary shall*
13 *complete an appraisal to determine the market*
14 *value of the Federal land.*

15 (B) *STANDARDS.—The appraisal under sub-*
16 *paragraph (A) shall be conducted in accordance*
17 *with—*

18 (i) *the Uniform Appraisal Standards*
19 *for Federal Land Acquisitions; and*

20 (ii) *the Uniform Standards of Profes-*
21 *sional Appraisal Practice.*

22 (4) *MAP.—*

23 (A) *AVAILABILITY OF MAP.—The map shall*
24 *be kept on file and available for public inspec-*

2818

1 *tion in the appropriate office of the Forest Serv-*
2 *ice.*

3 *(B) CORRECTION OF ERRORS.—The Sec-*
4 *retary may correct any errors in the map.*

5 *(5) CONSIDERATION.—As consideration for the*
6 *conveyance under paragraph (1), the State shall pay*
7 *to the Secretary an amount equal to the market value*
8 *of the Federal land, as determined by the appraisal*
9 *under paragraph (3).*

10 *(6) SURVEY.—The State shall prepare a survey*
11 *that is satisfactory to the Secretary of the exact acre-*
12 *age and legal description of the Federal land to be*
13 *conveyed under paragraph (1).*

14 *(7) COSTS OF CONVEYANCE.—As a condition on*
15 *the conveyance under paragraph (1), the State shall*
16 *pay all costs associated with the conveyance, includ-*
17 *ing the cost of—*

18 *(A) the appraisal under paragraph (3); and*

19 *(B) the survey under paragraph (6).*

20 *(8) PROCEEDS FROM THE SALE OF LAND.—Any*
21 *proceeds received by the Secretary from the convey-*
22 *ance under paragraph (1) shall be available to the*
23 *Secretary until expended, without further appropria-*
24 *tion, for the maintenance and improvement of land or*

2819

1 *administration facilities in the Black Hills National*
2 *Forest in the State.*

3 (9) *ENVIRONMENTAL CONDITIONS.—Notwith-*
4 *standing section 120(h)(3)(A) of the Comprehensive*
5 *Environmental Response, Compensation, and Liabil-*
6 *ity Act of 1980 (42 U.S.C. 9620(h)(3)(A)), the Sec-*
7 *retary shall not be required to provide any covenant*
8 *or warranty for the Federal land conveyed to the*
9 *State under this section.*

10 **SEC. 302. CONVEYANCES TO THE UNIVERSITY OF ALASKA.**

11 (a) *DEFINITIONS.—In this section:*

12 (1) *AVAILABLE STATE-SELECTED LAND.—The*
13 *term “available State-selected land” means Federal*
14 *land in the State that has been selected by the State*
15 *pursuant to section 6(b) of Public Law 85–508 (com-*
16 *monly known as the “Alaska Statehood Act”) (48*
17 *U.S.C. note prec. 21), including land upon which the*
18 *State has, prior to December 31, 1993, filed a future*
19 *selection application under section 906(e) of the Alas-*
20 *ka National Interest Lands Conservation Act (43*
21 *U.S.C. 1635(e)), but not conveyed or patented to the*
22 *State, pursuant to Public Law 85–508 (commonly*
23 *known as the “Alaska Statehood Act”) (48 U.S.C.*
24 *note prec. 21).*

2820

1 (2) *INHOLDING.*—*The term “inholding” means*
2 *any interest in land owned by the University with-*
3 *in—*

4 (A) *any conservation system unit (as de-*
5 *finied in section 102 of the Alaska National In-*
6 *terest Lands Conservation Act (16 U.S.C. 3102));*
7 *or*

8 (B) *any unit of the National Forest System*
9 *in the State.*

10 (3) *SECRETARY.*—*The term “Secretary” means*
11 *the Secretary, acting through the Director of the Bu-*
12 *reau of Land Management.*

13 (4) *STATE.*—*The term “State” means the State*
14 *of Alaska.*

15 (5) *UNIVERSITY.*—*The term “University” means*
16 *the University of Alaska, acting through the Board of*
17 *Regents.*

18 (b) *ESTABLISHMENT.*—*The Secretary shall establish a*
19 *program within the Bureau of Land Management—*

20 (1) *to identify and convey available State-se-*
21 *lected land to the University to support higher edu-*
22 *cation in the State; and*

23 (2) *to acquire, by purchase or exchange, Univer-*
24 *sity-owned inholdings in the State.*

2821

1 (c) *IDENTIFICATION OF LAND TO BE CONVEYED TO*
2 *THE UNIVERSITY.*—

3 (1) *IN GENERAL.*—*Not later than 4 years after*
4 *the date of enactment of this Act, the State and the*
5 *University may jointly identify not more than*
6 *500,000 acres of available State-selected land for in-*
7 *clusion in the program established under subsection*
8 *(b), of which not more than 360,000 acres may be*
9 *conveyed and patented to the University.*

10 (2) *TECHNICAL ASSISTANCE.*—*On the request of*
11 *the State and the University, the Secretary shall pro-*
12 *vide technical assistance in the identification of avail-*
13 *able State-selected land for inclusion in the program*
14 *established under subsection (b).*

15 (3) *MAPS.*—*As soon as practicable after the date*
16 *on which the available State-selected land is identified*
17 *under paragraph (1), the Secretary shall submit to*
18 *the Committee on Energy and Natural Resources of*
19 *the Senate and the Committee on Natural Resources*
20 *of the House of Representatives 1 or more maps de-*
21 *picting the available State-selected land identified for*
22 *potential conveyance to the University.*

23 (4) *CONVEYANCE.*—*Subject to paragraph (5), if*
24 *the State and the University notify the Secretary in*
25 *writing that the State and the University jointly con-*

2822

1 *cur with the conveyance of all or a portion of the*
2 *available State-selected land identified under para-*
3 *graph (1), and that the State will conditionally relin-*
4 *quish the selection rights of the State to the land cov-*
5 *ered by the notification on the issuance of the land*
6 *being tentatively approved, and will fully relinquish*
7 *those selection rights on final patent by the Secretary*
8 *to the University, the Secretary shall convey the ap-*
9 *plicable identified available State-selected land to the*
10 *University, subject to valid existing rights, in the*
11 *same manner and subject to the same terms, condi-*
12 *tions, and limitations as is applicable to the State*
13 *under section 6(b) of Public Law 85–508 (commonly*
14 *known as the “Alaska Statehood Act”) (48 U.S.C.*
15 *note prec. 21) and other applicable law, to be held in*
16 *trust for the exclusive use and benefit of the Univer-*
17 *sity, to be administered in accordance with subsection*
18 *(e).*

19 (5) *TERMS AND CONDITIONS.—*

20 (A) *MAXIMUM ACREAGE.—Subject to sub-*
21 *paragraph (C), the Secretary shall convey not*
22 *more than a total of 360,000 acres of available*
23 *State-selected land to the University under this*
24 *subsection, not to exceed the remaining entitle-*
25 *ment of the State under section 6(b) of Public*

2823

1 *Law 85–508 (commonly known as the “Alaska*
2 *Statehood Act”)* (48 U.S.C. note prec. 21).

3 *(B) LETTERS OF CONCURRENCE.—For pur-*
4 *poses of paragraph (4) and subject to the max-*
5 *imum acreage limitation under paragraph (1),*
6 *the State and the University may submit to the*
7 *Secretary 1 or more joint letters of concurrence*
8 *identifying parcels of available State selected*
9 *land for conveyance as a subset of the total acres*
10 *to be conveyed under this subsection.*

11 *(C) ACREAGE CHARGED AGAINST ALASKA*
12 *STATEHOOD ACT ENTITLEMENT.—The acreage of*
13 *land conveyed to the University under this sub-*
14 *section shall be charged against the remaining*
15 *entitlement of the State under section 6(b) of*
16 *Public Law 85–508 (commonly known as the*
17 *“Alaska Statehood Act”)* (48 U.S.C. note prec.
18 *21).*

19 *(D) SURVEY COSTS.—In accordance with*
20 *Public Law 85–508 (commonly known as the*
21 *“Alaska Statehood Act”)* (48 U.S.C. note prec.
22 *21), the Secretary shall be responsible for the*
23 *costs of required surveys.*

24 *(E) SUBMERGED LANDS.—Lands beneath*
25 *navigable waters (as defined in section 2 of the*

2824

1 *Submerged Lands Act (43 U.S.C. 1301)) shall*
2 *not be available for conveyance to the University*
3 *under the program established under subsection*
4 *(b).*

5 *(d) UNIVERSITY OF ALASKA INHOLDINGS.—*

6 *(1) IN GENERAL.—The Secretary or the Sec-*
7 *retary of Agriculture, as appropriate, may acquire by*
8 *purchase or exchange, with the consent of the Univer-*
9 *sity, University-owned inholdings within Federal*
10 *land in the State.*

11 *(2) APPRAISALS.—The value of the land to be ex-*
12 *changed or acquired under this subsection shall be de-*
13 *termined by the Secretary or the Secretary of Agri-*
14 *culture, as appropriate, through appraisals con-*
15 *ducted—*

16 *(A) in accordance with—*

17 *(i) the Uniform Appraisal Standards*
18 *for Federal Land Acquisitions; and*

19 *(ii) the Uniform Standards of Profes-*
20 *sional Appraisal Practice; and*

21 *(B) by a qualified appraiser mutually*
22 *agreed to by the Secretary or the Secretary of*
23 *Agriculture, as appropriate, and the University.*

24 *(3) EQUAL VALUE EXCHANGES.—For any land*
25 *exchange entered into under this subsection, the Fed-*

2825

1 *eral land and University-owned inholdings exchanged*
2 *shall be of equal value.*

3 (4) *PURCHASE ACQUISITIONS.—Pursuant to*
4 *chapter 2003 of title 54, United States Code, amounts*
5 *in the Land and Water Conservation Fund estab-*
6 *lished by section 200302 of that title may be used for*
7 *the purchase of University-owned inholdings within*
8 *Federal land in the State under this subsection.*

9 (5) *REQUIREMENT.—Any land acquired by the*
10 *United States under this subsection shall be adminis-*
11 *tered in accordance with the laws (including regula-*
12 *tions) applicable to the conservation system unit or*
13 *unit of the National Forest System in which the land*
14 *is located.*

15 (e) *ADMINISTRATION OF CONVEYED OR EXCHANGED*
16 *LAND.—All available State-selected land that is tentatively*
17 *approved or conveyed to the University under this section,*
18 *and all land or assets acquired by the University through*
19 *an exchange under this section, together with the income*
20 *therefrom and the proceeds from any dispositions thereof,*
21 *shall be administered by the University in trust to meet*
22 *the necessary expenses of higher education programs, simi-*
23 *lar to prior Federal land grants to the University.*

24 (f) *STATE AND UNIVERSITY PARTICIPATION.—Nothing*
25 *in this section requires the State or the University—*

2826

1 (1) to participate in the program established
2 under subsection (b); or

3 (2) to enter into sales or exchanges of University-
4 owned inholdings under subsection (d).

5 (g) CONGRESSIONAL NOTIFICATION.—Not later than
6 90 days after the date of any conveyance and patent to the
7 University under this section, the Secretary shall notify the
8 Committee on Energy and Natural Resources of the Senate
9 and the Committee on Natural Resources of the House of
10 Representatives of the land conveyed and patented.

11 (h) NO EFFECT ON ALASKA STATEHOOD ACT ENTI-
12 TLEMENT.—Except for any available State-selected land
13 conveyed under subsection (c) and charged against the re-
14 maining entitlement of the State under section 6(b) of Pub-
15 lic Law 85–508 (commonly known as the “Alaska Statehood
16 Act”) (48 U.S.C. note prec. 21)—

17 (1) the operation of the program established
18 under subsection (b) shall not diminish or alter the
19 rights of the State to receive the entitlement of the
20 State in any way; and

21 (2) the State may continue to pursue the transfer
22 of the remaining entitlement of the State under sec-
23 tion 6(b) of Public Law 85–508 (commonly known as
24 the “Alaska Statehood Act”) (48 U.S.C. note prec. 21)
25 at any time.

2827

1 **SEC. 303. BONNEVILLE SHORELINE TRAIL WILDERNESS**
2 **BOUNDARY ADJUSTMENTS.**

3 (a) *WILDERNESS AREA INCLUDED IN MOUNT OLYM-*
4 *PUS WILDERNESS.*— *Section 102(a) of the Utah Wilderness*
5 *Act of 1984 (Public Law 98–428; 98 Stat. 1657; 16 U.S.C.*
6 *1132 note) is amended—*

7 (1) *in paragraph (11), by striking “and” at the*
8 *end;*

9 (2) *in paragraph (12), by striking the period at*
10 *the end and inserting “; and”; and*

11 (3) *by adding at the end the following:*

12 “(13) *certain lands in the Uinta-Wasatch-Cache*
13 *National Forest which comprise approximately*
14 *326.27 acres as generally depicted on a map entitled*
15 *the ‘Bonneville Shoreline Trail Legislative Map’*
16 *dated July 9, 2020, are, subject to valid existing*
17 *rights, hereby incorporated as part of the Mount*
18 *Olympus Wilderness designated under paragraph*
19 *(3).”.*

20 (b) *WILDERNESS BOUNDARY ADJUSTMENTS.*—

21 (1) *MOUNT NAOMI WILDERNESS BOUNDARY AD-*
22 *JUSTMENT.*—

23 (A) *ADJUSTMENT.*—*Section 102 of the Utah*
24 *Wilderness Act of 1984 (Public Law 98–428; 98*
25 *Stat. 1657; 16 U.S.C. 1132 note) is amended by*
26 *adding at the end the following:*

2828

1 “(c) *MOUNT NAOMI WILDERNESS BOUNDARY ADJUST-*
2 *MENT.—Certain lands in the Uinta-Wasatch-Cache Na-*
3 *tional Forest which comprise approximately 11.17 acres as*
4 *generally depicted on a map entitled the ‘Bonneville Shore-*
5 *line Trail Legislative Map’, dated July 9, 2020, are hereby*
6 *removed from the Mount Naomi Wilderness designated*
7 *under subsection (a)(1).”.*

8 (B) *MANAGEMENT.—The Mount Naomi*
9 *Wilderness, as designated under section*
10 *102(a)(1) of the Utah Wilderness Act of 1984*
11 *(Public Law 98–428; 98 Stat. 1658; 16 U.S.C.*
12 *1132 note) and adjusted under subparagraph*
13 *(A), effective beginning on the date of enactment*
14 *of this Act, shall be managed as part of the*
15 *Uinta-Wasatch-Cache National Forest.*

16 (2) *MOUNT OLYMPUS WILDERNESS BOUNDARY*
17 *ADJUSTMENT.—*

18 (A) *ADJUSTMENT.—Section 102 of the Utah*
19 *Wilderness Act of 1984 (Public Law 98–428; 98*
20 *Stat. 1657; 16 U.S.C. 1132 note), as amended by*
21 *paragraph (1)(A), is amended by adding at the*
22 *end the following:*

23 “(d) *MOUNT OLYMPUS WILDERNESS BOUNDARY AD-*
24 *JUSTMENT.—Certain lands in the Uinta-Wasatch-Cache*
25 *National Forest which comprise approximately 197.4 acres*

2829

1 *as generally depicted on a map entitled the ‘Bonneville*
2 *Shoreline Trail Legislative Map’, dated July 9, 2020, are*
3 *hereby removed from the Mount Olympus Wilderness des-*
4 *ignated under subsection (a)(3).”.*

5 (B) *MANAGEMENT.—The Mount Olympus*
6 *Wilderness, as designated under section*
7 *102(a)(3) of the Utah Wilderness Act of 1984*
8 *(Public Law 98–428; 98 Stat. 1658; 16 U.S.C.*
9 *1132 note) and adjusted under subparagraph*
10 *(A), effective beginning on the date of enactment*
11 *of this Act, shall be managed as part of the*
12 *Uinta-Wasatch-Cache National Forest.*

13 (3) *TWIN PEAKS WILDERNESS BOUNDARY AD-*
14 *JUSTMENT.—*

15 (A) *ADJUSTMENT.—Section 102 of the Utah*
16 *Wilderness Act of 1984 (Public Law 98–428; 98*
17 *Stat. 1657; 16 U.S.C. 1132 note), as amended by*
18 *paragraphs (1) and (2), is amended by adding*
19 *at the end the following:*

20 “(e) *TWIN PEAKS WILDERNESS BOUNDARY ADJUST-*
21 *MENT.—Certain lands in the Uinta-Wasatch-Cache Na-*
22 *tional Forest which comprise approximately 9.8 acres as*
23 *generally depicted on a map entitled the ‘Bonneville Shore-*
24 *line Trail Legislative Map’, dated July 9, 2020, are hereby*

2830

1 *removed from the Twin Peaks Wilderness designated under*
2 *subsection (a)(4).”.*

3 (B) *MANAGEMENT.—The Twin Peaks Wil-*
4 *derness, as designated under section 102(a)(4) of*
5 *the Utah Wilderness Act of 1984 (Public Law*
6 *98–428; 98 Stat. 1658; 16 U.S.C. 1132 note) and*
7 *adjusted under subparagraph (A), effective begin-*
8 *ning on the date of enactment of this Act, shall*
9 *be managed as part of the Uinta-Wasatch-Cache*
10 *National Forest.*

11 (4) *LONE PEAK WILDERNESS BOUNDARY ADJUST-*
12 *MENT.—*

13 (A) *ADJUSTMENT.—Section 2 of the Endan-*
14 *gered American Wilderness Act of 1978 (Public*
15 *Law 95–237; 92 Stat. 42; 16 U.S.C. 1132 note)*
16 *is amended—*

17 (i) *in subsection (j), by striking “and”*
18 *at the end;*

19 (ii) *in subsection (k), by striking the*
20 *period at the end and inserting “; and”;*
21 *and*

22 (iii) *by adding at the end the fol-*
23 *lowing:*

24 “(l) *certain lands in the Uinta-Wasatch-Cache Na-*
25 *tional Forest, Utah, which comprise approximately 107.9*

2831

1 *acres as generally depicted on a map entitled the ‘Bonne-*
2 *ville Shoreline Trail Legislative Map’, dated July 9, 2020,*
3 *are hereby removed from the Lone Peak Wilderness Area*
4 *designated under subsection (i).”.*

5 (B) *MANAGEMENT.—The Lone Peak Wilder-*
6 *ness Area, as designated under section 2(i) of the*
7 *Endangered American Wilderness Act of 1978*
8 *(Public Law 95–237; 92 Stat. 42; 16 U.S.C.*
9 *1132 note) and adjusted under subparagraph*
10 *(A), effective beginning on the date of enactment*
11 *of this Act, shall be managed as part of the*
12 *Uinta-Wasatch-Cache National Forest.*

13 (c) *RULE OF CONSTRUCTION.—Nothing in this section*
14 *or the amendments made by this section—*

15 (1) *affects the use or allocation, in existence on*
16 *the date of enactment of this Act, of any water, water*
17 *right, or interest in water;*

18 (2) *affects any water right (as defined by appli-*
19 *cable State law) in existence on the date of enactment*
20 *of this Act, including any water right held by the*
21 *United States;*

22 (3) *affects any interstate water compact in exist-*
23 *ence on the date of enactment of this Act; or*

24 (4) *shall be considered to be a relinquishment or*
25 *reduction of any water rights reserved or appro-*

2832

1 *priated by the United States in the State on or before*
2 *the date of enactment of this Act.*

3 *(d) MAP.—*

4 *(1) MAP ON FILE.—The map entitled the “Bon-*
5 *neville Shoreline Trail Legislative Map”, dated July*
6 *9, 2020, shall be on file and available for inspection*
7 *in the office of the Chief of the Forest Service.*

8 *(2) CORRECTIONS.—The Secretary of Agriculture*
9 *may make technical corrections to the map described*
10 *in paragraph (1).*

11 **SEC. 304. ARIZONA EXPERIMENT STATION LAND CONVEY-**
12 **ANCE.**

13 *(a) DEFINITIONS.—In this section:*

14 *(1) EASEMENT.—The term “easement” means an*
15 *easement to access and use Forest Service Road*
16 *9201D from its junction with Forest Service Road*
17 *0618 (commonly known as “Beaver Creek”).*

18 *(2) FEDERAL LAND.—The term “Federal land”*
19 *means the approximately 13.3 acres of National For-*
20 *est System land within the Coconino National Forest*
21 *in the State of Arizona, as generally depicted on the*
22 *map entitled “Act to Convey Certain NFS Land and*
23 *non-Federal Land in Arizona Winter Quarters” and*
24 *dated June 20, 2019.*

2833

1 (3) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Agriculture.*

3 (4) *UNIVERSITY.*—*The term “University” means*
4 *the Arizona Board of Regents, acting on behalf of the*
5 *University of Arizona Experiment Station.*

6 (b) *COCONINO NATIONAL FOREST LAND CONVEY-*
7 *ANCE.*—

8 (1) *CONVEYANCE AUTHORIZED.*—*Subject to this*
9 *subsection, if the University submits to the Secretary*
10 *not later than 180 days after the date of enactment*
11 *of this Act a written request to acquire the Federal*
12 *land for market value, as determined by the appraisal*
13 *conducted under paragraph (4), the Secretary shall,*
14 *not later than 1 year after the date of enactment of*
15 *this Act, convey to the University all right, title, and*
16 *interest of the United States in and to that land, in-*
17 *cluding related infrastructure, improvements, and*
18 *easements on that land.*

19 (2) *TERMS AND CONDITIONS.*—*The conveyance*
20 *authorized under paragraph (1) shall be—*

21 (A) *subject to valid existing rights;*

22 (B) *notwithstanding any other provision of*
23 *law; and*

24 (C) *subject to any other terms and condi-*
25 *tions as considered appropriate by the Secretary.*

2834

1 (3) *FOREST SERVICE ACCESS.*—*The Secretary*
2 *shall retain all other rights not included in the con-*
3 *veyance authorized under paragraph (1) to Forest*
4 *Service Road 9201D from its junction with Forest*
5 *Service Road 0618 (commonly known as “Beaver*
6 *Creek”), including the maintenance of, and continued*
7 *administrative access to, that road.*

8 (4) *APPRAISAL.*—

9 (A) *IN GENERAL.*—*Not later than 90 days*
10 *after the date on which the University submits a*
11 *written request under paragraph (1), the Sec-*
12 *retary shall complete an appraisal to determine*
13 *the market value of the Federal land.*

14 (B) *STANDARDS.*—*The appraisal under sub-*
15 *paragraph (A) shall be conducted in accordance*
16 *with—*

17 (i) *the Uniform Appraisal Standards*
18 *for Federal Land Acquisitions; and*

19 (ii) *the Uniform Standards of Profes-*
20 *sional Appraisal Practice.*

21 **SEC. 305. WIND RIVER ADMINISTRATIVE SITE CONVEYANCE.**

22 (a) *DEFINITIONS.*—*In this section:*

23 (1) *COUNTY.*—*The term “County” means*
24 *Skamania County, Washington.*

2835

1 (2) *MAP.*—*The term “map” means the map enti-*
2 *tled “Wind River Administrative Site Conveyance*
3 *Proposal” and dated July 7, 2020.*

4 (3) *SECRETARY.*—*The term “Secretary” means*
5 *the Secretary of Agriculture, acting through the Chief*
6 *of the Forest Service.*

7 (b) *CONVEYANCE OF LAND AND IMPROVEMENTS.*—*If*
8 *the County submits a written request to the Secretary not*
9 *later than 180 days after the date of enactment of this Act,*
10 *the Secretary shall, not later than 2 years after the date*
11 *of the enactment of this Act, convey to the County all right,*
12 *title, and interest of the United States in and to the ap-*
13 *proximately 23.4 acres of National Forest System land, re-*
14 *lated infrastructure, and all improvements, as generally de-*
15 *picted as “proposed conveyance” on the map.*

16 (c) *MAP.*—

17 (1) *AVAILABILITY OF MAP.*—*The map shall be*
18 *kept on file and available for public inspection in the*
19 *appropriate office of the Forest Service.*

20 (2) *CORRECTION OF ERRORS.*—*The Secretary*
21 *may correct minor errors in the map.*

22 (d) *TERMS AND CONDITIONS.*—

23 (1) *IN GENERAL.*—*The conveyance under sub-*
24 *section (b) shall be—*

25 (A) *subject to valid existing rights;*

2836

1 *(B) notwithstanding any other provision of*
2 *law, made without consideration;*

3 *(C) made by quitclaim deed;*

4 *(D) subject to a right-of-way and restrictive*
5 *easement reservation of a width to be determined*
6 *by the Secretary, for the protection of the Pacific*
7 *Crest National Scenic Trail;*

8 *(E) completed in accordance with the Forest*
9 *Service Facility Realignment and Enhancement*
10 *Act of 2005 (16 U.S.C. 580d note; Public Law*
11 *109–54), except that subsections (b) and (c) of*
12 *section 504 of that Act shall not apply;*

13 *(F) subject to right-of-way reservations*
14 *made pursuant to section 507 of the Federal*
15 *Land Policy and Management Act of 1976 (43*
16 *U.S.C. 1767);*

17 *(G) subject to the County managing a por-*
18 *tion of the land conveyed under subsection (b) for*
19 *public recreational purposes;*

20 *(H) subject to the County retaining owner-*
21 *ship of the land conveyed under subsection (b) in*
22 *perpetuity; and*

23 *(I) subject to any other terms and condi-*
24 *tions as the Secretary determines appropriate.*

2837

1 (2) *REVERSION.*—*The land conveyed under sub-*
2 *section (b) shall, at the discretion of the Secretary, re-*
3 *vert to the United States if—*

4 (A) *the land is used in a manner that is in-*
5 *consistent with the use described in paragraph*
6 *(1)(G); or*

7 (B) *the County attempts to dispose of the*
8 *land.*

9 (e) *FEDERAL PROPERTY DISPOSAL.*—*Chapter 5 of*
10 *subtitle I of title 40, United States Code, shall not apply*
11 *to the conveyance under subsection (b).*

12 (f) *HAZARDOUS MATERIALS.*—*With respect to the con-*
13 *veyance under subsection (b), the Secretary—*

14 (1) *shall meet disclosure requirements for haz-*
15 *ardous substances, pollutants, or contaminants under*
16 *section 120(h) of the Comprehensive Environmental*
17 *Response, Compensation, and Liability Act of 1980*
18 *(42 U.S.C. 9620(h)); and*

19 (2) *shall not otherwise be required to remediate*
20 *or abate the hazardous substances, pollutants, or con-*
21 *taminants disclosed pursuant to paragraph (1).*

22 (g) *CLOSING COSTS.*—*As a condition for the convey-*
23 *ance under subsection (b), the County shall pay all closing*
24 *costs associated with the conveyance, including for—*

25 (1) *title insurance and title search; and*

2838

1 (2) *any applicable inspection fees, escrow fees,*
2 *attorneys' fees, and recording fees.*

3 (h) *SURVEY.—*

4 (1) *IN GENERAL.—The exact acreage and legal*
5 *description of the National Forest System land to be*
6 *conveyed under subsection (b) shall be determined by*
7 *a survey satisfactory to the Secretary.*

8 (2) *COSTS OF SURVEY.—The Secretary may bear*
9 *all costs associated with the survey under paragraph*
10 *(1).*

11 (i) *USE OF LAND.—*

12 (1) *IN GENERAL.—The land and related infra-*
13 *structure conveyed under subsection (b) shall be main-*
14 *tained by the County pursuant to standards estab-*
15 *lished by the Secretary of the Interior under section*
16 *306101 of title 54, United States Code.*

17 (2) *REVERSION.—If any portion of the land con-*
18 *veyed under subsection (b) is used in a manner that*
19 *is inconsistent with the use described in paragraph*
20 *(1), the land shall, at the discretion of the Secretary,*
21 *revert to the United States.*

2839

1 **SEC. 306. RIGHT-OF-WAY PERMIT FOR NATURAL GAS DIS-**
2 **TRIBUTION MAIN SEGMENT AT VALLEY**
3 **FORGE NHP.**

4 (a) *IN GENERAL.*—Notwithstanding any other provi-
5 sion of law, the Secretary may issue a right-of-way permit
6 pursuant to part 14 of title 36, Code of Federal Regulations
7 (as in effect on the date of the enactment of this Act), for
8 the covered main segment if the covered main segment is
9 relocated to a proposed realignment of Valley Forge Park
10 Road and North Gulph Road within the Park.

11 (b) *SCOPE OF AUTHORITY.*—The authority to grant a
12 right-of-way permit under subsection (a) shall apply only
13 to the covered main segment and shall not apply to any
14 other part of the natural gas distribution main system or
15 any other pipeline system within the Park.

16 (c) *DEFINITIONS.*—In this section:

17 (1) *COVERED MAIN SEGMENT.*—The term “cov-
18 ered main segment” means the portions of the natural
19 gas distribution main (including all appurtenances
20 used in the operation of such main) within the
21 Park—

22 (A) existing on the date of the enactment of
23 this Act; and

24 (B) that are located under, along, or adja-
25 cent to the segments of North Gulph Road and
26 Valley Forge Park Road (SR3039 and SR0023

2840

1 *respectively, as those roads were aligned on Jan-*
2 *uary 21, 2022) that are between—*

3 *(i) the intersection of North Gulph*
4 *Road with Richards Road; and*

5 *(ii) a point on Valley Forge Park*
6 *Road located 500 feet northwest of its inter-*
7 *section with County Line Road.*

8 (2) *PARK.—The term “Park” means Valley*
9 *Forge National Historical Park.*

10 ***TITLE IV—WILD AND SCENIC***
11 ***RIVER DESIGNATIONS***

12 ***SEC. 401. DESIGNATION OF YORK WILD AND SCENIC RIVER,***
13 ***MAINE.***

14 *(a) DESIGNATION.—Section 3(a) of the Wild and Sce-*
15 *nic Rivers Act (16 U.S.C. 1274(a)) is amended by adding*
16 *at the end the following:*

17 *“(231) YORK RIVER, MAINE.—The following seg-*
18 *ments of the main stem and tributaries (including*
19 *portions of Bass Cove Creek, Cider Hill Creek, Cutts*
20 *Ridge Brook, Dolly Gordon Brook, Libby Brook, Rog-*
21 *ers Brook, and Smelt Brook) in the State of Maine,*
22 *totaling approximately 30.8 miles, to be administered*
23 *by the Secretary of the Interior, as a recreational*
24 *river:*

2841

1 “(A) *The approximately 0.95-mile segment*
2 *of Bass Cove Creek from the outlet of Boulter*
3 *Pond in York, Maine, and extending downstream*
4 *to the confluence with the York River in York,*
5 *Maine.*

6 “(B) *The approximately 3.77-mile segment*
7 *of Cider Hill Creek from the Middle Pond dam*
8 *in York, Maine, and extending downstream to*
9 *the confluence with the York River in York,*
10 *Maine.*

11 “(C) *The approximately 2.15-mile segment*
12 *of Cutts Ridge Brook from the headwaters in*
13 *Kittery, Maine, and extending downstream to*
14 *the confluence with the York River in York,*
15 *Maine.*

16 “(D) *The approximately 3.17-mile segment*
17 *of Dolly Gordon Brook from the headwaters in*
18 *York, Maine, and extending downstream to the*
19 *confluence with the York River in York, Maine.*

20 “(E) *The approximately 1.65-mile segment*
21 *of Libby Brook from the headwaters in Kittery,*
22 *Maine, and extending downstream to the con-*
23 *fluence with Dolly Gordon Brook in York,*
24 *Maine.*

2842

1 “(F) *The approximately 2.43-mile segment*
2 *of Rogers Brook from the headwaters in Eliot,*
3 *Maine, and extending downstream to the con-*
4 *fluence with the York River in York, Maine.*

5 “(G) *The approximately 4.54-mile segment*
6 *of Smelt Brook from the Bell Marsh Reservoir*
7 *dam in York, Maine, and extending downstream*
8 *to the confluence with the York River in York,*
9 *Maine.*

10 “(H) *The approximately 12.14-mile segment*
11 *of the York River from the outlet of York Pond*
12 *in Eliot, Maine, and extending downstream to*
13 *the Route 103 Bridge in York, Maine, including*
14 *Barrell Mill Pond in York, Maine.”.*

15 (b) *MANAGEMENT OF YORK WILD AND SCENIC RIVER,*
16 *MAINE.—*

17 (1) *DEFINITIONS.—In this subsection:*

18 (A) *COVERED SEGMENT.—The term “cov-*
19 *ered segment” means a river segment designated*
20 *by paragraph (231) of section 3(a) of the of the*
21 *Wild and Scenic Rivers Act (16 U.S.C. 1274(a))*
22 *(as added by subsection (a)).*

23 (B) *STATE.—The term “State” means the*
24 *State of Maine.*

2843

1 (C) *STEWARDSHIP COMMITTEE*.—*The term*
2 *“Stewardship Committee” means the York River*
3 *Stewardship Committee.*

4 (D) *STEWARDSHIP PLAN*.—*The term “stew-*
5 *ardship plan” means the plan entitled the “York*
6 *River Watershed Stewardship Plan”, dated Au-*
7 *gust 2018, and developed pursuant to the study*
8 *described in section 5(b)(21) of the Wild and*
9 *Scenic Rivers Act (16 U.S.C. 1276(b)(21)).*

10 (2) *STEWARDSHIP PLAN*.—

11 (A) *IN GENERAL*.—*The Secretary shall*
12 *manage the covered segments in accordance*
13 *with—*

14 (i) *the stewardship plan; and*
15 (ii) *any amendments to the steward-*
16 *ship plan that—*

17 (I) *the Secretary determines are*
18 *consistent with this section; and*

19 (II) *are approved by the Steward-*
20 *ship Committee.*

21 (B) *COMPREHENSIVE MANAGEMENT PLAN*.—
22 *The stewardship plan shall be considered to sat-*
23 *isfy the requirements for a comprehensive man-*
24 *agement plan under section 3(d) of the Wild and*
25 *Scenic Rivers Act (16 U.S.C. 1274(d)).*

2844

1 (3) *COORDINATION WITH COMMITTEE.*—*The Sec-*
2 *retary shall coordinate the management responsibil-*
3 *ities of the Secretary under this section and the*
4 *amendments made by this section with the Steward-*
5 *ship Committee, as provided in the stewardship plan.*

6 (4) *COOPERATIVE AGREEMENTS.*—

7 (A) *IN GENERAL.*—*To provide for the long-*
8 *term protection, preservation, and enhancement*
9 *of the covered segments, the Secretary may enter*
10 *into cooperative agreements pursuant to sections*
11 *10(e) and 11(b)(1) of the Wild and Scenic Rivers*
12 *Act (16 U.S.C. 1281(e), 1282(b)(1)) with—*

13 (i) *the State;*

14 (ii) *the towns of Eliot, Kittery, South*
15 *Berwick, and York in the State; and*

16 (iii) *appropriate local, regional, or*
17 *State planning, environmental, or rec-*
18 *reational organizations.*

19 (B) *CONSISTENCY.*—*Each cooperative agree-*
20 *ment entered into under this paragraph—*

21 (i) *shall be consistent with the steward-*
22 *ship plan; and*

23 (ii) *may include provisions for Federal*
24 *financial or other assistance.*

25 (5) *LAND MANAGEMENT.*—

2845

1 (A) *ZONING ORDINANCES.*—*For the pur-*
2 *poses of the covered segments, the zoning ordi-*
3 *nances adopted by the towns described in para-*
4 *graph (4)(A)(ii), including any provisions for*
5 *the conservation of floodplains, wetlands, and*
6 *watercourses associated with the covered seg-*
7 *ments, shall be considered to satisfy the require-*
8 *ments of section 6(c) of the Wild and Scenic Riv-*
9 *ers Act (16 U.S.C. 1277(c)).*

10 (B) *ACQUISITION OF LAND.*—*The authority*
11 *of the Secretary to acquire land for the purposes*
12 *of the covered segments shall be—*

13 (i) *limited to acquisition by donation*
14 *or acquisition with the consent of the owner*
15 *of the land; and*

16 (ii) *subject to the additional criteria*
17 *provided in the stewardship plan.*

18 (C) *NO CONDEMNATION.*—*No land or inter-*
19 *est in land within the watersheds of the covered*
20 *segments may be acquired by condemnation.*

21 (6) *RELATION TO THE NATIONAL PARK SYS-*
22 *TEM.*—*Notwithstanding section 10(c) of the Wild and*
23 *Scenic Rivers Act (16 U.S.C. 1281(c)), the covered*
24 *segments shall not be—*

2846

1 (A) administered as a unit of the National
2 Park System; or

3 (B) subject to the laws (including regula-
4 tions) applicable to the National Park System.

5 **SEC. 402. DESIGNATION OF HOUSATONIC WILD AND SCENIC**
6 **RIVER, CONNECTICUT.**

7 (a) *AMENDMENTS TO WILD AND SCENIC RIVERS*
8 *ACT.*—Section 3(a) of the Wild and Scenic Rivers Act (16
9 U.S.C. 1274(a)) (as amended by section 401(a)) is amended
10 by adding at the end the following:

11 “(232) *HOUSATONIC RIVER, CONNECTICUT.*—

12 “(A) *IN GENERAL.*—The following segments
13 of the Housatonic River in the State of Con-
14 necticut, to be administered by the Secretary of
15 the Interior:

16 “(i) The approximately 14.9-mile seg-
17 ment from the Massachusetts-Connecticut
18 boundary to the covered bridge in West
19 Cornwall, as a scenic river.

20 “(ii) The approximately 4.1-mile seg-
21 ment from the covered bridge in West Corn-
22 wall to the Cornwall Bridge, as a rec-
23 reational river.

2847

1 “(iii) *The approximately 9.1-mile seg-*
2 *ment from the Cornwall Bridge to the Route*
3 *341 bridge in Kent, as a scenic river.*

4 “(iv) *The approximately 12.2-mile seg-*
5 *ment from the Route 341 bridge in Kent to*
6 *the Boardman Bridge in New Milford, as a*
7 *recreational river.*

8 “(B) *EFFECTS ON HYDROELECTRIC FACILI-*
9 *TIES.—The designation of the river segments in*
10 *subparagraph (A) shall not—*

11 “(i) *impact or alter the existing terms*
12 *of permitting, licensing, or operation of—*

13 “(I) *the Falls Village Hydro-*
14 *electric Generating Station located in*
15 *Falls Village, Connecticut (FERC P-*
16 *2576); or*

17 “(II) *the Bulls Bridge Hydro-*
18 *electric Generating Station located in*
19 *New Milford, Connecticut (FERC P-*
20 *2576); or*

21 “(ii) *preclude the Federal Energy Reg-*
22 *ulatory Commission from licensing, reli-*
23 *censing, or otherwise authorizing the oper-*
24 *ation or continued operation of the facilities*
25 *named in clause (i).”.*

2848

1 (b) *MANAGEMENT.*—

2 (1) *PROCESS.*—*The Housatonic River segments*
3 *shall be managed in accordance with—*

4 (A) *the Management Plan; and*

5 (B) *such amendments to the Management*
6 *Plan as the Secretary determines are consistent*
7 *with this section and the Wild and Scenic Rivers*
8 *Act (16 U.S.C. 1271 et seq.).*

9 (2) *COMPREHENSIVE MANAGEMENT PLAN.*—*The*
10 *Management Plan shall be considered to satisfy the*
11 *requirements for a comprehensive management plan*
12 *under section 3(d) of the Wild and Scenic Rivers Act*
13 *(16 U.S.C. 1274(d)).*

14 (3) *COOPERATIVE MANAGEMENT.*—

15 (A) *IN GENERAL.*—*To provide for long-term*
16 *protection, preservation, and enhancement of the*
17 *Housatonic River segments, the Secretary shall*
18 *coordinate management responsibilities under*
19 *this section, and may enter into cooperative*
20 *agreements pursuant to sections 10(e) and*
21 *11(b)(1) of the Wild and Scenic Rivers Act (16*
22 *U.S.C. 1281(e) and 1282(b)(1)), with—*

23 (i) *the State of Connecticut;*

2849

1 (ii) the towns of Sharon, Canaan,
2 Cornwall, Salisbury, New Milford, Kent,
3 and North Canaan, Connecticut; and

4 (iii) appropriate planning, environ-
5 mental, and recreational organizations, in-
6 cluding—

7 (I) local, regional, State, and
8 multistate organizations; and

9 (II) any other appropriate orga-
10 nizations, as determined by the
11 Housatonic River Commission, or its
12 successor organization, as defined in
13 the Management Plan.

14 (B) COOPERATIVE AGREEMENTS.—Each co-
15 operative agreement entered into under this
16 paragraph shall be consistent with the Manage-
17 ment Plan and may include provisions for fi-
18 nancial or other assistance from the United
19 States.

20 (4) ZONING ORDINANCES.—For the purposes of
21 the Housatonic River segments, the zoning ordinances
22 adopted by the municipalities named in paragraph
23 (3)(A)(ii) shall be deemed to satisfy the standards and
24 requirements of section 6(c) of the Wild and Scenic
25 Rivers Act (16 U.S.C. 1277(c)).

2850

1 (5) *ACQUISITION OF LANDS.*—*The authority of*
2 *the Secretary to acquire land for the Housatonic*
3 *River segments shall be—*

4 (A) *limited to acquisition by donation or*
5 *acquisition with the consent of the owner thereof;*
6 *and*

7 (B) *subject to the additional criteria set*
8 *forth in the Management Plan.*

9 (6) *NO CONDEMNATION.*—*No land or interest in*
10 *land may be acquired for the Housatonic River seg-*
11 *ments by condemnation.*

12 (7) *RELATION TO THE NATIONAL PARK SYS-*
13 *TEM.*—*Notwithstanding section 10(c) of the Wild and*
14 *Scenic Rivers Act (16 U.S.C. 1281(c)), the*
15 *Housatonic River segments shall not be—*

16 (A) *administered as a part or unit of the*
17 *National Park System; or*

18 (B) *subject to regulations that govern the*
19 *National Park System.*

20 (8) *DEFINITIONS.*—*In this subsection:*

21 (A) *MANAGEMENT PLAN.*—*The term “Man-*
22 *agement Plan” means the Housatonic River*
23 *Management Plan, dated September 2006.*

24 (B) *HOUSATONIC RIVER SEGMENTS.*—*The*
25 *term “Housatonic River segments” means the*

2851

1 *river segments designated by the amendments*
2 *made by subsection(a).*

3 **SEC. 403. DESIGNATION FOR STUDY OF WILD AND SCENIC**
4 **RIVER SEGMENTS, LITTLE MANATEE RIVER,**
5 **FLORIDA.**

6 *(a) IN GENERAL.—Section 5(a) of the Wild and Scenic*
7 *Rivers Act (16 U.S.C. 1276(a)) is amended by adding at*
8 *the end the following:*

9 “(145) LITTLE MANATEE RIVER, FLORIDA.—*The*
10 *approximately 50-mile segment beginning at the*
11 *source in southeastern Hillsborough County, Florida,*
12 *downstream to the point at which the river enters*
13 *Tampa Bay, including appropriate tributaries, but*
14 *shall not include—*

15 “(A) *those portions lying within Manatee*
16 *County, Florida, and being more particularly*
17 *described as Parcel ID 247800059, Parcel ID*
18 *248200008, and Parcel ID 248100000; and*

19 “(B) *South Fork.*”.

20 *(b) STUDY AND REPORT.—Section 5(b) of the Wild*
21 *and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by*
22 *adding at the end the following:*

23 “(22) LITTLE MANATEE RIVER, FLORIDA.—*Not*
24 *later than 3 years after the date on which funds are*

2852

1 *made available to carry out this paragraph, the Sec-*
2 *retary of the Interior shall—*

3 “(A) *complete the study of the Little Man-*
4 *atee River, Florida named in subsection*
5 *(a)(145); and*

6 “(B) *submit to the Committee on Energy*
7 *and Natural Resources of the Senate and the*
8 *Committee on Natural Resources of the House of*
9 *Representatives a report that describes the results*
10 *of the study.”.*

11 (c) *EFFECT ON MANAGEMENT.—This section and the*
12 *amendments made by this section shall not interfere with*
13 *the current management of the area of the Little Manatee*
14 *River described in paragraph (145) of section 5(a) of the*
15 *Wild and Scenic Rivers Act (16 U.S.C. 1276(a)), nor shall*
16 *the fact that such area is listed for study under that Act*
17 *be used as justification for more restrictive management*
18 *until Congress acts on the study recommendations.*

19 **SEC. 404. DESIGNATION FOR STUDY OF WILD AND SCENIC**
20 **RIVER SEGMENTS, KISSIMMEE RIVER, FLOR-**
21 **IDA.**

22 (a) *IN GENERAL.—Section 5(a) of the Wild and Scenic*
23 *Rivers Act (16 U.S.C. 1276(a)) (as amended by section*
24 *403(a)) is amended by adding at the end the following:*

2853

1 “(146) *KISSIMMEE RIVER, FLORIDA.—The re-*
2 *stored segment of the Kissimmee River, beginning ap-*
3 *proximately 16 miles downstream of Lake Kissimmee*
4 *and ending approximately 15 miles upstream of Lake*
5 *Okeechobee.”.*

6 **(b) STUDIES AND REPORTS.**—*Section 5(b) of the Wild*
7 *and Scenic Rivers Act (16 U.S.C. 1276(b)) (as amended*
8 *by section 403(b)) is amended by adding at the end the fol-*
9 *lowing:*

10 “(23) *KISSIMMEE RIVER, FLORIDA.—Not later*
11 *than 3 years after the date on which funds are made*
12 *available to carry out this paragraph, the Secretary*
13 *of the Interior shall—*

14 “(A) *complete the study of the Kissimmee*
15 *River, Florida named in paragraph (146) of*
16 *subsection (a); and*

17 “(B) *submit to the Committee on Energy*
18 *and Natural Resources of the Senate and the*
19 *Committee on Natural Resources of the House of*
20 *Representatives a report that describes the results*
21 *of the study.”.*

22 **(c) EFFECT ON MANAGEMENT.**—*This section and the*
23 *amendments made by this section shall not interfere with*
24 *the current management of the area of the Kissimmee River*
25 *described in paragraph (146) of section 5(a) of the Wild*

2854

1 *and Scenic Rivers Act (16 U.S.C. 1276(a)), nor shall the*
2 *fact that such area is listed for study under that Act be*
3 *used as justification for more restrictive management until*
4 *Congress acts on the study recommendations.*

5 ***TITLE V—NATIONAL TRAILS***
6 ***SYSTEM***

7 ***SEC. 501. DESIGNATION OF THE CHILKOOT NATIONAL HIS-***
8 ***TORIC TRAIL.***

9 *Section 5(a) of the National Trails System Act (16*
10 *U.S.C. 1244(a)) is amended by adding at the end the fol-*
11 *lowing:*

12 “(31) *CHILKOOT NATIONAL HISTORIC TRAIL.—*

13 “(A) *IN GENERAL.—The Chilkoot National*
14 *Historic Trail, an approximately 16.5-mile route*
15 *within the Klondike Gold Rush National Histor-*
16 *ical Park that was traditionally used as a trad-*
17 *ing route by the Tlingit Indian Tribe and*
18 *Tagish First Nation and as a gold rush route, as*
19 *generally depicted on the map entitled ‘Proposed*
20 *Chilkoot National Historic Trail’, numbered*
21 *KLGO–461–173787, and dated October 2020.*

22 “(B) *AVAILABILITY OF MAP.—The map de-*
23 *scribed in subparagraph (A) shall be on file and*
24 *available for public inspection in the appro-*
25 *priate offices of the National Park Service.*

2855

1 “(C) *ADMINISTRATION.*—*The Chilkoot Na-*
2 *tional Historic Trail shall be administered by*
3 *the Secretary of the Interior.*

4 “(D) *EFFECT.*—*The designation of the*
5 *Chilkoot National Historic Trail shall not affect*
6 *any authorities under Public Law 94–323 (16*
7 *U.S.C. 410bb et seq.).*

8 “(E) *COORDINATION OF ACTIVITIES.*—*The*
9 *Secretary of the Interior may coordinate with*
10 *public and nongovernmental organizations and*
11 *institutions of higher education in the United*
12 *States and Canada, Alaska Native Corporations,*
13 *and, in consultation with the Secretary of State,*
14 *the Government of Canada and any political*
15 *subdivisions of the Government of Canada for the*
16 *purposes of—*

17 “(i) *exchanging information and re-*
18 *search relating to the Chilkoot National*
19 *Historic Trail;*

20 “(ii) *supporting the preservation of,*
21 *and educational programs relating to, the*
22 *Chilkoot National Historic Trail;*

23 “(iii) *providing technical assistance*
24 *with respect to the Chilkoot National His-*
25 *toric Trail; and*

2856

1 “(iv) working to establish an inter-
2 national historic trail incorporating the
3 Chilkoot National Historic Trail that pro-
4 vides for complementary preservation and
5 education programs in the United States
6 and Canada.”.

7 **SEC. 502. ALASKA LONG NATIONAL SCENIC TRAIL STUDY.**

8 Section 5(c) of the National Trails System Act (16
9 U.S.C. 1244(c)) is amended by adding at the end the fol-
10 lowing:

11 “(48) ALASKA LONG TRAIL.—

12 “(A) IN GENERAL.—The Alaska Long Trail,
13 extending approximately 500 miles from Seward,
14 Alaska, to Fairbanks, Alaska.

15 “(B) REQUIREMENT.—The Secretary of the
16 Interior (referred to in this paragraph as the
17 ‘Secretary’) shall study the feasibility of desig-
18 nating the trail described in subparagraph (A),
19 including evaluating the potential impacts of the
20 trail on rights-of-way, existing rights, or other
21 recreational uses of the land proposed to be used
22 for the trail.

23 “(C) CONSULTATION.—The Secretary shall
24 conduct the study under this paragraph in con-
25 sultation with—

2857

1 “(i) the Secretary of Agriculture, act-
2 ing through the Chief of the Forest Service;
3 “(ii) the State of Alaska;
4 “(iii) units of local government in the
5 State of Alaska;
6 “(iv) Alaska Native Corporations; and
7 “(v) representatives of the private sec-
8 tor, including any entity that holds a per-
9 mit issued by the Federal Energy Regu-
10 latory Commission.”.

11 **SEC. 503. BUCKEYE NATIONAL SCENIC TRAIL FEASIBILITY**
12 **STUDY.**

13 Section 5(c) of the National Trails System Act (16
14 U.S.C. 1244(c)) (as amended by section 502) is amended
15 by adding at the end the following:

16 “(49) **BUCKEYE TRAIL.**—The Buckeye Trail, a
17 system of trails creating a loop extending approxi-
18 mately 1,454 miles from Lake Erie to the Ohio River,
19 through the farmland of northwest Ohio, the hills of
20 Appalachia, the Black Hand sandstone cliffs of the
21 Hocking Hills region, and the Bluegrass region of
22 southwest Ohio.”.

2858

***TITLE VI—NATIONAL PARK
SERVICE PROVISIONS
Subtitle A—Additions to the
National Park System***

SEC. 601. NEW PHILADELPHIA NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term “historic site” means the New Philadelphia National Historic Site established by subsection (b)(1).

(2) STATE.—The term “State” means the State of Illinois.

(b) ESTABLISHMENT OF NEW PHILADELPHIA NATIONAL HISTORIC SITE.—

(1) ESTABLISHMENT.—There is established in the State as a unit of the National Park System the New Philadelphia National Historic Site.

(2) PURPOSE.—The purpose of the historic site is to protect, preserve, and interpret the historic resources associated with the town of New Philadelphia, the first town in the United States planned and legally registered by a free African American before the Civil War.

(3) BOUNDARY.—The historic site shall consist of the approximately 124.33 acres of land within the boundary generally depicted as “Proposed Boundary”

2859

1 *on the map prepared by the National Park Service*
2 *entitled “New Philadelphia National Historic Site*
3 *Proposed Boundary”, numbered 591/176,516, and*
4 *dated July 2021.*

5 *(c) ADMINISTRATION.—*

6 *(1) IN GENERAL.—The Secretary shall admin-*
7 *ister land within the boundary of the historic site in*
8 *accordance with—*

9 *(A) this section; and*

10 *(B) the laws generally applicable to units of*
11 *the National Park System, including—*

12 *(i) section 100101(a), chapter 1003,*
13 *and sections 100751(a), 100752, 100753,*
14 *and 102101 of title 54, United States Code;*
15 *and*

16 *(ii) chapter 3201 of title 54, United*
17 *States Code.*

18 *(2) COOPERATIVE AGREEMENTS.—*

19 *(A) IN GENERAL.—The Secretary may enter*
20 *into cooperative agreements with the State or*
21 *other public and private entities—*

22 *(i) to coordinate preservation and in-*
23 *terpretation activities within the historic*
24 *site; and*

2860

1 (ii) to identify, interpret, and provide
2 assistance for the preservation and interpre-
3 tation of non-Federal land within the
4 boundary of the historic site and at sites in
5 close proximity to the historic site that are
6 located outside the boundary of the historic
7 site.

8 (B) PUBLIC ACCESS.—Any cooperative
9 agreement entered into under subparagraph (A)
10 to provide assistance to non-Federal land shall
11 provide for reasonable public access to the non-
12 Federal land.

13 (3) ACQUISITION OF LAND.—

14 (A) IN GENERAL.—Subject to subparagraph
15 (B), the Secretary may acquire land and inter-
16 ests in land for inclusion in the historic site
17 by—

18 (i) donation;

19 (ii) purchase with donated or appro-
20 priated funds; or

21 (iii) exchange.

22 (B) LIMITATION.—Any land owned by the
23 State or a political subdivision of the State may
24 be acquired for inclusion in the historic site only
25 by donation.

2861

1 (4) *TECHNICAL AND PRESERVATION ASSIST-*
2 *ANCE.—The Secretary may provide public interpreta-*
3 *tion and technical assistance for the preservation of*
4 *historic structures of, the maintenance of the cultural*
5 *landscape of, and local preservation planning for, re-*
6 *lated historic and cultural resources within the*
7 *boundaries of the historic site.*

8 (5) *MANAGEMENT PLAN.—Not later than 3 fiscal*
9 *years after the date on which funds are first made*
10 *available to carry out this section, the Secretary, in*
11 *consultation with the State, shall complete a general*
12 *management plan for the historic site in accordance*
13 *with—*

14 (A) *section 100502 of title 54, United States*
15 *Code; and*

16 (B) *any other applicable laws.*

17 ***Subtitle B—Modifications to Exist-***
18 ***ing Units of the National Park***
19 ***System***

20 ***SEC. 611. SUNSET CRATER VOLCANO NATIONAL MONU-***
21 ***MENT BOUNDARY ADJUSTMENT.***

22 (a) *DEFINITIONS.—In this section:*

23 (1) *FEDERAL LAND.—The term “Federal land”*
24 *means the approximately 97.71 acres of Forest Serv-*

2862

1 ice land identified as “Proposed transfer from USDA
2 Forest Service to National Park Service” on the Map.

3 (2) *MAP*.—The term “Map” means the map enti-
4 tled “Sunset Crater Volcano National Monument
5 Draft Proposed Boundary Adjustment”, numbered
6 039/80,053d, and dated January 2021.

7 (3) *MONUMENT*.—The term “Monument” means
8 the Sunset Crater Volcano National Monument estab-
9 lished by Presidential Proclamation 1911 (54 U.S.C.
10 320301 note; 46 Stat. 3023) and redesignated by sec-
11 tion 15 of the Smith River National Recreation Area
12 Act (Public Law 101–612; 104 Stat. 3222).

13 (4) *SECRETARY*.—The term “Secretary” means
14 the Secretary, acting through the Director of the Na-
15 tional Park Service.

16 (b) *SUNSET CRATER VOLCANO NATIONAL MONUMENT*
17 *BOUNDARY MODIFICATION*.—

18 (1) *TRANSFER OF ADMINISTRATIVE JURISDIC-*
19 *TION TO NATIONAL PARK SERVICE*.—Administrative
20 jurisdiction over the Federal land is transferred from
21 the Forest Service to the National Park Service.

22 (2) *MAP AVAILABILITY*.—The Map shall be on
23 file and available for inspection in the appropriate
24 offices of the National Park Service.

2863

1 (3) *BOUNDARY MODIFICATION.*—*The boundary of*
2 *the Monument is modified to include the Federal*
3 *land.*

4 (4) *ADMINISTRATION.*—*Subject to valid existing*
5 *rights, the Secretary shall administer the Federal*
6 *land added to the Monument under paragraph (3)—*

7 (A) *as part of the Monument; and*

8 (B) *in accordance with applicable laws (in-*
9 *cluding regulations).*

10 **SEC. 612. ROSIE THE RIVETER/WORLD WAR II HOME FRONT**
11 **NATIONAL HISTORICAL PARK.**

12 (a) *NYSTROM ELEMENTARY SCHOOL ADDITION.*—*Sec-*
13 *tion 2 of the Rosie the Riveter/World War II Home Front*
14 *National Historical Park Establishment Act of 2000 (16*
15 *U.S.C. 410ggg) is amended by striking subsection (b) and*
16 *inserting the following:*

17 “(b) *AREAS INCLUDED.*—

18 “(1) *IN GENERAL.*—*The boundaries of the park*
19 *shall include—*

20 “(A)(i) *the areas generally depicted on the*
21 *map entitled ‘Proposed Boundary Map, Rosie*
22 *the Riveter/World War II Home Front National*
23 *Historical Park’, numbered 963/80,000, and*
24 *dated May 2000; and*

2864

1 “(ii) the areas depicted as the ‘Proposed
2 Boundary Addition’ on the map entitled ‘Rosie
3 the Riveter/World War II Home Front National
4 Historical Park Proposed Boundary Addition’,
5 numbered 499/168,353, and dated May 2020;
6 and

7 “(B) any other historic properties identified
8 by the Secretary as appropriate for addition to
9 the park, subject to the requirement that a his-
10 toric property proposed for addition to the park
11 shall—

12 “(i) be determined to be eligible for
13 listing in the National Register of Historic
14 Places;

15 “(ii) have a direct connection to World
16 War II home front themes in Richmond,
17 California; and

18 “(iii) relate to the purpose, signifi-
19 cance, and interpretive themes of the park.

20 “(2) AVAILABILITY OF MAPS.—The maps referred
21 to in paragraph (1) shall be on file and available for
22 public inspection in the appropriate offices of the Na-
23 tional Park Service.”.

24 (b) ADMINISTRATION.—Section 3(a) of the Rosie the
25 Riveter/World War II Home Front National Historical

2865

1 *Park Establishment Act of 2000 (16 U.S.C. 410ggg–1(a))*
2 *is amended by adding at the end the following:*

3 “(3) *NYSTROM ELEMENTARY SCHOOL.*—*Nothing*
4 *in this Act affects the authority of the West Contra*
5 *Costa Unified School District to administer Nystrom*
6 *Elementary School.”.*

7 (c) *COOPERATIVE AGREEMENTS.*—*Section 3(b) of the*
8 *Rosie the Riveter/World War II Home Front National His-*
9 *torical Park Establishment Act of 2000 (16 U.S.C. 410ggg–*
10 *1(b)) is amended by adding at the end the following:*

11 “(3) *WEST CONTRA COSTA UNIFIED SCHOOL DIS-*
12 *TRICT.*—

13 “(A) *IN GENERAL.*—*The Secretary may*
14 *enter into cooperative agreements with the West*
15 *Contra Costa Unified School District and other*
16 *appropriate public and private agencies, organi-*
17 *zations, and institutions to carry out the pur-*
18 *poses of this Act.*

19 “(B) *VISITOR INTERPRETATION.*—*The Sec-*
20 *retary shall coordinate visitor interpretation of*
21 *the Nystrom Elementary School site with the*
22 *West Contra Costa Unified School District.”.*

2866

1 **SEC. 613. CAPE COD NATIONAL SEASHORE ADVISORY COM-**
2 **MISSION.**

3 *Effective September 26, 2018, section 8 of Public Law*
4 *87–126 (16 U.S.C. 459b–7) is amended—*

5 *(1) in subsection (a), in the second sentence, by*
6 *striking “2018” and inserting “2029”;*

7 *(2) by striking subsection (g); and*

8 *(3) by redesignating subsection (h) as subsection*
9 *(g).*

10 **SEC. 614. CANE RIVER CREOLE NATIONAL HISTORICAL**
11 **PARK BOUNDARY MODIFICATION.**

12 *Section 303(b) of the Cane River Creole National His-*
13 *torical Park and National Heritage Area Act (16 U.S.C.*
14 *410ccc–1(b)) is amended by adding at the end the following:*

15 *“(5) The approximately 46.1 acres of land iden-*
16 *tified as ‘Proposed Addition’, as generally depicted on*
17 *the map entitled ‘Cane River Creole National Histor-*
18 *ical Park Proposed Addition—Magnolia Plantation*
19 *Unit’, numbered 494/176,958, and dated October*
20 *2021.’”.*

21 **SEC. 615. USE OF CERTAIN ROADS WITHIN THE DELAWARE**
22 **WATER GAP NATIONAL RECREATION AREA.**

23 *Section 4(b) of the Delaware Water Gap National*
24 *Recreation Area Improvement Act (Public Law 109–156;*
25 *119 Stat. 2948; 131 Stat. 2246) is amended, in the matter*
26 *preceding paragraph (1), by striking “Until” and all that*

2867

1 *follows through “subsection (a)” and inserting “Until Sep-*
2 *tember 30, 2026, subsection (a)”.*

3 **SEC. 616. WILSON’S CREEK NATIONAL BATTLEFIELD**
4 **BOUNDARY MODIFICATION.**

5 *Section 1(b) of Public Law 86–434 (16 U.S.C.*
6 *430kk(b)) is amended—*

7 *(1) in paragraph (1)—*

8 *(A) in the second sentence, by striking “The*
9 *map” and inserting the following:*

10 *“(C) AVAILABILITY OF MAPS.—The maps*
11 *described in subparagraphs (A) and (B)”;*

12 *(B) by striking “(1) The boundaries” and*
13 *inserting the following:*

14 *“(1) ADDITIONAL LAND.—*

15 *“(A) IN GENERAL.—The boundaries”;*

16 *(C) by inserting after subparagraph (A) (as*
17 *so designated) the following:*

18 *“(B) NEWTONIA BATTLEFIELD ADDITION.—*

19 *The boundary of the Wilson’s Creek National*
20 *Battlefield is revised to include the approxi-*
21 *mately 25 acres of land identified as ‘Proposed*
22 *Addition’ on the map entitled ‘Wilson’s Creek*
23 *National Battlefield Proposed Boundary Modi-*
24 *fication’, numbered 410/177,379, and dated July*
25 *2022.”; and*

2868

1 (D) by adding at the end the following:

2 “(D) *ERRORS.*—The Secretary of the Inte-
3 rior may correct any clerical or typographical
4 error in a map described in subparagraph (A) or
5 (B).”; and
6 (2) in paragraph (2)—

7 (A) by striking “(2) The Secretary is au-
8 thorized to acquire the lands referred to in para-
9 graph (1)” and inserting the following:

10 “(2) *METHOD OF ACQUISITION.*—The Secretary
11 of the Interior may acquire the land described in sub-
12 paragraphs (A) and (B) of paragraph (1)”; and

13 (B) in the second sentence, by striking “the
14 park” and inserting “Wilson’s Creek National
15 Battlefield”.

16 **SEC. 617. STE. GENEVIEVE NATIONAL HISTORICAL PARK**
17 **BOUNDARY REVISION.**

18 (a) *DEFINITIONS.*—Section 7134(a) of the Energy and
19 Natural Resources Act of 2017 (as enacted into law by sec-
20 tion 121(a)(2) of division G of the Consolidated Appropria-
21 tions Act, 2018 (Public Law 115–141; 16 U.S.C.
22 410xxx(a)(3))) is amended—

23 (1) in paragraph (3), by striking “numbered
24 571/149,942, and dated December 2018” and insert-

2869

1 *ing “numbered 571/177,464, and dated September*
2 *2021”;*

3 *(2) by redesignating paragraphs (4) and (5) as*
4 *paragraphs (5) and (6), respectively; and*

5 *(3) by inserting after paragraph (3) the fol-*
6 *lowing:*

7 *“(4) SECRETARY.—The term ‘Secretary’ means*
8 *the Secretary of the Interior.”.*

9 *(b) AUTHORITY TO CORRECT ERRORS IN MAP.—Sec-*
10 *tion 7134(d) of the Energy and Natural Resources Act of*
11 *2017 (as enacted into law by section 121(a)(2) of division*
12 *G of the Consolidated Appropriations Act, 2018 (Public*
13 *Law 115–141; 16 U.S.C. 410xxx(d))) is amended—*

14 *(1) by striking “The Map” and inserting the fol-*
15 *lowing:*

16 *“(1) IN GENERAL.—The Map”; and*

17 *(2) by adding at the end the following:*

18 *“(2) AUTHORITY TO CORRECT ERRORS.—The*
19 *Secretary may correct any clerical or typographical*
20 *errors in the Map.”.*

21 *(c) VISITOR CENTER AND ADMINISTRATIVE FACILI-*
22 *TIES.—Section 7134(e) of the Energy and Natural Re-*
23 *sources Act of 2017 (as enacted into law by section*
24 *121(a)(2) of division G of the Consolidated Appropriations*

2870

1 *Act, 2018 (Public Law 115–141; 16 U.S.C. 410xxx(e))) is*
2 *amended by adding at the end the following:*

3 “(3) *VISITOR CENTER.—The Secretary—*

4 “(A) *may acquire, by donation, the land*
5 *(including any improvements to the land) owned*
6 *by the city of Ste. Genevieve, Missouri, and used*
7 *as the visitor center for the Historical Park, as*
8 *generally depicted on the Map as ‘Proposed*
9 *Boundary Addition’; and*

10 “(B) *on acquisition of the land described in*
11 *subparagraph (A), shall revise the boundary of*
12 *the Historical Park to include the acquired land.*

13 “(4) *ADMINISTRATIVE FACILITIES.—The Sec-*
14 *retary may acquire, by purchase from a willing seller*
15 *or by donation, not more than 20 acres of land in the*
16 *vicinity of the Historical Park for administrative fa-*
17 *cilities for the Historical Park.”.*

18 **SEC. 618. CONVEYANCE OF CERTAIN FEDERAL LAND IN**
19 **MAINE FOR AFFORDABLE WORKFORCE HOUS-**
20 **ING.**

21 *Section 102(f) of Public Law 99–420 (16 U.S.C. 341*
22 *note) is amended by striking “by any town which so de-*
23 *sires” in the first sentence and all that follows through the*
24 *period at the end of paragraph (2) and inserting the fol-*
25 *lowing: “for affordable workforce housing to benefit the*

2871

1 *towns on Mount Desert Island, subject to the limitation that*
2 *the Secretary may retain not more than 15 acres of the*
3 *Federal land identified as ‘4DBH’ on the map, to be used*
4 *by the Secretary to provide housing and administrative fa-*
5 *cilities for the use of, and supporting the purposes of, the*
6 *Park.”.*

7 **SEC. 619. DESIGNATION OF PULLMAN NATIONAL HISTOR-**
8 **ICAL PARK.**

9 (a) *DEFINITIONS.—In this section:*

10 (1) *HISTORICAL PARK.—The term “historical*
11 *park” means the Pullman National Historical Park.*

12 (2) *MAP.—The term “map” means the map enti-*
13 *tled “Pullman National Historical Park Boundary”,*
14 *numbered 590/125,485, and dated November 2021.*

15 (b) *REDESIGNATION OF PULLMAN NATIONAL MONU-*
16 *MENT.—*

17 (1) *IN GENERAL.—The Pullman National Monu-*
18 *ment, established by Proclamation Number 9233,*
19 *dated February 19, 2015, is redesignated as the*
20 *“Pullman National Historical Park”.*

21 (2) *AVAILABILITY OF FUNDS.—Any funds avail-*
22 *able for purposes of the Pullman National Monument*
23 *shall be available for purposes of the historical park.*

24 (3) *REFERENCES.—Any references in a law, reg-*
25 *ulation, document, record, map, or other paper of the*

2872

1 *United States to the Pullman National Monument*
2 *shall be considered to be a reference to the historical*
3 *park.*

4 (4) *PROCLAMATION.—Proclamation Number*
5 *9233, dated February 19, 2015, shall have no force or*
6 *effect.*

7 (c) *PURPOSES.—The purposes of the historical park*
8 *are to preserve, protect, and interpret Pullman’s nationally*
9 *significant cultural and historical resources associated*
10 *with—*

11 (1) *the labor history of the United States and*
12 *creation of a national Labor Day holiday;*

13 (2) *the first planned industrial community in*
14 *the United States;*

15 (3) *the architecture and landscape design of the*
16 *planned community;*

17 (4) *the pivotal role of the Pullman porter in the*
18 *rise of the African-American middle class; and*

19 (5) *the entirety of history, culture, and historic*
20 *figures embodied in Presidential Proclamation Num-*
21 *ber 9233.*

22 (d) *ADMINISTRATION.—The Secretary shall administer*
23 *the land within the boundary of the historical park in ac-*
24 *cordance with—*

25 (1) *this section; and*

2873

1 (2) *the laws generally applicable to units of the*
2 *National Park System, including—*

3 (A) *section 100101(a), chapter 1003, and*
4 *sections 100751(a), 100752, 100753 and 102101*
5 *of title 54, United States Code; and*

6 (B) *chapter 3201 of title 54, United States*
7 *Code.*

8 (e) *COOPERATIVE AGREEMENTS.—*

9 (1) *IN GENERAL.—To further the purposes of this*
10 *section and notwithstanding chapter 63 of title 31,*
11 *United States Code, the Secretary may enter into co-*
12 *operative agreements with the State of Illinois, other*
13 *public and nonprofit entities, and other interested*
14 *parties, subject to paragraph (2)—*

15 (A) *to support collaborative interpretive*
16 *and educational programs at non-Federal his-*
17 *toric properties within the boundaries of the his-*
18 *torical park; and*

19 (B) *to identify, interpret, and provide as-*
20 *sistance for the preservation of non-Federal land*
21 *within the boundaries of the historical park and*
22 *at sites in close proximity to the historical park,*
23 *but located outside the boundaries of the histor-*
24 *ical park, including providing for placement of*

2874

1 *directional and interpretive signage, exhibits,*
2 *and technology-based interpretive devices.*

3 (2) *PUBLIC ACCESS.*—*A cooperative agreement*
4 *entered under this subsection shall provide for reason-*
5 *able public access.*

6 (f) *USE OF FUNDS.*—

7 (1) *IN GENERAL.*—*The Secretary may use appro-*
8 *priated funds to mark, interpret, improve, restore,*
9 *and provide technical assistance with respect to the*
10 *preservation and interpretation of the properties.*

11 (2) *INCONSISTENT PURPOSES.*—*Any payment*
12 *made by the Secretary under this subsection shall be*
13 *subject to an agreement that the conversion, use, or*
14 *disposal of the project for purposes that are incon-*
15 *sistent with the purposes of this section, as deter-*
16 *mined by the Secretary, shall result in a right of the*
17 *United States to reimbursement of the greater of—*

18 (A) *the amount provided by the Secretary*
19 *to the project; and*

20 (B) *an amount equal to the increase in the*
21 *value of the project that is attributable to the*
22 *funds, as determined by the Secretary at the*
23 *time of the conversion, use, or disposal.*

24 (g) *ACQUISITION OF LAND.*—*The Secretary may ac-*
25 *quire for inclusion in the historical park any land (includ-*

2875

1 *ing interests in land), buildings, or structures owned by the*
2 *State of Illinois, or any other political, private, or non-*
3 *profit entity by donation, transfer, exchange, or purchase*
4 *from a willing seller.*

5 *(h) MANAGEMENT PLAN.—Not later than 3 fiscal years*
6 *after the date on which funds are first made available to*
7 *carry out this section, the Secretary shall complete a man-*
8 *agement plan for the historical park.*

9 **SEC. 620. PALO ALTO BATTLEFIELD NATIONAL HISTORIC**
10 **PARK BOUNDARY ADDITION.**

11 *(a) BOUNDARY.—Section 3(b)(2) of the Palo Alto Bat-*
12 *tlefield National Historic Site Act of 1991 (16 U.S.C.*
13 *410nnn–1(b)(2)) is amended—*

14 *(1) by amending subparagraph (A) to read as*
15 *follows:*

16 *“(A) IN GENERAL.—*

17 *“(i) In addition to the land described*
18 *in paragraph (1), the historical park shall*
19 *consist of—*

20 *“(I) the approximately 34 acres of*
21 *land, as generally depicted on the map*
22 *entitled ‘Palo Alto Battlefield NHS*
23 *Proposed Boundary Expansion’, num-*
24 *bered 469/80,012, and dated May 21,*
25 *2008; and*

2876

1 “(II) on the date that such land is
2 donated to the United States, the ap-
3 proximately 166.44 acres of land gen-
4 erally depicted on the map entitled
5 ‘PALO ALTO BATTLEFIELD NA-
6 TIONAL HISTORICAL PARK Pro-
7 posed Boundary Addition, Fort Brown
8 Unit’, numbered 469/143,589, and
9 dated April 2018.

10 “(ii) Before accepting any donated
11 land described in this subparagraph, the
12 Secretary shall complete a boundary study
13 analyzing the feasibility of adding the land
14 to the national historical park.

15 “(iii) If a boundary study completed
16 under clause (ii) finds that acceptance of
17 the donated land is feasible and appro-
18 priate, the Secretary may accept such land
19 and administer the land as part of the his-
20 torical park after providing notice of such
21 finding to Congress.”; and

22 (2) in subparagraph (B)—

23 (A) in the heading, by striking “MAP” and
24 inserting “MAPS”; and

2877

1 (B) by striking “map” and inserting
2 “maps”.

3 (b) *LEGAL DESCRIPTION*.—Section 3(b)(3) of the Palo
4 Alto Battlefield National Historic Site Act of 1991 (16
5 U.S.C. 410nnn–1(b)(3)) is amended by striking “after” and
6 all that follows through “Secretary of the Interior” and in-
7 serting “after the addition of lands to the historic park
8 boundary, the Secretary of the Interior”.

9 **SEC. 621. INSTALLATION OF PLAQUE COMMEMORATING**
10 **SLAVE REBELLION ON ST. JOHN.**

11 (a) *IN GENERAL*.—Not later than 1 year after the date
12 of the enactment of this Act, the Secretary shall install, in
13 an appropriate location in the area of the Ram Head trail
14 at the peak of Ram Head in the Virgin Islands National
15 Park on St. John, United States Virgin Islands, a suitable
16 plaque to commemorate the slave rebellion that began on
17 St. John on November 23, 1733.

18 (b) *CONTENTS OF PLAQUE*.—The plaque installed
19 under subsection (a) shall include information regarding—

20 (1) important facts about the slave rebellion that
21 began on St. John in 1733;

22 (2) the collective suicide that occurred during the
23 slave rebellion in the vicinity of Ram Head on St.
24 John in 1734; and

2878

1 (3) *the significance of the slave rebellion to the*
2 *history of St. John, the United States Virgin Islands,*
3 *and the United States.*

4 ***Subtitle C—National Park Service***
5 ***Studies***

6 ***SEC. 631. SPECIAL RESOURCE STUDY OF JOHN P. PARKER***
7 ***HOUSE.***

8 (a) *DEFINITION OF STUDY AREA.*—*In this section, the*
9 *term “study area” means the John P. Parker House in Rip-*
10 *ley, Ohio, which was recognized as a National Historic*
11 *Landmark in 1997.*

12 (b) *STUDY.*—

13 (1) *IN GENERAL.*—*The Secretary shall conduct a*
14 *special resource study of the study area to determine*
15 *the suitability and feasibility of establishing the John*
16 *P. Parker House in Ripley, Ohio, as a unit of the Na-*
17 *tional Park System.*

18 (2) *CONTENTS.*—*In conducting the study under*
19 *paragraph (1), the Secretary shall—*

20 (A) *evaluate the national significance of the*
21 *study area;*

22 (B) *determine the suitability and feasibility*
23 *of designating the study area as a unit of the*
24 *National Park System;*

2879

1 (C) consider other alternatives for preserva-
2 tion, protection, and interpretation of the study
3 area by the Federal Government, State or local
4 government entities, or private and nonprofit or-
5 ganizations;

6 (D) consult with interested Federal agen-
7 cies, State or local governmental entities, private
8 and nonprofit organizations, or any other inter-
9 ested individuals; and

10 (E) identify cost estimates for any Federal
11 acquisition, development, interpretation, oper-
12 ation, and maintenance associated with the al-
13 ternatives described in subparagraphs (B) and
14 (C).

15 (3) *STUDY REQUIREMENTS.*—The Secretary shall
16 conduct the study in accordance with section 100507
17 of title 54, United States Code.

18 (4) *REPORT.*—Not later than 18 months after the
19 date on which funds are made available to carry out
20 this section, the Secretary shall submit to the Com-
21 mittee on Natural Resources of the House of Rep-
22 resentatives and the Committee on Energy and Nat-
23 ural Resources of the Senate a report that describes—

24 (A) the results of the study; and

25 (B) any recommendations of the Secretary.

2880

1 **SEC. 632. DEARFIELD, COLORADO, SPECIAL RESOURCE**
2 **STUDY.**

3 (a) *DEFINITION OF STUDY AREA.*—*In this section, the*
4 *term “study area” means the site known as “Dearfield”,*
5 *in Weld County, Colorado, which was a historically black*
6 *agricultural settlement founded by Oliver Toussaint Jack-*
7 *son.*

8 (b) *STUDY.*—

9 (1) *IN GENERAL.*—*The Secretary shall conduct a*
10 *special resource study of the study area.*

11 (2) *CONTENTS.*—*In conducting the study under*
12 *paragraph (1), the Secretary shall—*

13 (A) *evaluate the national significance of the*
14 *study area;*

15 (B) *determine the suitability and feasibility*
16 *of designating the study area as a unit of the*
17 *National Park System;*

18 (C) *consider other alternatives for preserva-*
19 *tion, protection, and interpretation of the study*
20 *area by the Federal Government, State or local*
21 *government entities, or private and nonprofit or-*
22 *ganizations;*

23 (D) *consult with interested Federal agen-*
24 *cies, State or local governmental entities, private*
25 *and nonprofit organizations, or any other inter-*
26 *ested individuals; and*

2881

1 (E) identify cost estimates for any Federal
2 acquisition, development, interpretation, oper-
3 ation, and maintenance associated with the al-
4 ternatives described in subparagraphs (B) and
5 (C).

6 (3) *APPLICABLE LAW.*—The study required
7 under paragraph (1) shall be conducted in accordance
8 with section 100507 of title 54, United States Code.

9 (c) *REPORT.*—Not later than 3 years after the date on
10 which funds are first made available to carry out the study
11 under subsection (b)(1), the Secretary shall submit to the
12 Committee on Natural Resources of the House of Represent-
13 atives and the Committee on Energy and Natural Resources
14 of the Senate a report that describes—

15 (1) the results of the study; and

16 (2) any conclusions and recommendations of the
17 Secretary.

18 **SEC. 633. SPECIAL RESOURCE STUDY OF LYNCHING LOCA-**
19 **TIONS.**

20 (a) *DEFINITION OF STUDY AREA.*—In this section, the
21 term “study area” means sites within approximately 100
22 miles of Memphis, Tennessee, at which lynchings took place,
23 including the lynching sites of—

24 (1) Wash Henley in 1869;

2882

1 (2) *Christopher Bender and Bud Whitfield in*
2 *1868;*

3 (3) *Thomas Moss, Will Stewart, and Calvin*
4 *McDowell in 1892 during the event referred to as*
5 *“The People’s Grocery Lynchings”;*

6 (4) *Lee Walker in 1893;*

7 (5) *Warner Williams, Daniel Hawkins, Robert*
8 *Haynes, Edward Hall, John Hayes, and Graham*
9 *White in 1894;*

10 (6) *Ell Persons in 1917;*

11 (7) *Jesse Lee Bond in 1939; and*

12 (8) *Elbert Williams in 1940.*

13 (b) *STUDY.—The Secretary shall conduct a special re-*
14 *source study of the study area.*

15 (c) *CONTENTS.—In conducting the special resource*
16 *study under subsection (b), the Secretary shall—*

17 (1) *evaluate the national significance of the*
18 *study area;*

19 (2) *determine the suitability and feasibility of*
20 *designating the study area as a unit of the National*
21 *Park System;*

22 (3) *consider other alternatives for preservation,*
23 *protection, and interpretation of the study area by the*
24 *Federal Government, State or local government enti-*
25 *ties, or private and nonprofit organizations;*

2883

1 (4) *consult with interested Federal agencies,*
2 *State or local governmental entities, private and non-*
3 *profit organizations, or any other interested persons;*
4 *and*

5 (5) *identify cost estimates for any Federal acqui-*
6 *sition, development, interpretation, operation, and*
7 *maintenance associated with the alternatives.*

8 (d) *APPLICABLE LAW.*—*The special resource study re-*
9 *quired under subsection (b) shall be conducted in accord-*
10 *ance with section 100507 of title 54, United States Code.*

11 (e) *REPORT.*—*Not later than 3 years after the date on*
12 *which funds are made available to carry out this section,*
13 *the Secretary shall submit to the Committee on Energy and*
14 *Natural Resources of the Senate and the Committee on Nat-*
15 *ural Resources of the House of Representatives a report that*
16 *describes—*

17 (1) *the results of the special resource study re-*
18 *quired under subsection (b); and*

19 (2) *any recommendations of the Secretary.*

20 **SEC. 634. RESOURCE STUDY OF THE LOS ANGELES COAST-**
21 **AL AREA, CALIFORNIA.**

22 (a) *DEFINITION OF STUDY AREA.*—*In this section, the*
23 *term “study area” means the coastline and adjacent areas*
24 *to the Santa Monica Bay from Will Rogers State Beach*
25 *to Torrance Beach, including the areas in and around*

2884

1 *Ballona Creek and the Baldwin Hills and the San Pedro*
2 *section of the City of Los Angeles, excluding the Port of Los*
3 *Angeles north of Crescent Avenue.*

4 *(b) SPECIAL RESOURCE STUDY.—*

5 *(1) STUDY.—The Secretary shall conduct a spe-*
6 *cial resource study of the study area.*

7 *(2) CONTENTS.—In conducting the study under*
8 *paragraph (1), the Secretary shall—*

9 *(A) evaluate the national significance of the*
10 *study area;*

11 *(B) determine the suitability and feasibility*
12 *of designating the study area as a unit of the*
13 *National Park System;*

14 *(C) consider other alternatives for preserva-*
15 *tion, protection, and interpretation of the study*
16 *area by the Federal Government, State or local*
17 *government entities, or private and nonprofit or-*
18 *ganizations;*

19 *(D) consult with interested Federal agen-*
20 *cies, State or local governmental entities, private*
21 *and nonprofit organizations, or any other inter-*
22 *ested individuals; and*

23 *(E) identify cost estimates for any Federal*
24 *acquisition, development, interpretation, oper-*

2885

1 *ation, and maintenance associated with the al-*
2 *ternatives.*

3 (3) *APPLICABLE LAW.*—*The study required*
4 *under paragraph (1) shall be conducted in accordance*
5 *with section 100507 of title 54, United States Code.*

6 (4) *REPORT.*—*Not later than 3 years after the*
7 *date on which funds are first made available for the*
8 *study under paragraph (1), the Secretary shall sub-*
9 *mit to the Committee on Natural Resources of the*
10 *House of Representatives and the Committee on En-*
11 *ergy and Natural Resources of the Senate a report*
12 *that describes—*

13 (A) *the results of the study; and*

14 (B) *any conclusions and recommendations*
15 *of the Secretary.*

16 ***Subtitle D—National Park Service***
17 ***Programs***

18 ***SEC. 641. ACQUISITION OF LAND FOR ADMINISTRATIVE***
19 ***PURPOSES OF HISTORIC PRESERVATION***
20 ***TRAINING CENTER.***

21 (a) *DEFINITIONS.*—*In this section:*

22 (1) *CENTER.*—*The term “Center” means the*
23 *Historic Preservation Training Center and related fa-*
24 *cilities of the National Park Service in Frederick*
25 *County, Maryland.*

2886

1 (2) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary, acting through the Director of the Na-*
3 *tional Park Service.*

4 (b) *AUTHORIZATION OF ACQUISITION.*—*To further de-*
5 *velop the Center in accordance with section 305306 of title*
6 *54, United States Code, the Secretary may acquire not more*
7 *than 20 acres of land or interests in land in Frederick*
8 *County, Maryland, for the Center for the purpose of sup-*
9 *porting the physical space, program initiatives, and work-*
10 *force development capacity of the Center.*

11 (c) *METHOD OF ACQUISITION.*—*Land or an interest*
12 *in land for the Center may only be acquired under sub-*
13 *section (b) by donation, transfer, exchange, or purchase*
14 *from a willing seller using donated or appropriated funds.*

15 (d) *ADMINISTRATION OF ACQUIRED LAND.*—*On acqui-*
16 *sition of land or an interest in land for the Center under*
17 *subsection (b), the acquired land or interest in land shall*
18 *be administered by the Secretary for the purpose described*
19 *in subsection (b).*

20 **SEC. 642. WAIVER OF SPECIAL USE PERMIT APPLICATION**
21 **FEE FOR VETERANS’ SPECIAL EVENTS.**

22 (a) *DEFINITIONS.*—*In this section:*

23 (1) *MEMBER OF A GOLD STAR FAMILY.*—*The*
24 *term “member of a Gold Star Family” means any in-*
25 *dividual that meets the eligibility requirements of sec-*

2887

1 *tion 3.2 of Department of Defense Instruction 1348.36*
2 *(or a successor instruction).*

3 (2) *SPECIAL EVENTS.*—*The term “special events”*
4 *has the meaning given the term in section 7.96(g)(1)*
5 *of title 36, Code of Federal Regulations (or a suc-*
6 *cessor regulation).*

7 (3) *THE DISTRICT OF COLUMBIA AND ITS ENVI-*
8 *RON.*—*The term “the District of Columbia and its*
9 *environs” has the meaning given the term in section*
10 *8902(a) of title 40, United States Code.*

11 (4) *VETERAN.*—*The term “veteran” has the*
12 *meaning given the term in section 101 of title 38,*
13 *United States Code.*

14 (5) *VETERANS’ SPECIAL EVENT.*—*The term “vet-*
15 *erans’ special event” means a special event at which*
16 *the majority of attendees are veterans or members of*
17 *Gold Star Families.*

18 (6) *WAR MEMORIAL.*—*The term “war memorial”*
19 *means any memorial or monument that has been*
20 *erected or dedicated to commemorate a military unit,*
21 *military group, war, conflict, victory, or peace.*

22 (b) *WAIVER.*—*The application fee for any application*
23 *for a special use permit, the sole purpose of which is to*
24 *hold a veterans’ special event at a war memorial on land*

2888

1 *administered by the National Park Service in the District*
2 *of Columbia and its environs, shall be waived.*

3 (c) *APPLICABILITY OF EXISTING LAWS.*—*Notwith-*
4 *standing subsection (b), an applicant for a special use per-*
5 *mit described in that subsection shall be subject to any other*
6 *law (including regulations) or policy applicable to the ap-*
7 *plication, issuance, or execution of the special use permit.*

8 (d) *APPLICABILITY.*—*This section shall apply to any*
9 *special use permit application submitted after the date of*
10 *enactment of this Act.*

11 **SEC. 643. UNITED STATES AFRICAN-AMERICAN BURIAL**
12 **GROUND PRESERVATION PROGRAM.**

13 (a) *ESTABLISHMENT.*—*Subdivision 1 of division B of*
14 *subtitle III of title 54, United States Code, is amended by*
15 *inserting after chapter 3085 the following:*

16 **“CHAPTER 3086—UNITED STATES AFRI-**
17 **CAN-AMERICAN BURIAL GROUND**
18 **PRESERVATION PROGRAM**

“Sec.

“308601. Definitions.

“308602. United States African-American Burial Grounds Preservation Program.

“308603. Authority to make grants.

“308604. Cooperative agreements and memoranda of understanding.

“308605. Private property protection.

19 **“§ 308601. Definitions**

20 *“In this chapter:*

21 *“(1) BURIAL GROUND.—The term ‘burial*
22 *ground’ means any natural or prepared physical lo-*

2889

1 *cation, whether originally below, on, or above the sur-*
2 *face of the earth, into which human remains are de-*
3 *posited as a part of the death rite or ceremony of a*
4 *culture.*

5 “(2) *HISTORIC.*—*The term ‘historic’, with re-*
6 *spect to a property, means a property that can rea-*
7 *sonably be considered to date back at least 50 years.*

8 “(3) *PROGRAM.*—*The term ‘Program’ means the*
9 *United States African-American Burial Grounds*
10 *Preservation Program established under section*
11 *308602(a).*

12 **“§ 308602. United States African-American Burial**
13 **Grounds Preservation Program**

14 “(a) *IN GENERAL.*—*The Secretary shall establish with-*
15 *in the Service, in accordance with this chapter, a program*
16 *to be known as the ‘United States African-American Burial*
17 *Grounds Preservation Program’.*

18 “(b) *DUTIES OF SECRETARY.*—*In carrying out the*
19 *Program, the Secretary, in consultation with the National*
20 *Trust for Historic Preservation and members of the Afri-*
21 *can-American heritage community, shall develop a program*
22 *for the provision of grants in accordance with section*
23 *308603(a).*

24 “(c) *DONATIONS.*—*The Secretary may accept mone-*
25 *etary donations to further the purposes of this chapter.*

2890

1 “(d) *CONSENT OF PRIVATE PROPERTY OWNER RE-*
2 *QUIRED.—Burial grounds shall only be considered for a*
3 *grant under the Program—*

4 “(1) *with the consent of the property owner; and*
5 “(2) *at the request of an individual, landowner,*
6 *private or nonprofit organization, State, Tribal, or*
7 *local government, or other entity.*

8 **“§ 308603. Authority to make grants**

9 “(a) *IN GENERAL.—The Secretary may make grants*
10 *to other Federal agencies, State, local, and Tribal govern-*
11 *ments, other public entities, educational institutions, his-*
12 *toric preservation groups, and private nonprofit organiza-*
13 *tions in accordance with this chapter for—*

14 “(1) *the identification of historic African-Amer-*
15 *ican burial grounds that may qualify for the Pro-*
16 *gram;*

17 “(2) *the preservation and restoration of African-*
18 *American burial grounds;*

19 “(3) *the interpretation of African-American bur-*
20 *ial grounds; and*

21 “(4) *related research and documentation for his-*
22 *toric African-American burial grounds.*

23 “(b) *FUNDING.—*

2891

1 “(1) *IN GENERAL.*—*There is authorized to be ap-*
2 *propriated to the Secretary to carry out this section*
3 *\$3,000,000 for each of fiscal years 2023 through 2027.*

4 “(2) *AVAILABILITY.*—*Any amounts made avail-*
5 *able for a fiscal year under paragraph (1) that are*
6 *not used during that fiscal year shall be available for*
7 *use under this section during any subsequent fiscal*
8 *year.*

9 **“§ 308604. Cooperative agreements and memoranda of**
10 ***understanding***

11 *“The Secretary may enter into cooperative agreements*
12 *and memoranda of understanding with, and provide tech-*
13 *nical assistance to, the heads of other Federal agencies,*
14 *States, units of local government, Tribal governments, re-*
15 *gional governmental bodies, nonprofit organizations, edu-*
16 *cational institutions, and private entities—*

17 *“(1) to achieve the purposes of this chapter; and*

18 *“(2) to ensure effective coordination of the Fed-*
19 *eral elements and non-Federal elements provided a*
20 *grant or other assistance under the Program with*
21 *System units and programs of the Service.*

22 **“§ 308605. Private property protection**

23 *“Nothing in this chapter—*

24 *“(1) authorizes the Secretary to require or affect*
25 *the management or use of private property without*

2892

1 *the written consent of the owner of the private prop-*
2 *erty;*

3 *“(2) prohibits the Secretary from providing land*
4 *management guidance or requirements relating to*
5 *private property as a condition of a grant provided*
6 *to the owner of the private property under this chap-*
7 *ter; or*

8 *“(3) shall be construed as creating any new reg-*
9 *ulatory burden on any Federal, State, Tribal, or pri-*
10 *vate entity.”.*

11 *(b) CLERICAL AMENDMENT.—The table of chapters for*
12 *title 54, United States Code, is amended by inserting after*
13 *the item relating to chapter 3085 the following:*

“3086. United States African-American Burial Grounds Preservation
 Program308601”.

14 **SEC. 644. NORMAN Y. MINETA JAPANESE AMERICAN CON-**
15 **FINEMENT EDUCATION GRANTS.**

16 *Public Law 109–441 (120 Stat. 3289) is amended—*
17 *(1) in section 2, by adding at the end the fol-*
18 *lowing:*

19 *“(4) JAPANESE AMERICAN CONFINEMENT EDU-*
20 *CATION GRANTS.—The term ‘Japanese American Con-*
21 *finement Education Grants’ means competitive*
22 *grants, awarded through the Japanese American Con-*
23 *finement Sites Program, for Japanese American orga-*
24 *nizations to educate individuals, including through*

2893

1 *the use of digital resources, in the United States on*
2 *the historical importance of Japanese American con-*
3 *finement during World War II, so that present and*
4 *future generations may learn from Japanese Amer-*
5 *ican confinement and the commitment of the United*
6 *States to equal justice under the law.*

7 “(5) *JAPANESE AMERICAN ORGANIZATION.*—*The*
8 *term ‘Japanese American organization’ means a pri-*
9 *vate nonprofit organization within the United States*
10 *established to promote the understanding and appre-*
11 *ciation of the ethnic and cultural diversity of the*
12 *United States by illustrating the Japanese American*
13 *experience throughout the history of the United*
14 *States.”; and*

15 *(2) in section 4—*

16 *(A) by inserting “(a) IN GENERAL.—” be-*
17 *fore “There are authorized”;*

18 *(B) by striking “\$38,000 ,000” and insert-*
19 *ing “\$80,000,000”; and*

20 *(C) by adding at the end the following:*

21 “(b) *JAPANESE AMERICAN CONFINEMENT EDUCATION*
22 *GRANTS.*—

23 “(1) *IN GENERAL.*—*Of the amounts made avail-*
24 *able under this section, not more than \$10,000,000*
25 *shall be awarded as Japanese American Confinement*

2894

1 *Education Grants to Japanese American organiza-*
2 *tions. Such competitive grants shall be in an amount*
3 *not less than \$750,000 and the Secretary shall give*
4 *priority consideration to Japanese American organi-*
5 *zations with fewer than 100 employees.*

6 “(2) *MATCHING REQUIREMENT.*—

7 “(A) *FIFTY PERCENT.*—*Except as provided*
8 *in subparagraph (B), for funds awarded under*
9 *this subsection, the Secretary shall require a 50*
10 *percent match with non-Federal assets from non-*
11 *Federal sources, which may include cash or du-*
12 *rable goods and materials fairly valued, as deter-*
13 *mined by the Secretary.*

14 “(B) *WAIVER.*—*The Secretary may waive*
15 *all or part of the matching requirement under*
16 *subparagraph (A), if the Secretary determines*
17 *that—*

18 “(i) *no reasonable means are available*
19 *through which an applicant can meet the*
20 *matching requirement; and*

21 “(ii) *the probable benefit of the project*
22 *funded outweighs the public interest in the*
23 *matching requirement.”.*

2895

1 **SEC. 645. JAPANESE AMERICAN WORLD WAR II HISTORY**
2 **NETWORK.**

3 (a) *ESTABLISHMENT.*—*The Secretary shall establish,*
4 *within the National Park Service, a program to be known*
5 *as the “Japanese American World War II History Net-*
6 *work” (referred to in this section as the “Network”).*

7 (b) *DUTIES OF SECRETARY.*—*In carrying out the Net-*
8 *work, the Secretary shall—*

9 (1) *review studies and reports to complement*
10 *and not duplicate studies of Japanese American*
11 *World War II history and Japanese American experi-*
12 *ences during World War II, including studies related*
13 *to relocation centers and confinement sites, that are*
14 *underway or completed;*

15 (2) *produce and disseminate appropriate edu-*
16 *cational materials, such as handbooks, maps, inter-*
17 *pretive guides, or electronic information relating to*
18 *Japanese American World War II history and Japa-*
19 *nese American experiences during the war, including*
20 *relocation centers and confinement sites;*

21 (3) *enter into appropriate cooperative agree-*
22 *ments and memoranda of understanding to provide*
23 *technical assistance under subsection (d); and*

24 (4)(A) *create and adopt an official, uniform*
25 *symbol or device for the Network; and*

2896

1 (B) issue regulations for the use of the symbol or
2 device adopted under subparagraph (A).

3 (c) *ELEMENTS.*—*The Network shall encompass the fol-*
4 *lowing elements:*

5 (1) *All units and programs of the National Park*
6 *Service that are determined by the Secretary to relate*
7 *to Japanese American World War II history and*
8 *Japanese American experiences during the war, in-*
9 *cluding relocation centers and confinement sites.*

10 (2) *With the consent of the property owner, other*
11 *Federal, State, local, Tribal, and privately owned*
12 *properties that—*

13 (A) *relate to Japanese American World War*
14 *II history and Japanese experiences during the*
15 *war, including relocation centers and confine-*
16 *ment sites;*

17 (B) *have a verifiable connection to Japanese*
18 *American World War II history and Japanese*
19 *experiences during the war, including relocation*
20 *and confinement sites; and*

21 (C) *are included in, or determined by the*
22 *Secretary to be eligible for inclusion in, the Na-*
23 *tional Register of Historic Places.*

24 (3) *Other governmental and nongovernmental fa-*
25 *cilities and programs of an educational, research, or*

2897

1 *interpretive nature that are directly related to Japa-*
2 *nese American World War II history and the experi-*
3 *ences of Japanese Americans during the war, includ-*
4 *ing relocation centers and confinement sites.*

5 *(d) COOPERATIVE AGREEMENTS AND MEMORANDA OF*
6 *UNDERSTANDING.—To achieve the purposes of this section*
7 *and to ensure effective coordination of the Federal and non-*
8 *Federal elements of the Network described in subsection (c)*
9 *with units of the National Park System and programs of*
10 *the National Park Service, including the Japanese Amer-*
11 *ican Confinement Sites Program, the Secretary may enter*
12 *into cooperative agreements and memoranda of under-*
13 *standing with, and provide technical assistance to, the*
14 *heads of other Federal agencies, States, units of local gov-*
15 *ernment, Indian Tribes, regional governmental bodies, and*
16 *private entities.*

17 *(e) SUNSET.—The authority of the Secretary under*
18 *this section shall expire 7 years after the date of enactment*
19 *of this Act.*

20 **SEC. 646. AUTHORIZATION OF APPROPRIATIONS FOR THE**
21 **NATIONAL PARK FOUNDATION.**

22 *Section 101122(a) of title 54, United States Code, is*
23 *amended—*

24 *(1) by striking “\$5,000,000” and inserting*
25 *“\$15,000,000”; and*

2898

1 (2) *by striking “2023” and inserting “2030”.*

2 **TITLE VII—COMMEMORATIVE**
3 **WORKS AND NATIONAL ME-**
4 **MORIALS**

5 **SEC. 701. DESIGNATION OF THE KOL ISRAEL FOUNDATION**

6 **HOLOCAUST MEMORIAL AS A NATIONAL ME-**
7 **MORIAL.**

8 (a) *CONGRESSIONAL RECOGNITION.—Congress—*

9 (1) *recognizes the significance of the Kol Israel*
10 *Foundation Holocaust Memorial in preserving the*
11 *memory of the 6,000,000 Jews murdered by the Nazi*
12 *regime and allies and collaborators of the Nazi re-*
13 *gime; and*

14 (2) *honors the life and legacy of the Holocaust*
15 *survivors who erected the Kol Israel Foundation Holo-*
16 *caust Memorial.*

17 (b) *DESIGNATION.—*

18 (1) *IN GENERAL.—The Kol Israel Foundation*
19 *Holocaust Memorial located in Bedford Heights, Ohio,*
20 *is designated as a national memorial.*

21 (2) *EFFECT OF DESIGNATION.—*

22 (A) *IN GENERAL.—The national memorial*
23 *designated by paragraph (1) is not a unit of the*
24 *National Park System.*

2899

1 (B) *USE OF FEDERAL FUNDS.*—*The des-*
2 *ignation of the national memorial by paragraph*
3 *(1) shall not require or permit Federal funds to*
4 *be expended for any purpose relating to the na-*
5 *tional memorial.*

6 **SEC. 702. AUTHORIZATION TO ESTABLISH COMMEMORA-**
7 **TIVE WORK TO COMMEMORATE THE COMMIT-**
8 **MENT AND SERVICE REPRESENTED BY**
9 **WOMEN WHO WORKED ON THE HOME FRONT**
10 **DURING WORLD WAR II.**

11 (a) *IN GENERAL.*—*The Women Who Worked on the*
12 *Home Front Foundation may establish a commemorative*
13 *work on Federal land in the District of Columbia and its*
14 *environs to commemorate the commitment and service rep-*
15 *resented by women who worked on the home front during*
16 *World War II.*

17 (b) *COMPLIANCE WITH STANDARDS FOR COMMEMORA-*
18 *TIVE WORKS.*—*The establishment of the commemorative*
19 *work under this section shall be in accordance with chapter*
20 *89 of title 40, United States Code (commonly known as the*
21 *“Commemorative Works Act”).*

22 (c) *PROHIBITION ON THE USE OF FEDERAL FUNDS.*—
23 (1) *IN GENERAL.*—*Federal funds may not be*
24 *used to pay any expense of the establishment of the*
25 *commemorative work under this section.*

2900

1 (2) *RESPONSIBILITY OF WOMEN WHO WORKED*
2 *ON THE HOME FRONT FOUNDATION.*—*The Women*
3 *Who Worked on the Home Front Foundation shall be*
4 *solely responsible for acceptance of contributions for,*
5 *and payment of the expenses of, the establishment of*
6 *the commemorative work under this section.*

7 (d) *DEPOSIT OF EXCESS FUNDS.*—

8 (1) *IN GENERAL.*—*If, on payment of all expenses*
9 *for the establishment of the commemorative work*
10 *under this section (including the maintenance and*
11 *preservation amount required by section 8906(b)(1) of*
12 *title 40, United States Code), there remains a balance*
13 *of funds received for the establishment of the com-*
14 *memorative work, the Women Who Worked on the*
15 *Home Front Foundation shall transmit the amount of*
16 *the balance to the Secretary for deposit in the account*
17 *provided for in section 8906(b)(3) of that title.*

18 (2) *ON EXPIRATION OF AUTHORITY.*—*If, on expi-*
19 *ration of the authority for the commemorative work*
20 *under section 8903(e) of title 40, United States Code,*
21 *there remains a balance of funds received for the es-*
22 *tablishment of the commemorative work, the Women*
23 *Who Worked on the Home Front Foundation shall*
24 *transmit the amount of the balance to a separate ac-*
25 *count with the National Park Foundation for memo-*

2901

1 *rials, to be available to the Secretary or Adminis-*
2 *trator of General Services, as appropriate, in accord-*
3 *ance with the process provided in paragraph (4) of*
4 *section 8906(b) of that title for accounts established*
5 *under paragraph (2) or (3) of that section.*

6 **SEC. 703. EXTENSION OF AUTHORITY FOR ESTABLISHMENT**
7 **OF NATIONAL LIBERTY MEMORIAL COM-**
8 **MEMORATIVE WORK.**

9 *Notwithstanding section 8903(e) of title 40, United*
10 *States Code, the authority provided by section 2860 of the*
11 *Military Construction Authorization Act for Fiscal Year*
12 *2013 (division B of Public Law 112–239; 126 Stat. 2164;*
13 *40 U.S.C. 8903 note) shall continue to apply through Sep-*
14 *tember 30, 2027.*

15 **SEC. 704. AUTHORIZATION TO ESTABLISH COMMEMORA-**
16 **TIVE WORK TO COMMEMORATE THE HEROIC**
17 **DEEDS AND SACRIFICES OF SERVICE ANI-**
18 **MALS AND HANDLERS OF SERVICE ANIMALS**
19 **IN THE UNITED STATE.**

20 *(a) IN GENERAL.—The National Service Animals*
21 *Monument Corporation (referred to in this section as the*
22 *“Corporation”) may establish a commemorative work on*
23 *Federal land in the District of Columbia and its environs*
24 *to commemorate the heroic deeds and sacrifices of service*

2902

1 *animals and handlers of service animals in the United*
2 *States.*

3 (b) *COMPLIANCE WITH STANDARDS FOR COMMEMORA-*
4 *TIVE WORKS.—The establishment of the commemorative*
5 *work under this section shall be in accordance with chapter*
6 *89 of title 40, United States Code (commonly known as the*
7 *“Commemorative Works Act”).*

8 (c) *PROHIBITION ON THE USE OF FEDERAL FUNDS.—*

9 (1) *IN GENERAL.—Federal funds may not be*
10 *used to pay any expense of the establishment of the*
11 *commemorative work under this section.*

12 (2) *RESPONSIBILITY OF THE NATIONAL SERVICE*
13 *ANIMALS MONUMENT CORPORATION.—The Corpora-*
14 *tion shall be solely responsible for the acceptance of*
15 *contributions for, and payment of the expenses of, the*
16 *establishment of the commemorative work under this*
17 *section.*

18 (d) *DEPOSIT OF EXCESS FUNDS.—*

19 (1) *IN GENERAL.—If, on payment of all expenses*
20 *for the establishment of the commemorative work*
21 *under this section (including the maintenance and*
22 *preservation amount required by section 8906(b)(1) of*
23 *title 40, United States Code), there remains a balance*
24 *of funds received for the establishment of the com-*
25 *memorative work, the Corporation shall transmit the*

2903

1 *amount of the balance to the Secretary for deposit in*
2 *the account provided for in section 8906(b)(3) of that*
3 *title.*

4 (2) *ON EXPIRATION OF AUTHORITY.—If, on expi-*
5 *ration of the authority for the commemorative work*
6 *under section 8903(e) of title 40, United States Code,*
7 *there remains a balance of funds received for the es-*
8 *tablishment of the commemorative work under this*
9 *section, the Corporation shall transmit the amount of*
10 *the balance to a separate account with the National*
11 *Park Foundation for memorials, to be available to the*
12 *Secretary or the Administrator of General Services,*
13 *as appropriate, in accordance with the process pro-*
14 *vided in paragraph (4) of section 8906(b) of that title*
15 *for accounts established under paragraph (2) or (3) of*
16 *that section.*

17 **SEC. 705. AUTHORIZATION TO ESTABLISH COMMEMORA-**
18 **TIVE WORK TO HONOR JEAN MONNET.**

19 (a) *IN GENERAL.—The Embassy of France in Wash-*
20 *ington, DC (referred to in this section as the “Embassy”),*
21 *may establish a commemorative work on Federal land in*
22 *the District of Columbia and its environs to honor the ex-*
23 *traordinary contributions of Jean Monnet with respect to—*
24 (1) *restoring peace between European nations;*
25 *and*

2904

1 (2) *establishing the European Union.*

2 (b) *COMPLIANCE WITH STANDARDS FOR COMMEMORA-*
3 *TIVE WORKS.—The establishment of the commemorative*
4 *work under this section shall be in accordance with chapter*
5 *89 of title 40, United States Code (commonly known as the*
6 *“Commemorative Works Act”).*

7 (c) *PROHIBITION ON THE USE OF FEDERAL FUNDS.—*

8 (1) *IN GENERAL.—Federal funds may not be*
9 *used to pay any expense of the establishment of the*
10 *commemorative work under this section.*

11 (2) *RESPONSIBILITY OF THE EMBASSY OF*
12 *FRANCE IN WASHINGTON, DC.—The Embassy shall be*
13 *solely responsible for the acceptance of contributions*
14 *for, and payment of the expenses of, the establishment*
15 *of the commemorative work under this section.*

16 (d) *DEPOSIT OF EXCESS FUNDS.—*

17 (1) *IN GENERAL.—If, on payment of all expenses*
18 *for the establishment of the commemorative work*
19 *under this section (including the maintenance and*
20 *preservation amount required by section 8906(b)(1) of*
21 *title 40, United States Code), there remains a balance*
22 *of funds received for the establishment of the com-*
23 *memorative work, the Embassy shall transmit the*
24 *amount of the balance to the Secretary for deposit in*

2905

1 *the account provided for in section 8906(b)(3) of that*
2 *title.*

3 (2) *ON EXPIRATION OF AUTHORITY.—If, on expi-*
4 *ration of the authority for the commemorative work*
5 *under section 8903(e) of title 40, United States Code,*
6 *there remains a balance of funds received for the es-*
7 *tablishment of the commemorative work, the Embassy*
8 *shall transmit the amount of the balance to a separate*
9 *account with the National Park Foundation for me-*
10 *morials, to be available to the Secretary or the Ad-*
11 *ministrator of General Services, as appropriate, in*
12 *accordance with the process provided in paragraph*
13 *(4) of section 8906(b) of that title for accounts estab-*
14 *lished under paragraph (2) or (3) of that section.*

15 **SEC. 706. DESIGNATION OF EL PASO COMMUNITY HEALING**
16 **GARDEN NATIONAL MEMORIAL.**

17 (a) *DESIGNATION.—The Healing Garden located at*
18 *6900 Delta Drive, El Paso, Texas, is designated as the “El*
19 *Paso Community Healing Garden National Memorial”.*

20 (b) *EFFECT OF DESIGNATION.—The national memo-*
21 *rial designated by this section is not a unit of the National*
22 *Park System and the designation of the El Paso Commu-*
23 *nity Healing Garden National Memorial shall not require*
24 *or authorize Federal funds to be expended for any purpose*
25 *related to that national memorial.*

2906

1 **SEC. 707. AUTHORIZATION TO ESTABLISH COMMEMORA-**
2 **TIVE WORK TO COMMEMORATE THE**
3 **ENSLAVED INDIVIDUALS WHO ENDURED THE**
4 **MIDDLE PASSAGE.**

5 (a) *IN GENERAL.*—*The Georgetown African American*
6 *Historic Landmark Project and Tour may establish a com-*
7 *memorative work on Federal land in the District of Colum-*
8 *bia and its environs to commemorate the enslaved individ-*
9 *uals, the identities of whom may be known or unknown,*
10 *who endured the Middle Passage.*

11 (b) *COMPLIANCE WITH STANDARDS FOR COMMEMORA-*
12 *TIVE WORKS.*—*The establishment of the commemorative*
13 *work under this section shall be in accordance with chapter*
14 *89 of title 40, United States Code (commonly known as the*
15 *“Commemorative Works Act”).*

16 (c) *PROHIBITION ON THE USE OF FEDERAL FUNDS.*—
17 (1) *IN GENERAL.*—*Federal funds may not be*
18 *used to pay any expense of the establishment of the*
19 *commemorative work under this section.*

20 (2) *RESPONSIBILITY OF THE GEORGETOWN AFRI-*
21 *CAN AMERICAN HISTORIC LANDMARK PROJECT AND*
22 *TOUR.*—*The Georgetown African American Historic*
23 *Landmark Project and Tour shall be solely respon-*
24 *sible for the acceptance of contributions for, and pay-*
25 *ment of the expenses of, the establishment of the com-*
26 *memorative work under this section.*

2907

1 (d) *DEPOSIT OF EXCESS FUNDS.*—

2 (1) *IN GENERAL.*—*If, on payment of all expenses*
3 *for the establishment of the commemorative work*
4 *under this section (including the maintenance and*
5 *preservation amount required by section 8906(b)(1) of*
6 *title 40, United States Code), there remains a balance*
7 *of funds received for the establishment of the com-*
8 *memorative work, the Georgetown African American*
9 *Historic Landmark Project and Tour shall transmit*
10 *the amount of the balance to the Secretary for deposit*
11 *in the account provided for section 8906(b)(3) of that*
12 *title.*

13 (2) *ON EXPIRATION OF AUTHORITY.*—*If, on expi-*
14 *ration of the authority for the commemorative work*
15 *under section 8903(e) of title 40, United States Code,*
16 *there remains a balance of funds received for the es-*
17 *tablishment of the commemorative work, the George-*
18 *town African American Historic Landmark Project*
19 *and Tour shall transmit the amount of the balance to*
20 *a separate account with the National Park Founda-*
21 *tion for memorials, to be available to the Secretary or*
22 *the Administrator of General Services, as appro-*
23 *priate, in accordance with the process provided in*
24 *paragraph (4) of section 8906(b) of that title for ac-*

2908

1 *counts established under paragraph (2) or (3) of that*
2 *section.*

3 **SEC. 708. APPROVAL OF LOCATION OF COMMEMORATIVE**
4 **WORK TO HONOR JOURNALISTS WHO SAC-**
5 **RIFICED THEIR LIVES IN SERVICE TO A FREE**
6 **PRESS.**

7 *The location of a commemorative work to commemo-*
8 *rate the commitment of the United States to a free press*
9 *by honoring journalists who sacrificed their lives in service*
10 *to that cause within Area I, as depicted on the map entitled*
11 *“Commemorative Areas Washington, DC and Environs”,*
12 *numbered 869/86501 B, and dated June 24, 2003, is ap-*
13 *proved.*

14 **SEC. 709. AUTHORIZATION OF THOMAS PAINE COMMEMO-**
15 **RATIVE WORK.**

16 (a) *IN GENERAL.*—*The Thomas Paine Memorial Asso-*
17 *ciation may establish a commemorative work on Federal*
18 *land in the District of Columbia and its environs to honor*
19 *the United States patriot, Thomas Paine.*

20 (b) *COMPLIANCE WITH STANDARDS FOR COMMEMORA-*
21 *TIVE WORKS.*—*The establishment of the commemorative*
22 *work under this section shall be in accordance with chapter*
23 *89 of title 40, United States Code (commonly known as the*
24 *“Commemorative Works Act”).*

2909

1 (c) *PROHIBITION ON THE USE OF FEDERAL FUNDS.*—

2 *Federal funds may not be used to pay any expense of the*
3 *establishment of the commemorative work under this sec-*
4 *tion.*

5 (d) *DEPOSIT OF EXCESS FUNDS.*—

6 (1) *IN GENERAL.*—*If, on payment of all expenses*
7 *for the establishment of the commemorative work*
8 *under this section (including the maintenance and*
9 *preservation amount required by section 8906(b)(1) of*
10 *title 40, United States Code), there remains a balance*
11 *of funds received for the establishment of the com-*
12 *memorative work, the Thomas Paine Memorial Asso-*
13 *ciation shall transmit the amount of the balance to*
14 *the Secretary for deposit in the account provided for*
15 *in section 8906(b)(3) of that title.*

16 (2) *ON EXPIRATION OF AUTHORITY.*—*If, on expi-*
17 *ration of the authority for the commemorative work*
18 *under section 8903(e) of title 40, United States Code,*
19 *there remains a balance of funds received for the es-*
20 *tablishment of the commemorative work, the Thomas*
21 *Paine Memorial Association shall transmit the*
22 *amount of the balance to a separate account with the*
23 *National Park Foundation for memorials, to be avail-*
24 *able to the Secretary or the Administrator of General*
25 *Services, as appropriate, in accordance with the proc-*

2910

1 *ess provided in paragraph (4) of section 8906(b) of*
2 *that title for accounts established under paragraphs*
3 *(2) and (3) of that section.*

4 **SEC. 710. DESIGNATION OF UKRAINIAN INDEPENDENCE**

5 **PARK.**

6 *(a) DESIGNATION.—*

7 *(1) IN GENERAL.—The area described in para-*
8 *graph (2) shall be designated as “Ukrainian Inde-*
9 *pendence Park”.*

10 *(2) DESCRIPTION OF AREA.—The area des-*
11 *ignated under paragraph (1) is the approximately*
12 *0.35 acres generally depicted as “Ukrainian Inde-*
13 *pendence Park” on the map entitled “Ukrainian*
14 *Independence Park Proposed Boundary”, numbered*
15 *802/180,561, and dated June 2022.*

16 *(b) REFERENCE.—Any reference in any law, regula-*
17 *tion, document, record, map, paper, or other record of the*
18 *United States to the area or properties described in sub-*
19 *section (a) is deemed to be a reference to “Ukrainian Inde-*
20 *pendence Park”.*

21 *(c) SIGNAGE.—The Secretary may post signs on or*
22 *near Ukrainian Independence Park that include informa-*
23 *tion on the importance of the independence, freedom, and*
24 *sovereignty of Ukraine and the solidarity between the people*
25 *of Ukraine and the United States.*

1 ***TITLE VIII—MISCELLANEOUS***

2 ***SEC. 801. LONG-TERM ABANDONED MINE LAND RECLAMA-***
3 ***TION.***

4 *Section 40701(c) of the Infrastructure Investment and*
5 *Jobs Act (30 U.S.C. 1231a(c)) is amended—*

6 *(1) by striking “Grants under” and inserting the*
7 *following:*

8 *“(1) IN GENERAL.—Except as provided in para-*
9 *graph (2), grants under”; and*

10 *(2) by adding at the end the following:*

11 *“(2) LONG-TERM ABANDONED MINE LAND REC-*
12 *LAMATION.—*

13 *“(A) IN GENERAL.—Not more than 30 per-*
14 *cent of the total amount of a grant made annu-*
15 *ally under subsection (b)(1) may be retained by*
16 *the recipient of the grant if those amounts are*
17 *deposited into a long-term abandoned mine land*
18 *reclamation fund established under State law,*
19 *from which amounts (together with all interest*
20 *earned on the amounts) are expended by the*
21 *State or Indian Tribe, as applicable, for—*

22 *“(i) the abatement of the causes and*
23 *the treatment of the effects of acid mine*
24 *drainage resulting from coal mining prac-*
25 *tices, including for the costs of building, op-*

2912

1 *erating, maintaining, and rehabilitating*
2 *acid mine drainage treatment systems;*

3 *“(ii) the prevention, abatement, and*
4 *control of subsidence; or*

5 *“(iii) the prevention, abatement, and*
6 *control of coal mine fires.*

7 *“(B) REPORTING REQUIREMENTS.—Each*
8 *recipient of a grant under subsection (b)(1) that*
9 *deposits grant amounts into a long-term aban-*
10 *doned mine land reclamation fund under sub-*
11 *paragraph (A) shall—*

12 *“(i) offer amendments to the inventory*
13 *maintained under section 403(c) of the Sur-*
14 *face Mining Control and Reclamation Act*
15 *of 1977 (30 U.S.C. 1233(c)) to reflect the*
16 *use of the amounts for—*

17 *“(I) acid mine drainage abate-*
18 *ment and treatment;*

19 *“(II) subsidence prevention,*
20 *abatement, and control; and*

21 *“(III) coal mine fire prevention,*
22 *abatement, and control; and*

23 *“(ii) include in the annual grant re-*
24 *port of the recipient information on the sta-*

2913

1 *tus and balance of amounts in the long-term*
2 *abandoned mine land reclamation fund.*

3 “(C) *TERM.—Amounts retained under sub-*
4 *paragraph (A) shall not be subject to—*

5 “(i) *subsection (d)(4)(B); or*

6 “(ii) *any other limitation on the length*
7 *of the term of an annual grant under sub-*
8 *section (b)(1).”.*

9 **SEC. 802. CONSENT OF CONGRESS TO AMENDMENT TO THE**
10 **CONSTITUTION OF THE STATE OF NEW MEX-**
11 **ICO.**

12 *Congress consents to the amendment to the Constitu-*
13 *tion of the State of New Mexico proposed by House Joint*
14 *Resolution 1 of the 55th Legislature of the State of New*
15 *Mexico, First Session, 2021, entitled “A Joint Resolution*
16 *Proposing an Amendment to Article 12, Section 7 of the*
17 *Constitution of New Mexico to Provide for Additional An-*
18 *nual Distributions of the Permanent School Fund for En-*
19 *hanced Instruction for Students at Risk of Failure, Extend-*
20 *ing the School Year, Teacher Compensation and Early*
21 *Childhood Education; Requiring Congressional Approval*
22 *for Distributions for Early Childhood Education”.*

1 ***DIVISION EE—POST OFFICE***
2 ***DESIGNATIONS***

3 ***SEC. 101. COYA KNUTSON POST OFFICE.***

4 (a) *DESIGNATION.*—*The facility of the United States*
5 *Postal Service located at 202 2nd Avenue in Oklee, Min-*
6 *nesota, shall be known and designated as the “Coya*
7 *Knutson Post Office”.*

8 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
9 *lation, document, paper, or other record of the United*
10 *States to the facility referred to in subsection (a) shall be*
11 *deemed to be a reference to the “Coya Knutson Post Office”.*

12 ***SEC. 102. ROBERT SMALLS POST OFFICE.***

13 (a) *DESIGNATION.*—*The facility of the United States*
14 *Postal Service located at 11 Robert Smalls Parkway Suite*
15 *C in Beaufort, South Carolina, shall be known and des-*
16 *ignated as the “Robert Smalls Post Office”.*

17 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
18 *lation, document, paper, or other record of the United*
19 *States to the facility referred to in subsection (a) shall be*
20 *deemed to be a reference to the “Robert Smalls Post Office”.*

21 ***SEC. 103. ROBERT J. DOLE MEMORIAL POST OFFICE BUILD-***
22 ***ING.***

23 (a) *DESIGNATION.*—*The facility of the United States*
24 *Postal Service located at 135 West Wisconsin Street in Rus-*

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1 *sell, Kansas, shall be known and designated as the “Robert*
2 *J. Dole Memorial Post Office Building”.*

3 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
4 *lation, document, paper, or other record of the United*
5 *States to the facility referred to in subsection (a) shall be*
6 *deemed to be a reference to the “Robert J. Dole Memorial*
7 *Post Office Building”.*

8 **SEC. 104. CHARLES E. FRASER POST OFFICE BUILDING.**

9 (a) *DESIGNATION.*—*The facility of the United States*
10 *Postal Service located at 10 Bow Circle in Hilton Head*
11 *Island, South Carolina, shall be known and designated as*
12 *the “Charles E. Fraser Post Office Building”.*

13 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
14 *lation, document, paper, or other record of the United*
15 *States to the facility referred to in subsection (a) shall be*
16 *deemed to be a reference to the “Charles E. Fraser Post Of-*
17 *fice Building”.*

18 **SEC. 105. HARRIET TUBMAN POST OFFICE BUILDING.**

19 (a) *DESIGNATION.*—*The facility of the United States*
20 *Postal Service located at 501 Charles Street in Beaufort,*
21 *South Carolina, shall be known and designated as the*
22 *“Harriet Tubman Post Office Building”.*

23 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
24 *lation, document, paper, or other record of the United*
25 *States to the facility referred to in subsection (a) shall be*

1 *deemed to be a reference to the “Harriet Tubman Post Office*
2 *Building”.*

3 **SEC. 106. CORPORAL BENJAMIN DESILETS POST OFFICE.**

4 (a) *DESIGNATION.*—*The facility of the United States*
5 *Postal Service located at 114 North Magnolia Street in*
6 *Elmwood, Illinois, shall be known and designated as the*
7 *“Corporal Benjamin Desilets Post Office”.*

8 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
9 *lation, document, paper, or other record of the United*
10 *States to the facility referred to in subsection (a) shall be*
11 *deemed to be a reference to the “Corporal Benjamin Desilets*
12 *Post Office”.*

13 **SEC. 107. SGT. JEREMY C. SHERMAN POST OFFICE BUILD-**
14 **ING.**

15 (a) *DESIGNATION.*—*The facility of the United States*
16 *Postal Service located at 101 West Walnut Street in*
17 *Watseka, Illinois, shall be known and designated as the*
18 *“Sgt. Jeremy C. Sherman Post Office Building”.*

19 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
20 *lation, document, paper, or other record of the United*
21 *States to the facility referred to in subsection (a) shall be*
22 *deemed to be a reference to the “Sgt. Jeremy C. Sherman*
23 *Post Office Building”.*

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1 **SEC. 108. SERGEANT BRET D. ISENHOWER MEMORIAL POST**
2 **OFFICE BUILDING.**

3 (a) *DESIGNATION.*—*The facility of the United States*
4 *Postal Service located at 120 East Oak Avenue in Seminole,*
5 *Oklahoma, shall be known and designated as the “Sergeant*
6 *Bret D. Isenhower Memorial Post Office Building”.*

7 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
8 *lation, document, paper, or other record of the United*
9 *States to the facility referred to in subsection (a) shall be*
10 *deemed to be a reference to the “Sergeant Bret D. Isenhower*
11 *Memorial Post Office Building”.*

12 **SEC. 109. COTTLE CENTANNI POST OFFICE BUILDING.**

13 (a) *DESIGNATION.*—*The facility of the United States*
14 *Postal Service located at 4770 Eureka Avenue in Yorba*
15 *Linda, California, shall be known and designated as the*
16 *“Cottle Centanni Post Office Building”.*

17 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
18 *lation, document, paper, or other record of the United*
19 *States to the facility referred to in subsection (a) shall be*
20 *deemed to be a reference to the “Cottle Centanni Post Office*
21 *Building”.*

22 **SEC. 110. CAPTAIN ROBERT C. HARMON AND PRIVATE JOHN**
23 **R. PEIRSON POST OFFICE BUILDING.**

24 (a) *DESIGNATION.*—*The facility of the United States*
25 *Postal Service located at 430 South Knowles Avenue in New*
26 *Richmond, Wisconsin, shall be known and designated as the*

1 *“Captain Robert C. Harmon and Private John R. Peirson*
2 *Post Office Building”.*

3 (b) *REFERENCES.—Any reference in a law, map, regu-*
4 *lation, document, paper, or other record of the United*
5 *States to the facility referred to in subsection (a) shall be*
6 *deemed to be a reference to the “Captain Robert C. Harmon*
7 *and Private John R. Peirson Post Office Building”.*

8 **SEC. 111. CORPORAL MITCHELL RED CLOUD, JR. POST OF-**
9 **FICE.**

10 (a) *DESIGNATION.—The facility of the United States*
11 *Postal Service located at 619 Hewett Street in Neillsville,*
12 *Wisconsin, shall be known and designated as the “Corporal*
13 *Mitchell Red Cloud, Jr. Post Office”.*

14 (b) *REFERENCES.—Any reference in a law, map, regu-*
15 *lation, document, paper, or other record of the United*
16 *States to the facility referred to in subsection (a) shall be*
17 *deemed to be a reference to the “Corporal Mitchell Red*
18 *Cloud, Jr. Post Office”.*

19 **SEC. 112. CORPORAL JOSEPH RODNEY CHAPMAN POST OF-**
20 **FICE.**

21 (a) *DESIGNATION.—The facility of the United States*
22 *Postal Service located at 415 High Street in Freeport,*
23 *Pennsylvania, shall be known and designated as the “Cor-*
24 *poral Joseph Rodney Chapman Post Office”.*

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1 (b) *REFERENCES.*—Any reference in a law, map, regu-
2 lation, document, paper, or other record of the United
3 States to the facility referred to in subsection (a) shall be
4 deemed to be a reference to the “Corporal Joseph Rodney
5 Chapman Post Office”.

6 **SEC. 113. HAROLD BILLOW POST OFFICE BUILDING.**

7 (a) *DESIGNATION.*—The facility of the United States
8 Postal Service located at 1 East Main Street in Mount Joy,
9 Pennsylvania, shall be known and designated as the “Har-
10 old Billow Post Office Building”.

11 (b) *REFERENCES.*—Any reference in a law, map, regu-
12 lation, document, paper, or other record of the United
13 States to the facility referred to in subsection (a) shall be
14 deemed to be a reference to the “Harold Billow Post Office
15 Building”.

16 **SEC. 114. ROMUALD “BUD” BRZEZINSKI POST OFFICE.**

17 (a) *DESIGNATION.*—The facility of the United States
18 Postal Service located at N4805 State Highway 32 in
19 Krakow, Wisconsin, shall be known and designated as the
20 “Romuald ‘Bud’ Brzezinski Post Office”.

21 (b) *REFERENCES.*—Any reference in a law, map, regu-
22 lation, document, paper, or other record of the United
23 States to the facility referred to in subsection (a) shall be
24 deemed to be a reference to the “Romuald ‘Bud’ Brzezinski
25 Post Office”.

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1 **SEC. 115. MITCHELL F. LUNDGAARD POST OFFICE BUILD-**
2 **ING.**

3 (a) *DESIGNATION.*—*The facility of the United States*
4 *Postal Service located at 410 Franklin Street in Appleton,*
5 *Wisconsin, shall be known and designated as the “Mitchell*
6 *F. Lundgaard Post Office Building”.*

7 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
8 *lation, document, paper, or other record of the United*
9 *States to the facility referred to in subsection (a) shall be*
10 *deemed to be a reference to the “Mitchell F. Lundgaard Post*
11 *Office Building”.*

12 **SEC. 116. JUDGE JAMES PEREZ POST OFFICE.**

13 (a) *DESIGNATION.*—*The facility of the United States*
14 *Postal Service located at 615 North Bush Street in Santa*
15 *Ana, California, shall be known and designated as the*
16 *“Judge James Perez Post Office”.*

17 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
18 *lation, document, paper, or other record of the United*
19 *States to the facility referred to in subsection (a) shall be*
20 *deemed to be a reference to the “Judge James Perez Post*
21 *Office”.*

22 **SEC. 117. CHANGE OF ADDRESS FOR MARILYN MONROE**
23 **POST OFFICE.**

24 *Section 1 of Public Law 116–80 is amended to read*
25 *as follows:*

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1 **“SECTION 1. MARILYN MONROE POST OFFICE BUILDING.**

2 “(a) *DESIGNATION.*—The facility of the United States
3 Postal Service located at 15701 Sherman Way in Van
4 Nuys, California, shall be known and designated as the
5 ‘Marilyn Monroe Post Office Building’.

6 “(b) *REFERENCES.*—Any reference in a law, map, reg-
7 ulation, document, paper, or other record of the United
8 States to the facility referred to in subsection (a) shall be
9 deemed to be a reference to the ‘Marilyn Monroe Post Office
10 Building’.”.

11 **SEC. 118. JESUS ANTONIO COLLAZOS POST OFFICE BUILD-**
12 **ING.**

13 (a) *DESIGNATION.*—The facility of the United States
14 Postal Service located at 2200 North George Mason Drive
15 in Arlington, Virginia, shall be known and designated as
16 the “Jesus Antonio Collazos Post Office Building”.

17 (b) *REFERENCES.*—Any reference in a law, map, regu-
18 lation, document, paper, or other record of the United
19 States to the facility referred to in subsection (a) shall be
20 deemed to be a reference to the “Jesus Antonio Collazos Post
21 Office Building”.

22 **SEC. 119. ESTEBAN E. TORRES POST OFFICE BUILDING.**

23 (a) *DESIGNATION.*—The facility of the United States
24 Postal Service located at 396 South California Avenue in
25 West Covina, California, shall be known and designated as
26 the “Esteban E. Torres Post Office Building”.

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1 (b) *REFERENCES.*—Any reference in a law, map, regu-
2 lation, document, paper, or other record of the United
3 States to the facility referred to in subsection (a) shall be
4 deemed to be a reference to the “Esteban E. Torres Post
5 Office Building”.

6 **SEC. 120. DISTRICT OF COLUMBIA SERVICEMEMBERS AND**
7 **VETERANS POST OFFICE.**

8 (a) *DESIGNATION.*—The facility of the United States
9 Postal Service located at 400 Southern Avenue Southeast
10 in Washington, District of Columbia, shall be known and
11 designated as the “District of Columbia Servicemembers
12 and Veterans Post Office”.

13 (b) *REFERENCES.*—Any reference in a law, map, regu-
14 lation, document, paper, or other record of the United
15 States to the facility referred to in subsection (a) shall be
16 deemed to be a reference to the “District of Columbia
17 Servicemembers and Veterans Post Office”.

18 **SEC. 121. ARMY SPECIALIST JOSEPH “JOEY” W. DIMOCK II**
19 **POST OFFICE BUILDING.**

20 (a) *DESIGNATION.*—The facility of the United States
21 Postal Service located at 75 Commerce Drive in Grayslake,
22 Illinois, shall be known and designated as the “Army Spe-
23 cialist Joseph ‘Joey’ W. Dimock II Post Office Building”.

24 (b) *REFERENCES.*—Any reference in a law, map, regu-
25 lation, document, paper, or other record of the United

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1 *States to the facility referred to in subsection (a) shall be*
2 *deemed to be a reference to the “Army Specialist Joseph*
3 *‘Joey’ W. Dimock II Post Office Building”.*

4 **SEC. 122. CORPORAL HUNTER LOPEZ MEMORIAL POST OF-**
5 **FICE BUILDING.**

6 (a) *DESIGNATION.*—*The facility of the United States*
7 *Postal Service located at 79125 Corporate Centre Drive in*
8 *La Quinta, California, shall be known and designated as*
9 *the “Corporal Hunter Lopez Memorial Post Office Build-*
10 *ing”.*

11 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
12 *lation, document, paper, or other record of the United*
13 *States to the facility referred to in subsection (a) shall be*
14 *deemed to be a reference to the “Corporal Hunter Lopez*
15 *Memorial Post Office Building”.*

16 **SEC. 123. CHIEF RUDY BANUELOS POST OFFICE.**

17 (a) *DESIGNATION.*—*The facility of the United States*
18 *Postal Service located at 123 South 3rd Street in King*
19 *City, California, shall be known and designated as the*
20 *“Chief Rudy Banuelos Post Office”.*

21 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
22 *lation, document, paper, or other record of the United*
23 *States to the facility referred to in subsection (a) shall be*
24 *deemed to be a reference to the “Chief Rudy Banuelos Post*
25 *Office”.*

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1 **SEC. 124. CHAIRMAN RICHARD MILANOVICH POST OFFICE.**

2 (a) *DESIGNATION.*—*The facility of the United States*
3 *Postal Service located at 333 North Sunrise Way in Palm*
4 *Springs, California, shall be known and designated as the*
5 *“Chairman Richard Milanovich Post Office”.*

6 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
7 *lation, document, paper, or other record of the United*
8 *States to the facility referred to in subsection (a) shall be*
9 *deemed to be a reference to the “Chairman Richard*
10 *Milanovich Post Office”.*

11 **SEC. 125. U.S. SENATOR DENNIS CHÁVEZ POST OFFICE.**

12 (a) *DESIGNATION.*—*The facility of the United States*
13 *Postal Service located at 400 North Main Street in Belen,*
14 *New Mexico, shall be known and designated as the “U.S.*
15 *Senator Dennis Chávez Post Office”.*

16 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
17 *lation, document, paper, or other record of the United*
18 *States to the facility referred to in subsection (a) shall be*
19 *deemed to be a reference to the “U.S. Senator Dennis*
20 *Chávez Post Office”.*

21 ***DIVISION FF—HEALTH AND***
22 ***HUMAN SERVICES***

23 **SEC. 1. SHORT TITLE.**

24 *This division may be cited as the “Health Extenders,*
25 *Improving Access to Medicare, Medicaid, and CHIP, and*
26 *Strengthening Public Health Act of 2022”.*

2925

1 **SEC. 2. TABLE OF CONTENTS.**2 *The table of contents for this division is as follows:**DIVISION FF—HEALTH AND HUMAN SERVICES**Sec. 1. Short title.**Sec. 2. Table of contents.**TITLE I—RESTORING HOPE FOR MENTAL HEALTH AND WELL-BEING**Sec. 1001. Short title.**Subtitle A—Mental Health and Crisis Care Needs**CHAPTER 1—CRISIS CARE SERVICES AND 9–8–8 IMPLEMENTATION**Sec. 1101. Behavioral Health Crisis Coordinating Office.**Sec. 1102. Crisis response continuum of care.**Sec. 1103. Suicide Prevention Lifeline Improvement.**CHAPTER 2—INTO THE LIGHT FOR MATERNAL MENTAL HEALTH AND SUBSTANCE USE DISORDERS**Sec. 1111. Screening and treatment for maternal mental health and substance use disorders.**Sec. 1112. Maternal mental health hotline.**Sec. 1113. Task force on maternal mental health.**Sec. 1114. Residential treatment program for pregnant and postpartum women pilot program reauthorization.**CHAPTER 3—REACHING IMPROVED MENTAL HEALTH OUTCOMES FOR PATIENTS**Sec. 1121. Innovation for mental health.**Sec. 1122. Crisis care coordination.**Sec. 1123. Treatment of serious mental illness.**Sec. 1124. Study on the costs of serious mental illness.**CHAPTER 4—ANNA WESTIN LEGACY**Sec. 1131. Maintaining education and training on eating disorders.**CHAPTER 5—COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT REAUTHORIZATION**Sec. 1141. Reauthorization of block grants for community mental health services.**CHAPTER 6—PEER-SUPPORTED MENTAL HEALTH SERVICES**Sec. 1151. Peer-supported mental health services.**Subtitle B—Substance Use Disorder Prevention, Treatment, and Recovery Services**CHAPTER 1—NATIVE BEHAVIORAL HEALTH RESOURCES**Sec. 1201. Behavioral health and substance use disorder resources for Native Americans.*† **HR 2617 EAS2**

2926

CHAPTER 2—SUMMER BARROW PREVENTION, TREATMENT, AND RECOVERY

- Sec. 1211. Grants for the benefit of homeless individuals.*
- Sec. 1212. Priority substance use disorder treatment needs of regional and national significance.*
- Sec. 1213. Evidence-based prescription opioid and heroin treatment and interventions demonstration.*
- Sec. 1214. Priority substance use disorder prevention needs of regional and national significance.*
- Sec. 1215. Sober Truth on Preventing (STOP) Underage Drinking Reauthorization.*
- Sec. 1216. Grants for jail diversion programs.*
- Sec. 1217. Formula grants to States.*
- Sec. 1218. Projects for Assistance in Transition From Homelessness.*
- Sec. 1219. Grants for reducing overdose deaths.*
- Sec. 1220. Opioid overdose reversal medication access and education grant programs.*
- Sec. 1221. Emergency department alternatives to opioids.*

CHAPTER 3—EXCELLENCE IN RECOVERY HOUSING

- Sec. 1231. Clarifying the role of SAMHSA in promoting the availability of high-quality recovery housing.*
- Sec. 1232. Developing guidelines for States to promote the availability of high-quality recovery housing.*
- Sec. 1233. Coordination of Federal activities to promote the availability of recovery housing.*
- Sec. 1234. National Academies of Sciences, Engineering, and Medicine study and report.*
- Sec. 1235. Grants for States to promote the availability of recovery housing and services.*
- Sec. 1236. Funding.*
- Sec. 1237. Technical correction.*

CHAPTER 4—SUBSTANCE USE PREVENTION, TREATMENT, AND RECOVERY
SERVICES BLOCK GRANT

- Sec. 1241. Eliminating stigmatizing language relating to substance use.*
- Sec. 1242. Authorized activities.*
- Sec. 1243. State plan requirements.*
- Sec. 1244. Updating certain language relating to Tribes.*
- Sec. 1245. Block grants for substance use prevention, treatment, and recovery services.*
- Sec. 1246. Requirement of reports and audits by States.*
- Sec. 1247. Study on assessment for use of State resources.*

CHAPTER 5—TIMELY TREATMENT FOR OPIOID USE DISORDER

- Sec. 1251. Study on exemptions for treatment of opioid use disorder through opioid treatment programs during the COVID-19 public health emergency.*
- Sec. 1252. Changes to Federal opioid treatment standards.*

CHAPTER 6—ADDITIONAL PROVISIONS RELATING TO ADDICTION TREATMENT

- Sec. 1261. Prohibition.*

2927

Sec. 1262. Eliminating additional requirements for dispensing narcotic drugs in schedule III, IV, and V for maintenance or detoxification treatment.

Sec. 1263. Requiring prescribers of controlled substances to complete training.

Sec. 1264. Increase in number of days before which certain controlled substances must be administered.

CHAPTER 7—OPIOID CRISIS RESPONSE

Sec. 1271. Opioid prescription verification.

Sec. 1272. Synthetic opioid and emerging drug misuse danger awareness.

Sec. 1273. Grant program for State and Tribal response to opioid use disorders.

Subtitle C—Access to Mental Health Care and Coverage

CHAPTER 1—IMPROVING UPTAKE AND PATIENT ACCESS TO INTEGRATED CARE SERVICES

Sec. 1301. Improving uptake and patient access to integrated care services.

CHAPTER 2—HELPING ENABLE ACCESS TO LIFESAVING SERVICES

Sec. 1311. Reauthorization and provision of certain programs to strengthen the health care workforce.

Sec. 1312. Reauthorization of minority fellowship program.

CHAPTER 3—ELIMINATING THE OPT-OUT FOR NONFEDERAL GOVERNMENTAL HEALTH PLANS

Sec. 1321. Eliminating the opt-out for nonfederal governmental health plans.

CHAPTER 4—MENTAL HEALTH AND SUBSTANCE USE DISORDER PARITY IMPLEMENTATION

Sec. 1331. Grants to support mental health and substance use disorder parity implementation.

Subtitle D—Children and Youth

CHAPTER 1—SUPPORTING CHILDREN'S MENTAL HEALTH CARE ACCESS

Sec. 1401. Technical assistance for school-based health centers.

Sec. 1402. Infant and early childhood mental health promotion, intervention, and treatment.

Sec. 1403. Co-occurring chronic conditions and mental health in youth study.

Sec. 1404. Best practices for behavioral and mental health intervention teams.

CHAPTER 2—CONTINUING SYSTEMS OF CARE FOR CHILDREN

Sec. 1411. Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbances.

Sec. 1412. Substance Use Disorder Treatment and Early Intervention Services for Children and Adolescents.

CHAPTER 3—GARRETT LEE SMITH MEMORIAL REAUTHORIZATION

Sec. 1421. Suicide prevention technical assistance center.

Sec. 1422. Youth suicide early intervention and prevention strategies.

2928

Sec. 1423. Mental health and substance use disorder services for students in higher education.

Sec. 1424. Mental and behavioral health outreach and education at institutions of higher education.

CHAPTER 4—MEDIA AND MENTAL HEALTH

Sec. 1431. Study on the effects of smartphone and social media use on adolescents.

Sec. 1432. Research on the health and development effects of media and related technology on infants, children, and adolescents.

Subtitle E—Miscellaneous Provisions

Sec. 1501. Limitations on authority.

TITLE II—PREPARING FOR AND RESPONDING TO EXISTING
VIRUSES, EMERGING NEW THREATS, AND PANDEMICS

Sec. 2001. Short title.

Subtitle A—Strengthening Federal and State Preparedness

CHAPTER 1—FEDERAL LEADERSHIP AND ACCOUNTABILITY

Sec. 2101. Appointment and authority of the Director of the Centers for Disease Control and Prevention.

Sec. 2102. Advisory committee to the director of the centers for disease control and prevention.

Sec. 2103. Public health and medical preparedness and response coordination.

Sec. 2104. Office of Pandemic Preparedness and Response Policy.

CHAPTER 2—STATE AND LOCAL READINESS

Sec. 2111. Improving State and local public health security.

Sec. 2112. Supporting access to mental health and substance use disorder services during public health emergencies.

Sec. 2113. Trauma care reauthorization.

Sec. 2114. Assessment of containment and mitigation of infectious diseases.

Sec. 2115. Consideration of unique challenges in noncontiguous States and territories.

Subtitle B—Improving Public Health Preparedness and Response Capacity

CHAPTER 1—IMPROVING PUBLIC HEALTH EMERGENCY RESPONSES

Sec. 2201. Addressing factors related to improving health outcomes.

CHAPTER 2—IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC HEALTH DATA

Sec. 2211. Modernizing State, local, and Tribal biosurveillance capabilities and infectious disease data.

Sec. 2212. Genomic sequencing, analytics, and public health surveillance of pathogens.

Sec. 2213. Supporting State, local, and Tribal public health data.

Sec. 2214. Epidemic forecasting and outbreak analytics.

Sec. 2215. Public health data transparency.

Sec. 2216. GAO report on public health preparedness, response, and recovery data capabilities.

2929

CHAPTER 3—REVITALIZING THE PUBLIC HEALTH WORKFORCE

- Sec. 2221. Improving recruitment and retention of the frontline public health workforce.*
- Sec. 2222. Awards to support community health workers and community health.*
- Sec. 2223. Improving public health emergency response capacity.*
- Sec. 2224. Increasing educational opportunities for allied health professions.*
- Sec. 2225. Public Health Service Corps annual and sick leave.*
- Sec. 2226. Leadership exchange pilot for public health and medical preparedness and response positions at the Department of Health and Human Services.*
- Sec. 2227. Continuing educational support for health professionals serving in rural and underserved communities.*

CHAPTER 4—ENHANCING PUBLIC HEALTH PREPAREDNESS AND RESPONSE

- Sec. 2231. Centers for public health preparedness and response.*
- Sec. 2232. Vaccine distribution plans.*
- Sec. 2233. Coordination and collaboration regarding blood supply.*
- Sec. 2234. Supporting laboratory capacity and international collaboration to address antimicrobial resistance.*
- Sec. 2235. One Health framework.*
- Sec. 2236. Supporting children during public health emergencies.*

Subtitle C—Accelerating Research and Countermeasure Discovery

CHAPTER 1—FOSTERING RESEARCH AND DEVELOPMENT AND IMPROVING COORDINATION

- Sec. 2301. Research centers for pathogens of pandemic concern.*
- Sec. 2302. Improving medical countermeasure research coordination.*
- Sec. 2303. Accessing specimen samples and diagnostic tests.*
- Sec. 2304. National Academies of Sciences, Engineering, and Medicine study on natural immunity in relation to the COVID-19 pandemic.*

CHAPTER 2—IMPROVING BIOSAFETY AND BIOSECURITY

- Sec. 2311. Improving control and oversight of select biological agents and toxins.*
- Sec. 2312. Strategy for Federal high-containment laboratories.*
- Sec. 2313. National Science Advisory Board for Biosecurity.*
- Sec. 2314. Research to improve biosafety.*
- Sec. 2315. Federally-funded research with enhanced pathogens of pandemic potential.*

CHAPTER 3—PREVENTING UNDUE FOREIGN INFLUENCE IN BIOMEDICAL RESEARCH

- Sec. 2321. Foreign talent recruitment programs.*
- Sec. 2322. Securing identifiable, sensitive information and addressing other national security risks related to research.*
- Sec. 2323. Duties of the Director.*
- Sec. 2324. Protecting America's biomedical research enterprise.*
- Sec. 2325. GAO Study.*
- Sec. 2326. Report on progress to address undue foreign influence.*

CHAPTER 4—ADVANCED RESEARCH PROJECTS AGENCY—HEALTH

- Sec. 2331. Advanced Research Projects Agency—Health.*

2930

Subtitle D—Modernizing and Strengthening the Supply Chain for Vital Medical Products

- Sec. 2401. Warm base manufacturing capacity for medical countermeasures.*
Sec. 2402. Supply chain considerations for the Strategic National Stockpile.
Sec. 2403. Strategic National Stockpile equipment maintenance.
Sec. 2404. Improving transparency and predictability of processes of the Strategic National Stockpile.
Sec. 2405. Improving supply chain flexibility for the Strategic National Stockpile.
Sec. 2406. Reimbursement for certain supplies.
Sec. 2407. Action reporting on stockpile depletion.
Sec. 2408. Provision of medical countermeasures to Indian programs and facilities.
Sec. 2409. Grants for State strategic stockpiles.
Sec. 2410. Study on incentives for domestic production of generic medicines.
Sec. 2411. Increased manufacturing capacity for certain critical antibiotic drugs.

Subtitle E—Enhancing Development and Combating Shortages of Medical Products

CHAPTER 1—DEVELOPMENT AND REVIEW

- Sec. 2501. Accelerating countermeasure development and review.*
Sec. 2502. Third party test evaluation during emergencies.
Sec. 2503. Platform technologies.
Sec. 2504. Increasing EUA decision transparency.
Sec. 2505. Improving FDA guidance and communication.

CHAPTER 2—MITIGATING SHORTAGES

- Sec. 2511. Ensuring registration of foreign drug and device manufacturers.*
Sec. 2512. Extending expiration dates for certain drugs.
Sec. 2513. Combating counterfeit devices.
Sec. 2514. Preventing medical device shortages.
Sec. 2515. Technical corrections.

TITLE III—FOOD AND DRUG ADMINISTRATION

- Sec. 3001. Short title.*
Sec. 3002. Definition.

Subtitle A—Reauthorizations

- Sec. 3101. Reauthorization of the critical path public-private partnership.*
Sec. 3102. Reauthorization of the best pharmaceuticals for children program.
Sec. 3103. Reauthorization of the humanitarian device exemption incentive.
Sec. 3104. Reauthorization of the pediatric device consortia program.
Sec. 3105. Reauthorization of provision pertaining to drugs containing single enantiomers.
Sec. 3106. Reauthorization of certain device inspections.
Sec. 3107. Reauthorization of orphan drug grants.
Sec. 3108. Reauthorization of reporting requirements related to pending generic drug applications and priority review applications.
Sec. 3109. Reauthorization of third-party review program.

2931

*Subtitle B—Drugs and Biologics**CHAPTER 1—RESEARCH, DEVELOPMENT, AND COMPETITION IMPROVEMENTS*

- Sec. 3201. Prompt reports of marketing status by holders of approved applications for biological products.*
- Sec. 3202. Improving the treatment of rare diseases and conditions.*
- Sec. 3203. Emerging technology program.*
- Sec. 3204. National Centers of Excellence in Advanced and Continuous Pharmaceutical Manufacturing.*
- Sec. 3205. Public workshop on cell therapies.*
- Sec. 3206. Clarifications to exclusivity provisions for first interchangeable biosimilar biological products.*
- Sec. 3207. GAO report on nonprofit pharmaceutical organizations.*
- Sec. 3208. Rare disease endpoint advancement pilot program.*
- Sec. 3209. Animal testing alternatives.*
- Sec. 3210. Modernizing accelerated approval.*
- Sec. 3211. Antifungal research and development.*
- Sec. 3212. Advancing qualified infectious disease product innovation.*
- Sec. 3213. Advanced manufacturing technologies designation program.*

CHAPTER 2—TRANSPARENCY, PROGRAM INTEGRITY, AND REGULATORY IMPROVEMENTS

- Sec. 3221. Safer disposal of opioids.*
- Sec. 3222. Therapeutic equivalence evaluations.*
- Sec. 3223. Public docket on proposed changes to third-party vendors.*
- Sec. 3224. Enhancing access to affordable medicines.*

Subtitle C—Medical Devices

- Sec. 3301. Dual submission for certain devices.*
- Sec. 3302. Medical Devices Advisory Committee meetings.*
- Sec. 3303. GAO report on third-party review.*
- Sec. 3304. Certificates to foreign governments.*
- Sec. 3305. Ensuring cybersecurity of medical devices.*
- Sec. 3306. Bans of devices for one or more intended uses.*
- Sec. 3307. Third party data transparency.*
- Sec. 3308. Predetermined change control plans for devices.*
- Sec. 3309. Small business fee waiver.*

Subtitle D—Infant Formula

- Sec. 3401. Protecting infants and improving formula supply.*

Subtitle E—Cosmetics

- Sec. 3501. Short title.*
- Sec. 3502. Amendments to cosmetic requirements.*
- Sec. 3503. Enforcement and conforming amendments.*
- Sec. 3504. Records inspection.*
- Sec. 3505. Tale-containing cosmetics.*
- Sec. 3506. PFAS in cosmetics.*
- Sec. 3507. Sense of the Congress on animal testing.*
- Sec. 3508. Funding.*

2932

*Subtitle F—Cross-Cutting Provisions**CHAPTER 1—CLINICAL TRIAL DIVERSITY AND MODERNIZATION*

- Sec. 3601. Diversity action plans for clinical studies.*
- Sec. 3602. Guidance on diversity action plans for clinical studies.*
- Sec. 3603. Public workshops to enhance clinical study diversity.*
- Sec. 3604. Annual summary report on progress to increase diversity in clinical studies.*
- Sec. 3605. Public meeting on clinical study flexibilities initiated in response to COVID–19 pandemic.*
- Sec. 3606. Decentralized clinical studies.*
- Sec. 3607. Modernizing clinical trials.*

CHAPTER 2—INSPECTIONS

- Sec. 3611. Device inspections.*
- Sec. 3612. Bioresearch monitoring inspections.*
- Sec. 3613. Improving Food and Drug Administration inspections.*
- Sec. 3614. GAO report on inspections of foreign establishments manufacturing drugs.*
- Sec. 3615. Unannounced foreign facility inspections pilot program.*
- Sec. 3616. Enhancing coordination and transparency on inspections.*
- Sec. 3617. Enhancing transparency of drug facility inspection timelines.*

CHAPTER 3—MISCELLANEOUS

- Sec. 3621. Regulation of certain products as drugs.*
- Sec. 3622. Women’s Health Research Roadmap.*
- Sec. 3623. Strategic workforce plan and report.*
- Sec. 3624. Enhancing Food and Drug Administration hiring authority for scientific, technical, and professional personnel.*
- Sec. 3625. Facilities management.*
- Sec. 3626. User fee program transparency and accountability.*
- Sec. 3627. Improving information technology systems of the Food and Drug Administration.*
- Sec. 3628. Reporting on mailroom and Office of the Executive Secretariat of the Food and Drug Administration.*
- Sec. 3629. Facilitating the use of real world evidence.*
- Sec. 3630. Facilitating exchange of product information prior to approval.*
- Sec. 3631. Streamlining blood donor input.*

*TITLE IV—MEDICARE PROVISIONS**Subtitle A—Medicare Extenders*

- Sec. 4101. Extension of increased inpatient hospital payment adjustment for certain low-volume hospitals.*
- Sec. 4102. Extension of the Medicare-Dependent Hospital program.*
- Sec. 4103. Extension of add-on payments for ambulance services.*

Subtitle B—Other Expiring Medicare Provisions

- Sec. 4111. Extending incentive payments for participation in eligible alternative payment models.*
- Sec. 4112. Extension of support for physicians and other professionals in adjusting to Medicare payment changes.*
- Sec. 4113. Advancing telehealth Beyond COVID–19.*

2933

Sec. 4114. Revised phase-in of Medicare clinical laboratory test payment changes.

Subtitle C—Medicare Mental Health Provisions

Sec. 4121. Coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program.

Sec. 4122. Additional residency positions.

Sec. 4123. Improving mobile crisis care in Medicare.

Sec. 4124. Ensuring adequate coverage of outpatient mental health services under the Medicare program.

Sec. 4125. Improvements to Medicare prospective payment system for psychiatric hospitals and psychiatric units.

Sec. 4126. Exception for physician wellness programs.

Sec. 4127. Consideration of safe harbor under the anti-kickback statute for certain contingency management interventions.

Sec. 4128. Provider outreach and reporting on certain behavioral health integration services.

Sec. 4129. Outreach and reporting on opioid use disorder treatment services furnished by opioid treatment programs.

Sec. 4130. GAO study and report comparing coverage of mental health and substance use disorder benefits and non-mental health and substance use disorder benefits.

Subtitle D—Other Medicare Provisions

Sec. 4131. Temporary inclusion of authorized oral antiviral drugs as covered part D drug.

Sec. 4132. Restoration of CBO access to certain part D payment data.

Sec. 4133. Medicare coverage of certain lymphedema compression treatment items.

Sec. 4134. Permanent in-home benefit for IVIG services.

Sec. 4135. Access to non-opioid treatments for pain relief.

Sec. 4136. Technical amendments to Medicare separate payment for disposable negative pressure wound therapy devices.

Sec. 4137. Extension of certain home health rural add-on payments.

Sec. 4138. Remedying election revocations relating to administration of COVID-19 vaccines.

Sec. 4139. Payment rates for durable medical equipment under the Medicare Program.

Sec. 4140. Extending Acute Hospital Care at Home waivers and flexibilities.

Sec. 4141. Extension of pass-through status under the Medicare program for certain devices impacted by COVID-19.

Sec. 4142. Increasing transparency for home health payments under the Medicare program.

Sec. 4143. Waiver of cap on annual payments for nursing and allied health education payments.

Subtitle E—Health Care Tax Provisions

Sec. 4151. Extension of safe harbor for absence of deductible for telehealth.

Subtitle F—Offsets

Sec. 4161. Reduction of Medicare Improvement Fund.

Sec. 4162. Extension of adjustment to calculation of hospice cap amount under Medicare.

Sec. 4163. Medicare direct spending reductions.

2934

TITLE V—MEDICAID AND CHIP PROVISIONS

Subtitle A—Territories

Sec. 5101. Medicaid adjustments for the territories.

Subtitle B—Medicaid and CHIP Coverage

Sec. 5111. Funding extension of the Children’s Health Insurance Program and related provisions.

Sec. 5112. Continuous eligibility for children under Medicaid and CHIP.

Sec. 5113. Modifications to postpartum coverage under Medicaid and CHIP.

Sec. 5114. Extension of Money Follows the Person Rebalancing demonstration.

Sec. 5115. Extension of Medicaid protections against spousal impoverishment for recipients of home and community-based services.

Subtitle C—Medicaid and CHIP Mental Health

Sec. 5121. Medicaid and CHIP requirements for health screenings, referrals, and case management services for eligible juveniles in public institutions.

Sec. 5122. Removal of limitations on Federal financial participation for inmates who are eligible juveniles pending disposition of charges.

Sec. 5123. Requiring accurate, updated, and searchable provider directories.

Sec. 5124. Supporting access to a continuum of crisis response services under Medicaid and CHIP.

Subtitle D—Transitioning From Medicaid FMAP Increase Requirements

Sec. 5131. Transitioning from Medicaid FMAP increase requirements.

Subtitle E—Medicaid Improvement Fund

Sec. 5141. Medicaid improvement fund.

TITLE VI—HUMAN SERVICES

Sec. 6101. Jackie Walorski Maternal and Child Home Visiting Reauthorization Act of 2022.

Sec. 6102. Extension of Temporary Assistance for Needy Families Program.

Sec. 6103. 1-year extension of child and family services programs.

1 **TITLE I—RESTORING HOPE FOR**
2 **MENTAL HEALTH AND WELL-**
3 **BEING**

4 **SEC. 1001. SHORT TITLE.**

5 *This title may be cited as the “Restoring Hope for*
6 *Mental Health and Well-Being Act of 2022”.*

2935

1 ***Subtitle A—Mental Health and***
2 ***Crisis Care Needs***

3 ***CHAPTER 1—CRISIS CARE SERVICES AND***
4 ***9–8–8 IMPLEMENTATION***

5 ***SEC. 1101. BEHAVIORAL HEALTH CRISIS COORDINATING***
6 ***OFFICE.***

7 *Part A of title V of the Public Health Service Act (42*
8 *U.S.C. 290aa et seq.) is amended by inserting after section*
9 *501A (42 U.S.C. 290aa–0) the following:*

10 ***“SEC. 501B. BEHAVIORAL HEALTH CRISIS COORDINATING***
11 ***OFFICE.***

12 *“(a) IN GENERAL.—The Secretary shall establish,*
13 *within the Substance Abuse and Mental Health Services*
14 *Administration, an office to coordinate work relating to be-*
15 *havioral health crisis care across the operating divisions*
16 *and agencies of the Department of Health and Human*
17 *Services, including the Substance Abuse and Mental Health*
18 *Services Administration, the Centers for Medicare & Med-*
19 *icaid Services, and the Health Resources and Services Ad-*
20 *ministration, and external stakeholders.*

21 *“(b) DUTY.—The office established under subsection*
22 *(a) shall—*

23 *“(1) convene Federal, State, Tribal, local, and*
24 *private partners;*

2936

1 “(2) launch and manage Federal workgroups
2 charged with making recommendations regarding
3 issues related to mental health and substance use dis-
4 order crises, including with respect to health care best
5 practices, workforce development, health disparities,
6 data collection, technology, program oversight, public
7 awareness, and engagement; and

8 “(3) support technical assistance, data analysis,
9 and evaluation functions in order to assist States, lo-
10 calities, Territories, Indian Tribes, and Tribal orga-
11 nizations in developing crisis care systems and iden-
12 tifying best practices with the objective of expanding
13 the capacity of, and access to, local crisis call centers,
14 mobile crisis care, crisis stabilization, psychiatric
15 emergency services, and rapid post-crisis follow-up
16 care provided by—

17 “(A) the National Suicide Prevention and
18 Mental Health Crisis Hotline and Response Sys-
19 tem;

20 “(B) the Veterans Crisis Line;

21 “(C) community mental health centers (as
22 defined in section 1861(ff)(3)(B) of the Social
23 Security Act);

2937

1 “(D) *certified community behavioral health*
2 *clinics, as described in section 223 of the Pro-*
3 *tecting Access to Medicare Act of 2014; and*

4 “(E) *other community mental health and*
5 *substance use disorder providers.*

6 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
7 *authorized to be appropriated to carry out this section*
8 *\$5,000,000 for each of fiscal years 2023 through 2027.”.*

9 **SEC. 1102. CRISIS RESPONSE CONTINUUM OF CARE.**

10 (a) *IN GENERAL.—The Secretary, acting through the*
11 *Assistant Secretary for Mental Health and Substance Use,*
12 *shall facilitate the identification and publication of best*
13 *practices for a crisis response continuum of care related to*
14 *mental health and substance use disorders for use by health*
15 *care providers, crisis services administrators, and crisis*
16 *services providers in responding to individuals (including*
17 *children and adolescents) experiencing mental health crises,*
18 *substance-related crises, and crises arising from co-occur-*
19 *ring disorders.*

20 (b) *BEST PRACTICES.—*

21 (1) *IN GENERAL.—The best practices published*
22 *under subsection (a) shall, as appropriate, address*
23 *best practices related to crisis response services for the*
24 *range of entities that furnish such services, taking*
25 *into consideration such services that—*

2938

1 (A) do not require prior authorization from
2 an insurance provider or group health plan nor
3 a referral from a health care provider prior to
4 the delivery of services;

5 (B) provide for serving all individuals re-
6 gardless of age or ability to pay;

7 (C) provide for operating 24 hours a day,
8 7 days a week;

9 (D) provide for care and support through
10 resources described in paragraph (2)(A) until the
11 individual has been stabilized or transferred to
12 the next level of crisis care; and

13 (E) address psychiatric stabilization, in-
14 cluding for—

15 (i) individuals screened over the phone,
16 text, and chat; and

17 (ii) individuals stabilized on the scene
18 by mobile teams.

19 (2) *IDENTIFICATION OF FUNCTIONS.*—The best
20 practices published under subsection (a) shall consider
21 the functions of the range of services in the crisis re-
22 sponse continuum, including the following:

23 (A) Identification of resources for referral
24 and enrollment in continuing mental health,

2939

1 *substance use, or other human services relevant*
2 *for the individual in crisis where necessary.*

3 *(B) A description of access and entry points*
4 *to services within the crisis response continuum.*

5 *(C) Identification, as appropriate and con-*
6 *sistent with State laws, of any protocols and*
7 *agreements for the transfer and receipt of indi-*
8 *viduals to and from other segments of the crisis*
9 *response continuum segments as needed, and*
10 *from outside referrals, including health care pro-*
11 *viders, first responders (including law enforce-*
12 *ment, paramedics, and firefighters), education*
13 *institutions, and community-based organiza-*
14 *tions.*

15 *(D) Description of the qualifications of the*
16 *range of crisis services staff, including roles for*
17 *physicians, licensed clinicians, case managers,*
18 *and peers (in accordance with State licensing re-*
19 *quirements or requirements applicable to Tribal*
20 *health professionals).*

21 *(E) The convening of collaborative meetings*
22 *of relevant crisis response system partners, such*
23 *as crisis response service providers, first respond-*
24 *ers (including law enforcement, paramedics, and*
25 *firefighters), and community partners (including*

2940

1 *the National Suicide Prevention Lifeline or 9–8–*
2 *8 call centers, 9–1–1 public service answering*
3 *points, and local mental health and substance*
4 *use disorder treatment providers), operating in a*
5 *common region for the discussion of case man-*
6 *agement, best practices, and general performance*
7 *improvement.*

8 (3) *SERVICE CAPACITY AND QUALITY BEST PRAC-*
9 *TICES.—The best practices under subsection (a) may*
10 *include recommendations on—*

11 (A) *the volume of services to meet popu-*
12 *lation need;*

13 (B) *appropriate timely response; and*

14 (C) *capacity to meet the needs of different*
15 *patient populations that may experience a men-*
16 *tal health or substance use crisis, including chil-*
17 *dren, families, and all age groups, racial and*
18 *ethnic minorities, veterans, individuals with co-*
19 *occurring mental health and substance use dis-*
20 *orders, individuals with disabilities, and indi-*
21 *viduals with chronic illness.*

22 (4) *IMPLEMENTATION TIMEFRAME.—The Sec-*
23 *retary shall—*

2941

1 (A) not later than 1 year after the date of
2 enactment of this section, publish and maintain
3 the best practices required by subsection (a); and

4 (B) after 3 years, facilitate the identifica-
5 tion of any updates to such best practices, as ap-
6 propriate.

7 (5) *EVALUATIONS.*—Not later than 3 years after
8 the date of enactment of this Act, the Comptroller
9 General of the United States shall submit to the Com-
10 mittee on Health, Education, Labor, and Pensions of
11 the Senate and the Committee on Energy and Com-
12 merce of the House of Representatives, an assessment
13 of relevant programs related to mental health and
14 substance use disorder crises authorized under title V
15 of the Public Health Service Act (42 U.S.C. 290aa et
16 seq.) in order to assess the extent to which such pro-
17 grams meet objectives and performance metrics, as de-
18 termined by the Secretary. Such evaluation may, as
19 appropriate, include data on—

20 (A) the type and variety of services pro-
21 vided when responding to mental health and sub-
22 stance use-related crises;

23 (B) the impact on emergency department
24 facility use and length of stay, including for pa-
25 tients who require further psychiatric care;

2942

1 (C) the impact on access to crisis care cen-
2 ters and crisis bed services;

3 (D) the impact on linkage to appropriate
4 post-crisis care; and

5 (E) the use of best practices and rec-
6 ommendations identified under this section.

7 **SEC. 1103. SUICIDE PREVENTION LIFELINE IMPROVEMENT.**

8 (a) *SUICIDE PREVENTION LIFELINE.*—

9 (1) *ACTIVITIES.*—Section 520E–3(b) of the Pub-
10 lic Health Service Act (42 U.S.C. 290bb–36c(b)) is
11 amended—

12 (A) in paragraph (1)—

13 (i) by inserting “supporting and” be-
14 fore “coordinating”; and

15 (ii) by striking “crisis intervention
16 services” and inserting “mental health cri-
17 sis intervention services, including appro-
18 priate follow-up services,”;

19 (B) in paragraph (2), by striking “and” at
20 the end;

21 (C) in paragraph (3), by striking the period
22 at the end and inserting a semicolon; and

23 (D) by adding at the end the following:

24 “(4) improving awareness of the program for
25 suicide prevention and mental health crisis interven-

2943

1 *tion services, including by conducting an awareness*
2 *initiative and ongoing outreach to the public; and*

3 *“(5) improving the collection and analysis of de-*
4 *mographic information, in a manner that protects*
5 *personal privacy, consistent with applicable Federal*
6 *and State privacy laws, in order to understand dis-*
7 *parities in access to the program among individuals*
8 *who are seeking help.”.*

9 *(2) PLAN.—Section 520E–3 of the Public Health*
10 *Service Act (42 U.S.C. 290bb–36c) is further amend-*
11 *ed—*

12 *(A) by redesignating subsection (c) as sub-*
13 *section (f); and*

14 *(B) by inserting after subsection (b) the fol-*
15 *lowing:*

16 *“(c) PLAN.—*

17 *“(1) IN GENERAL.—For purposes of supporting*
18 *the crisis centers under subsection (b)(1) and main-*
19 *taining the suicide prevention hotline under sub-*
20 *section (b)(2), the Secretary shall develop and imple-*
21 *ment a plan to ensure the provision of high-quality*
22 *services.*

23 *“(2) CONTENTS.—The plan required by para-*
24 *graph (1) shall include the following:*

2944

1 “(A) *Program evaluation, including per-*
2 *formance measures to assess progress toward the*
3 *goals and objectives of the program and to im-*
4 *prove the responsiveness and performance of the*
5 *hotline, including at all backup call centers.*

6 “(B) *Requirements that crisis centers and*
7 *backup centers must meet—*

8 “(i) *to participate in the network*
9 *under subsection (b)(1); and*

10 “(ii) *to ensure that each telephone call*
11 *and applicable other communication re-*
12 *ceived by the hotline, including at backup*
13 *call centers, is answered in a timely man-*
14 *ner, consistent with evidence-based guidance*
15 *or other guidance or best practices, as ap-*
16 *propriate.*

17 “(C) *Specific recommendations and strate-*
18 *gies for implementing evidence-based practices,*
19 *including with respect to followup and commu-*
20 *nicating the availability of resources in the com-*
21 *munity for individuals in need.*

22 “(D) *Criteria for carrying out periodic test-*
23 *ing of the hotline during each fiscal year, includ-*
24 *ing at crisis centers and backup centers, to iden-*

2945

1 *tify and address any problems in a timely man-*
2 *ner.*

3 “(3) *CONSULTATION.*—*In developing require-*
4 *ments under paragraph (2)(B), the Secretary shall*
5 *consult with State departments of health, local gov-*
6 *ernments, Indian Tribes, and Tribal organizations.*

7 “(4) *INITIAL PLAN; UPDATES.*—*The Secretary*
8 *shall—*

9 “(A) *not later than 1 year after the date of*
10 *enactment of the Restoring Hope for Mental*
11 *Health and Well-Being Act of 2022, complete de-*
12 *velopment of the initial plan under paragraph*
13 *(1) and make such plan publicly available; and*

14 “(B) *periodically thereafter, update such*
15 *plan and make the updated plan publicly avail-*
16 *able.”.*

17 “(3) *TRANSMISSION OF DATA TO CDC AND TO AS-*
18 *SIST STATE AND LOCAL AGENCIES.*—*Section 520E–3*
19 *of the Public Health Service Act (42 U.S.C. 290bb–*
20 *36c) is amended by inserting after subsection (c), as*
21 *added by paragraph (2), the following:*

22 “(d) *IMPROVING EPIDEMIOLOGICAL DATA.*—*The Sec-*
23 *retary shall, as appropriate, formalize and strengthen*
24 *agreements between the Suicide Prevention Lifeline pro-*
25 *gram and the Centers for Disease Control and Prevention*

2946

1 *with respect to the secure sharing of de-identified epidemio-*
2 *logical data. Such agreements shall include appropriate*
3 *privacy and security protections that meet the requirements*
4 *of applicable Federal law, at a minimum.*

5 “(e) *DATA TO ASSIST STATE AND LOCAL SUICIDE*
6 *PREVENTION ACTIVITIES.—The Secretary shall ensure that*
7 *the aggregated information collected and any applicable*
8 *analyses conducted under subsection (b)(5), including from*
9 *local call centers, as applicable, are made available in a*
10 *usable format to State and local agencies in order to inform*
11 *suicide prevention activities.”.*

12 (4) *AUTHORIZATION OF APPROPRIATIONS.—Sub-*
13 *section (f) of section 520E–3 of the Public Health*
14 *Service Act (42 U.S.C. 290bb–36c), as redesignated by*
15 *paragraph (2), is amended to read as follows:*

16 “(f) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
17 *out this section, there are authorized to be appropriated*
18 *\$101,621,000 for each of fiscal years 2023 through 2027.”.*

19 (b) *PILOT PROGRAM ON INNOVATIVE TECH-*
20 *NOLOGIES.—*

21 (1) *IN GENERAL.—The Secretary of Health and*
22 *Human Services, acting through the Assistant Sec-*
23 *retary for Mental Health and Substance Use, shall, as*
24 *appropriate, carry out a pilot program to research,*
25 *analyze, and employ various technologies and plat-*

2947

1 *forms of communication (including social media plat-*
2 *forms, texting platforms, and email platforms) for*
3 *suicide prevention in addition to the telephone and*
4 *online chat service provided by the Suicide Preven-*
5 *tion Lifeline.*

6 (2) *REPORT.—Not later than 24 months after the*
7 *date on which the pilot program under paragraph (1)*
8 *commences, the Secretary of Health and Human*
9 *Services, acting through the Assistant Secretary for*
10 *Mental Health and Substance Use, shall submit to the*
11 *Congress a report on the pilot program. With respect*
12 *to each platform of communication employed pursu-*
13 *ant to the pilot program, the report shall include—*

14 (A) *a full description of the program;*

15 (B) *the number of individuals served by the*
16 *program;*

17 (C) *the average wait time for each indi-*
18 *vidual to receive a response;*

19 (D) *the cost of the program, including the*
20 *cost per individual served; and*

21 (E) *any other information the Secretary de-*
22 *termines appropriate.*

23 (c) *HHS STUDY AND REPORT.—Not later than 2 years*
24 *after the Secretary of Health and Human Services com-*
25 *pletes development of the plan under section 520E–3(c) of*

2948

1 *the Public Health Service Act, as added by subsection*

2 *(a)(2)(B), the Secretary shall—*

3 *(1) complete a study on—*

4 *(A) the implementation of such plan, in-*
5 *cluding the progress towards meeting the goals*
6 *and objectives identified pursuant to paragraph*
7 *(2)(A) of such section 520E–3(c); and*

8 *(B) in consultation with the Director of the*
9 *Centers for Disease Control and Prevention, op-*
10 *tions to improve data regarding usage of the*
11 *Suicide Prevention Lifeline, such as repeat calls,*
12 *consistent with applicable Federal and State pri-*
13 *vacancy laws; and*

14 *(2) submit a report to Congress on the progress*
15 *made on meeting the goals and objectives identified*
16 *pursuant to paragraph (2)(A) of such section 520E–*
17 *3(c) and recommendations on improving the pro-*
18 *gram, including improvements to enhance data collec-*
19 *tion and usage.*

20 *(d) GAO STUDY AND REPORT.—*

21 *(1) IN GENERAL.—Not later than 2 years after*
22 *the Secretary of Health and Human Services begins*
23 *implementation of the plan required by section 520E–*
24 *3(c) of the Public Health Service Act, as added by*

2949

1 *subsection (a)(2)(B), the Comptroller General of the*
2 *United States shall—*

3 *(A) complete a study on the Suicide Preven-*
4 *tion Lifeline; and*

5 *(B) submit a report to the Congress on the*
6 *results of such study.*

7 *(2) CONTENT.—The study required by paragraph*
8 *(1) shall include what is known about—*

9 *(A) the feasibility of routing calls to the*
10 *Suicide Prevention Lifeline to the nearest crisis*
11 *center based on the physical location of the con-*
12 *tact;*

13 *(B) capacity of the Suicide Prevention Life-*
14 *line;*

15 *(C) State and regional variation with re-*
16 *spect to access to crisis centers described in sec-*
17 *tion 520E–3(b)(1) of the Public Health Service*
18 *Act (42 U.S.C. 290bb–36c(b)(1)), including wait*
19 *times, answer times, hours of operation, and*
20 *funding sources;*

21 *(D) the implementation of the plan under*
22 *section 520E–3(c) of the Public Health Service*
23 *Act, as added by subsection (a)(2)(B), including*
24 *the progress toward meeting the goals and objec-*
25 *tives in such plan; and*

† **HR 2617 EAS2**

2950

1 (E) the capacity of the Suicide Prevention
2 Lifeline to handle calls from individuals with
3 limited English proficiency.

4 (3) *RECOMMENDATIONS.*—The report required by
5 paragraph (1) shall include recommendations for im-
6 proving the Suicide Prevention Lifeline, including
7 recommendations for administrative actions.

8 (e) *DEFINITION.*—In this section, the term “Suicide
9 Prevention Lifeline” means the suicide prevention hotline
10 maintained pursuant to section 520E–3 of the Public
11 Health Service Act (42 U.S.C. 290bb–36c).

12 **CHAPTER 2—INTO THE LIGHT FOR MATER-**
13 **NAL MENTAL HEALTH AND SUB-**
14 **STANCE USE DISORDERS**

15 **SEC. 1111. SCREENING AND TREATMENT FOR MATERNAL**
16 **MENTAL HEALTH AND SUBSTANCE USE DIS-**
17 **ORDERS.**

18 (a) *IN GENERAL.*—Section 317L–1 of the Public
19 Health Service Act (42 U.S.C. 247b–13a) is amended—

20 (1) in the section heading, by striking “**MATER-**
21 **NAL DEPRESSION**” and inserting “**MATERNAL**
22 **MENTAL HEALTH AND SUBSTANCE USE DIS-**
23 **ORDERS**”; and

24 (2) in subsection (a)—

2951

1 (A) by inserting “, Indian Tribes and Trib-
2 al organizations (as such terms are defined in
3 section 4 of the Indian Self-Determination and
4 Education Assistance Act)” after “States”; and

5 (B) by striking “for women who are preg-
6 nant, or who have given birth within the pre-
7 ceding 12 months, for maternal depression” and
8 inserting “for women who are postpartum, preg-
9 nant, or have given birth within the preceding
10 12 months, for maternal mental health and sub-
11 stance use disorders”.

12 (b) *APPLICATION*.—Subsection (b) of section 317L–1 of
13 the Public Health Service Act (42 U.S.C. 247b–13a) is
14 amended—

15 (1) by striking “a State shall submit” and in-
16 serting “an entity listed in subsection (a) shall sub-
17 mit”; and

18 (2) in paragraphs (1) and (2), by striking “ma-
19 ternal depression” each place it appears and inserting
20 “maternal mental health and substance use dis-
21 orders”.

22 (c) *PRIORITY*.—Subsection (c) of section 317L–1 of the
23 Public Health Service Act (42 U.S.C. 247b–13a) is amend-
24 ed—

2952

1 (1) by striking “may give priority to States pro-
2 posing to improve or enhance access to screening” and
3 inserting the following: “shall, as appropriate, give
4 priority to entities listed in subsection (a) that—

5 “(1) are proposing to create, improve, or enhance
6 screening, prevention, and treatment”;

7 (2) by striking “maternal depression” and in-
8 serting “maternal mental health and substance use
9 disorders”;

10 (3) by striking the period at the end of para-
11 graph (1), as so designated, and inserting a semi-
12 colon; and

13 (4) by inserting after such paragraph (1) the fol-
14 lowing:

15 “(2) are currently partnered with, or will part-
16 ner with, one or more community-based organizations
17 to address maternal mental health and substance use
18 disorders;

19 “(3) are located in, or provide services under this
20 section in, an area with disproportionately high rates
21 of maternal mental health or substance use disorders
22 or other related disparities; and

23 “(4) operate in a health professional shortage
24 area designated under section 332, including mater-
25 nity care health professional target areas.”.

2953

1 (d) *USE OF FUNDS.*—Subsection (d) of section 317L—
2 1 of the Public Health Service Act (42 U.S.C. 247b–13a)
3 is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (A), by striking “to
6 health care providers; and” and inserting “on
7 maternal mental health and substance use dis-
8 order screening, brief intervention, treatment (as
9 applicable for health care providers), and refer-
10 rals for treatment to health care providers in the
11 primary care setting and, as applicable, relevant
12 health paraprofessionals;”;

13 (B) in subparagraph (B), by striking “to
14 health care providers, including information on
15 maternal depression screening, treatment, and
16 followup support services, and linkages to com-
17 munity-based resources; and” and inserting “on
18 maternal mental health and substance use dis-
19 order screening, brief intervention, treatment (as
20 applicable for health care providers) and refer-
21 rals for treatment, follow-up support services,
22 and linkages to community-based resources to
23 health care providers in the primary care setting
24 and, as applicable, relevant health paraprofes-
25 sionals; and”;

2954

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

2 “(C) to the extent practicable and appro-
3 priate, enabling health care providers (such as
4 obstetrician-gynecologists, nurse practitioners,
5 nurse midwives, pediatricians, psychiatrists,
6 mental and other behavioral health care pro-
7 viders, and adult primary care clinicians) to
8 provide or receive real-time psychiatric consulta-
9 tion (in-person or remotely), including through
10 the use of technology-enabled collaborative learn-
11 ing and capacity building models (as defined in
12 section 330N), to aid in the treatment of preg-
13 nant and postpartum women; and”;

14 (2) in paragraph (2)—

15 (A) by striking subparagraph (A);

16 (B) by redesignating subparagraphs (B)
17 and (C) as subparagraphs (A) and (B), respec-
18 tively;

19 (C) in subparagraph (A), as so redesign-
20 ated, by striking “and” at the end;

21 (D) in subparagraph (B), as so redesign-
22 ated—

23 (i) by inserting “, including” before
24 “for rural areas”; and

2955

1 (ii) by striking the period at the end
2 and inserting a semicolon; and

3 (E) by inserting after subparagraph (B), as
4 so redesignated, the following:

5 “(C) providing assistance to pregnant and
6 postpartum women to receive maternal mental
7 health and substance use disorder treatment, in-
8 cluding patient consultation, care coordination,
9 and navigation for such treatment;

10 “(D) coordinating, as appropriate, with
11 maternal and child health programs of State,
12 local, and Tribal governments, including child
13 psychiatric access programs;

14 “(E) conducting public outreach and aware-
15 ness regarding grants under subsection (a);

16 “(F) creating multistate consortia to carry
17 out the activities required or authorized under
18 this subsection; and

19 “(G) training health care providers in the
20 primary care setting and relevant health para-
21 professionals on trauma-informed care, cul-
22 turally and linguistically appropriate services,
23 and best practices related to training to improve
24 the provision of maternal mental health and sub-
25 stance use disorder care for racial and ethnic

2956

1 *minority populations and reduce related dispari-*
2 *ties in the delivery of such care.”.*

3 *(e) ADDITIONAL PROVISIONS.—Section 317L–1 of the*
4 *Public Health Service Act (42 U.S.C. 247b–13a) is amend-*
5 *ed—*

6 *(1) by redesignating subsection (e) as subsection*
7 *(h); and*

8 *(2) by inserting after subsection (d) the fol-*
9 *lowing:*

10 *“(e) TECHNICAL ASSISTANCE.—The Secretary shall*
11 *provide technical assistance to grantees and entities listed*
12 *in subsection (a) for carrying out activities pursuant to this*
13 *section.*

14 *“(f) DISSEMINATION OF BEST PRACTICES.—The Sec-*
15 *retary, based on evaluation of the activities funded pursu-*
16 *ant to this section, shall identify and disseminate evidence-*
17 *based or evidence-informed practices for screening, assess-*
18 *ment, treatment, and referral to treatment services for ma-*
19 *ternal mental health and substance use disorders, including*
20 *culturally and linguistically appropriate services, for*
21 *women during pregnancy and 12 months following preg-*
22 *nancy.*

23 *“(g) MATCHING REQUIREMENT.—The Federal share of*
24 *the cost of the activities for which a grant is made to an*

2957

1 *entity under subsection (a) shall not exceed 90 percent of*
2 *the total cost of such activities.”.*

3 *(f) AUTHORIZATION OF APPROPRIATIONS.—Subsection*
4 *(h) of section 317L–1 (42 U.S.C. 247b–13a) of the Public*
5 *Health Service Act, as redesignated by subsection (e), is*
6 *amended—*

7 *(1) by striking “\$5,000,000” and inserting*
8 *“\$24,000,000”; and*

9 *(2) by striking “2018 through 2022” and insert-*
10 *ing “2023 through 2027”.*

11 **SEC. 1112. MATERNAL MENTAL HEALTH HOTLINE.**

12 *Part P of title III of the Public Health Service Act*
13 *(42 U.S.C. 280g et seq.) is amended by adding at the end*
14 *the following:*

15 **“SEC. 399V–7. MATERNAL MENTAL HEALTH HOTLINE.**

16 *“(a) IN GENERAL.—The Secretary shall maintain, by*
17 *grant or contract, a national maternal mental health hot-*
18 *line to provide emotional support, information, brief inter-*
19 *vention, and mental health and substance use disorder re-*
20 *sources to pregnant and postpartum women at risk of, or*
21 *affected by, maternal mental health and substance use dis-*
22 *orders, and to their families or household members.*

23 *“(b) REQUIREMENTS FOR HOTLINE.—The hotline*
24 *under subsection (a) shall—*

25 *“(1) be a 24/7 real-time hotline;*

2958

1 “(2) *provide voice and text support;*

2 “(3) *be staffed by certified peer specialists, li-*
3 *censed health care professionals, or licensed mental*
4 *health professionals who are trained on—*

5 “(A) *maternal mental health and substance*
6 *use disorder prevention, identification, and*
7 *intervention; and*

8 “(B) *providing culturally and linguistically*
9 *appropriate support; and*

10 “(4) *provide maternal mental health and sub-*
11 *stance use disorder assistance and referral services to*
12 *meet the needs of underserved populations, individ-*
13 *uals with disabilities, and family and household*
14 *members of pregnant or postpartum women at risk of*
15 *experiencing maternal mental health and substance*
16 *use disorders.*

17 “(c) *ADDITIONAL REQUIREMENTS.—In maintaining*
18 *the hotline under subsection (a), the Secretary shall—*

19 “(1) *consult with the Domestic Violence Hotline,*
20 *National Suicide Prevention Lifeline, and Veterans*
21 *Crisis Line to ensure that pregnant and postpartum*
22 *women are connected in real-time to the appropriate*
23 *specialized hotline service, when applicable;*

24 “(2) *conduct a public awareness campaign for*
25 *the hotline;*

2959

1 “(3) consult with Federal departments and agen-
2 cies, including the Substance Abuse and Mental
3 Health Services Administration and the Department
4 of Veterans Affairs, to increase awareness regarding
5 the hotline; and

6 “(4) consult with appropriate State, local, and
7 Tribal public health officials, including officials who
8 administer programs that serve low-income pregnant
9 and postpartum individuals.

10 “(d) ANNUAL REPORT.—The Secretary shall submit
11 an annual report to the Congress on the hotline under sub-
12 section (a) and implementation of this section, including—

13 “(1) an evaluation of the effectiveness of activi-
14 ties conducted or supported under subsection (a);

15 “(2) a directory of entities or organizations to
16 which staff maintaining the hotline funded under this
17 section may make referrals; and

18 “(3) such additional information as the Sec-
19 retary determines appropriate.

20 “(e) AUTHORIZATION OF APPROPRIATIONS.—To carry
21 out this section, there are authorized to be appropriated
22 \$10,000,000 for each of fiscal years 2023 through 2027.”.

23 **SEC. 1113. TASK FORCE ON MATERNAL MENTAL HEALTH.**

24 (a) ESTABLISHMENT.—Not later than 180 days after
25 the date of enactment of this Act, the Secretary of Health

2960

1 *and Human Services, for purposes of identifying, evalu-*
2 *ating, and making recommendations to coordinate and im-*
3 *prove Federal activities related to addressing maternal*
4 *mental health conditions, shall—*

5 *(1) establish a task force to be known as the Task*
6 *Force on Maternal Mental Health (in this section re-*
7 *ferred to as the “Task Force”); or*

8 *(2) incorporate the duties, public meetings, and*
9 *reports specified in subsections (c) through (f) into ex-*
10 *isting relevant Federal committees or working groups,*
11 *such as the Maternal Health Interagency Policy Com-*
12 *mittee and the Maternal Health Working Group, as*
13 *appropriate.*

14 *(b) MEMBERSHIP.—*

15 *(1) COMPOSITION.—The Task Force shall be com-*
16 *posed of—*

17 *(A) the Federal members under paragraph*
18 *(2); and*

19 *(B) the non-Federal members under para-*
20 *graph (3).*

21 *(2) FEDERAL MEMBERS.—The Federal members*
22 *of the Task Force shall consist of the following heads*
23 *of Federal departments and agencies (or their des-*
24 *ignees):*

2961

1 (A) *The Assistant Secretary for Health of*
2 *the Department of Health and Human Services*
3 *and the Assistant Secretary for Mental Health*
4 *and Substance Use, who shall serve as co-chairs.*

5 (B) *The Assistant Secretary for Planning*
6 *and Evaluation of the Department of Health and*
7 *Human Services.*

8 (C) *The Assistant Secretary of the Adminis-*
9 *tration for Children and Families.*

10 (D) *The Director of the Centers for Disease*
11 *Control and Prevention.*

12 (E) *The Administrator of the Centers for*
13 *Medicare & Medicaid Services.*

14 (F) *The Administrator of the Health Re-*
15 *sources and Services Administration.*

16 (G) *The Director of the Indian Health Serv-*
17 *ice.*

18 (H) *Such other Federal departments and*
19 *agencies as the Secretary determines appropriate*
20 *that serve individuals with maternal mental*
21 *health conditions.*

22 (3) *NON-FEDERAL MEMBERS.—The non-Federal*
23 *members of the Task Force shall—*

2962

1 (A) compose not more than one-half, and
2 not less than one-third, of the total membership
3 of the Task Force;

4 (B) be appointed by the Secretary; and

5 (C) include—

6 (i) representatives of professional med-
7 ical societies, professional nursing societies,
8 and relevant health paraprofessional soci-
9 eties with expertise in maternal or mental
10 health;

11 (ii) representatives of nonprofit organi-
12 zations with expertise in maternal or men-
13 tal health;

14 (iii) relevant industry representatives;
15 and

16 (iv) other representatives, as appro-
17 priate.

18 (4) DEADLINE FOR DESIGNATING DESIGNEES.—

19 If the Assistant Secretary for Health, the Assistant
20 Secretary for Mental Health and Substance Use, or
21 the head of a Federal department or agency serving
22 as a member of the Task Force under paragraph (2),
23 chooses to be represented on the Task Force by a des-
24 ignee, the Assistant Secretary for Health, the Assist-
25 ant Secretary for Mental Health and Substance Use,

2963

1 or department or agency head shall designate such
2 designee not later than 90 days after the date of the
3 enactment of this section.

4 (c) *DUTIES.*—*The Task Force shall—*

5 (1) *prepare and regularly update a report that*
6 *analyzes and evaluates the state of maternal mental*
7 *health programs at the Federal level, and identifies*
8 *best practices with respect to maternal mental health*
9 *(which may include co-occurring substance use dis-*
10 *orders), including—*

11 (A) *a set of evidence-based, evidence-in-*
12 *formed, and promising practices with respect*
13 *to—*

14 (i) *prevention strategies for maternal*
15 *mental health conditions, including strate-*
16 *gies and recommendations to reduce racial,*
17 *ethnic, geographic, and other health dispari-*
18 *ties;*

19 (ii) *the identification, screening, diag-*
20 *nosis, intervention, and treatment of mater-*
21 *nal mental health conditions and affected*
22 *families;*

23 (iii) *the timely referral to supports,*
24 *and implementation of practices, that pre-*
25 *vent and mitigate the effects of a maternal*

2964

1 *mental health condition, including strate-*
2 *gies and recommendations to eliminate ra-*
3 *cial and ethnic disparities that exist in ma-*
4 *ternal mental health; and*

5 *(iv) community-based or*
6 *multigenerational practices that provide*
7 *support related to maternal mental health*
8 *conditions, including support for affected*
9 *families; and*

10 *(B) Federal and State programs and activi-*
11 *ties that support prevention, screening, diag-*
12 *nosis, intervention, and treatment of maternal*
13 *mental health conditions;*

14 *(2) develop and regularly update a national*
15 *strategy for maternal mental health, taking into con-*
16 *sideration the findings of the report under paragraph*
17 *(1), on how the Task Force and Federal departments*
18 *and agencies represented on the Task Force may*
19 *prioritize options for, and may improve coordination*
20 *with respect to, addressing maternal mental health*
21 *conditions, including by—*

22 *(A) increasing prevention, screening, diag-*
23 *nosis, intervention, treatment, and access to ma-*
24 *ternal mental health care, including clinical and*
25 *nonclinical care such as peer-support and com-*

2965

1 *munity health workers, through the public and*
2 *private sectors;*

3 *(B) providing support relating to the pre-*
4 *vention, screening, diagnosis, intervention, and*
5 *treatment of maternal mental health conditions,*
6 *including families, as appropriate;*

7 *(C) reducing racial, ethnic, geographic, and*
8 *other health disparities related to prevention, di-*
9 *agnosis, intervention, treatment, and access to*
10 *maternal mental health care;*

11 *(D) identifying opportunities to modify,*
12 *strengthen, and better coordinate existing Fed-*
13 *eral infant and maternal health programs in*
14 *order to improve screening, diagnosis, research,*
15 *prevention, identification, intervention, and*
16 *treatment with respect to maternal mental*
17 *health; and*

18 *(E) improving planning, coordination, and*
19 *collaboration across Federal departments, agen-*
20 *cies, offices, and programs;*

21 *(3) solicit public comments, as appropriate, from*
22 *stakeholders for the report under paragraph (1) and*
23 *the national strategy under paragraph (2) in order to*
24 *inform the activities and reports of the Task Force;*
25 *and*

† HR 2617 EAS2

2966

1 (4) *consider the latest research related to mater-*
2 *nal mental health in developing the strategy, includ-*
3 *ing, as applicable and appropriate, data and infor-*
4 *mation disaggregated by relevant factors, such as*
5 *race, ethnicity, geographical location, age, socio-*
6 *economic level, and others, as appropriate.*

7 (d) *MEETINGS.—The Task Force shall—*

8 (1) *meet not less than two times each year; and*

9 (2) *convene public meetings, as appropriate, to*
10 *fulfill its duties under this section.*

11 (e) *REPORTS TO PUBLIC AND FEDERAL LEADERS.—*

12 *The Task Force shall make publicly available and submit*
13 *to the heads of relevant Federal departments and agencies,*
14 *the Committee on Energy and Commerce of the House of*
15 *Representatives, the Committee on Health, Education,*
16 *Labor, and Pensions of the Senate, and other relevant con-*
17 *gressional committees, the following:*

18 (1) *Not later than 1 year after the first meeting*
19 *of the Task Force, an initial report under subsection*
20 *(c)(1).*

21 (2) *Not later than 2 years after the first meeting*
22 *of the Task Force, an initial national strategy under*
23 *subsection (c)(2).*

24 (3) *Each year thereafter—*

2967

1 (A) an updated report under subsection
2 (c)(1);

3 (B) an updated national strategy under
4 subsection (c)(2); or

5 (C) if no update is made under subsection
6 (c)(1) or (c)(2), a report summarizing the activi-
7 ties of the Task Force.

8 (f) *REPORTS TO GOVERNORS.*—Upon finalizing the
9 initial national strategy under subsection (c)(2), and upon
10 making relevant updates to such strategy, the Task Force
11 shall submit a report to the Governors of all States describ-
12 ing any opportunities for local- and State-level partner-
13 ships identified under subsection (c)(2).

14 (g) *SUNSET.*—The Task Force shall terminate on Sep-
15 tember 30, 2027.

16 (h) *NONDUPLICATION OF FEDERAL EFFORTS.*—The
17 Secretary may relieve the Task Force, in carrying out sub-
18 sections (c) through (f), from responsibility for carrying out
19 such activities as may be specified by the Secretary as du-
20 plicative of other activities carried out by the Department
21 of Health and Human Services.

2968

1 **SEC. 1114. RESIDENTIAL TREATMENT PROGRAM FOR PREG-**
2 **NANT AND POSTPARTUM WOMEN PILOT PRO-**
3 **GRAM REAUTHORIZATION.**

4 *Section 508(r) of the Public Health Service Act (42*
5 *U.S.C. 290bb–1(r)) is amended—*

6 *(1) by striking paragraph (4);*

7 *(2) by redesignating paragraphs (5) and (6) as*
8 *paragraphs (4) and (5), respectively; and*

9 *(3) in paragraph (4)(B), as so redesignated—*

10 *(A) in the matter preceding clause (i), by*
11 *striking “The Director” and inserting “Not later*
12 *than September 30, 2026, the Director”; and*

13 *(B) by striking “the relevant committees of*
14 *jurisdiction of the House of Representatives and*
15 *the Senate” and inserting “the Committee on*
16 *Health, Education, Labor, and Pensions of the*
17 *Senate and the Committee on Energy and Com-*
18 *merce of the House of Representatives”.*

19 **CHAPTER 3—REACHING IMPROVED MEN-**
20 **TAL HEALTH OUTCOMES FOR PA-**
21 **TIENTS**

22 **SEC. 1121. INNOVATION FOR MENTAL HEALTH.**

23 *(a) NATIONAL MENTAL HEALTH AND SUBSTANCE USE*
24 *POLICY LABORATORY.—Section 501A of the Public Health*
25 *Service Act (42 U.S.C. 290aa–0) is amended—*

2969

1 (1) *in subsection (e)(1), by striking “Indian*
2 *tribes or tribal organizations” and inserting “Indian*
3 *Tribes or Tribal organizations”;*

4 (2) *by striking subsection (e)(3); and*

5 (3) *by adding at the end the following:*

6 “(f) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
7 *out this section, there is authorized to be appropriated*
8 *\$10,000,000 for each of fiscal years 2023 through 2027.”.*

9 (b) *GAO STUDY.—Not later than 18 months after the*
10 *date of enactment of this Act, the Comptroller General of*
11 *the United States shall prepare a report on the work of the*
12 *National Mental Health and Substance Use Policy Labora-*
13 *tory established under section 501A of the Public Health*
14 *Service Act (42 U.S.C. 290aa–0), including—*

15 (1) *the extent to which such Laboratory is meet-*
16 *ing its responsibilities as set forth in such section*
17 *501A; and*

18 (2) *any recommendations for improvement, in-*
19 *cluding methods to expand the use of evidence-based*
20 *practices across programs, recommendations to im-*
21 *prove program evaluations for effectiveness, and dis-*
22 *semination of resources to stakeholders and the public.*

23 (c) *INTERDEPARTMENTAL SERIOUS MENTAL ILLNESS*
24 *COORDINATING COMMITTEE.—*

2970

1 (1) *IN GENERAL.*—Part A of title V of the Public
2 *Health Service Act* (42 U.S.C. 290aa et seq.), as
3 amended by section 1101, is further amended by in-
4 serting after section 501B, as added by such section
5 1101, the following:

6 **“SEC. 501C. INTERDEPARTMENTAL SERIOUS MENTAL ILL-**
7 **NESS COORDINATING COMMITTEE.**

8 “(a) *ESTABLISHMENT.*—

9 “(1) *IN GENERAL.*—The Secretary, or the des-
10 ignee of the Secretary, shall establish a committee to
11 be known as the Interdepartmental Serious Mental
12 Illness Coordinating Committee (in this section re-
13 ferred to as the ‘Committee’).

14 “(2) *FEDERAL ADVISORY COMMITTEE ACT.*—Ex-
15 cept as provided in this section, the provisions of the
16 *Federal Advisory Committee Act* (5 U.S.C. App.)
17 shall apply to the Committee.

18 “(b) *MEETINGS.*—The Committee shall meet not fewer
19 than 2 times each year.

20 “(c) *RESPONSIBILITIES.*—Not later than each of 1
21 year and 5 years after the date of enactment of this section,
22 the Committee shall submit to Congress and any other rel-
23 evant Federal department or agency a report including—

24 “(1) a summary of advances in serious mental
25 illness and serious emotional disturbance research re-

2971

1 *lated to the prevention of, diagnosis of, intervention*
2 *in, and treatment and recovery of serious mental ill-*
3 *nesses, serious emotional disturbances, and advances*
4 *in access to services and support for adults with a se-*
5 *rious mental illness or children with a serious emo-*
6 *tional disturbance;*

7 “(2) *an evaluation of the effect Federal programs*
8 *related to serious mental illness have on public health,*
9 *including outcomes such as—*

10 “(A) *rates of suicide, suicide attempts, inci-*
11 *dence and prevalence of serious mental illnesses,*
12 *serious emotional disturbances, and substance*
13 *use disorders, overdose, overdose deaths, emer-*
14 *gency hospitalizations, emergency department*
15 *boarding, preventable emergency department vis-*
16 *its, interaction with the criminal justice system,*
17 *homelessness, and unemployment;*

18 “(B) *increased rates of employment and en-*
19 *rollment in educational and vocational pro-*
20 *grams;*

21 “(C) *quality of mental and substance use*
22 *disorders treatment services; or*

23 “(D) *any other criteria as may be deter-*
24 *mined by the Secretary; and*

2972

1 “(3) *specific recommendations for actions that*
2 *agencies can take to better coordinate the administra-*
3 *tion of mental health services for adults with a serious*
4 *mental illness or children with a serious emotional*
5 *disturbance.*

6 “(d) *MEMBERSHIP.*—

7 “(1) *FEDERAL MEMBERS.*—*The Committee shall*
8 *be composed of the following Federal representatives,*
9 *or the designees of such representatives—*

10 “(A) *the Secretary of Health and Human*
11 *Services, who shall serve as the Chair of the*
12 *Committee;*

13 “(B) *the Assistant Secretary for Mental*
14 *Health and Substance Use;*

15 “(C) *the Attorney General;*

16 “(D) *the Secretary of Veterans Affairs;*

17 “(E) *the Secretary of Defense;*

18 “(F) *the Secretary of Housing and Urban*
19 *Development;*

20 “(G) *the Secretary of Education;*

21 “(H) *the Secretary of Labor;*

22 “(I) *the Administrator of the Centers for*
23 *Medicare & Medicaid Services;*

24 “(J) *the Administrator of the Administra-*
25 *tion for Community Living; and*

2973

1 “(K) *the Commissioner of Social Security.*

2 “(2) *NON-FEDERAL MEMBERS.—The Committee*
3 *shall also include not less than 14 non-Federal public*
4 *members appointed by the Secretary of Health and*
5 *Human Services, of which—*

6 “(A) *at least 2 members shall be an indi-*
7 *vidual who has received treatment for a diag-*
8 *nosis of a serious mental illness;*

9 “(B) *at least 1 member shall be a parent or*
10 *legal guardian of an adult with a history of a*
11 *serious mental illness or a child with a history*
12 *of a serious emotional disturbance;*

13 “(C) *at least 1 member shall be a represent-*
14 *ative of a leading research, advocacy, or service*
15 *organization for adults with a serious mental ill-*
16 *ness;*

17 “(D) *at least 2 members shall be—*

18 “(i) *a licensed psychiatrist with expe-*
19 *rience in treating serious mental illnesses;*

20 “(ii) *a licensed psychologist with expe-*
21 *rience in treating serious mental illnesses or*
22 *serious emotional disturbances;*

23 “(iii) *a licensed clinical social worker*
24 *with experience treating serious mental ill-*
25 *nesses or serious emotional disturbances; or*

2974

1 “(iv) a licensed psychiatric nurse,
2 nurse practitioner, or physician assistant
3 with experience in treating serious mental
4 illnesses or serious emotional disturbances;

5 “(E) at least 1 member shall be a licensed
6 mental health professional with a specialty in
7 treating children and adolescents with a serious
8 emotional disturbance;

9 “(F) at least 1 member shall be a mental
10 health professional who has research or clinical
11 mental health experience in working with mi-
12 norities;

13 “(G) at least 1 member shall be a mental
14 health professional who has research or clinical
15 mental health experience in working with medi-
16 cally underserved populations;

17 “(H) at least 1 member shall be a State cer-
18 tified mental health peer support specialist;

19 “(I) at least 1 member shall be a judge with
20 experience in adjudicating cases related to crimi-
21 nal justice or serious mental illness;

22 “(J) at least 1 member shall be a law en-
23 forcement officer or corrections officer with exten-
24 sive experience in interfacing with adults with a
25 serious mental illness, children with a serious

2975

1 *emotional disturbance, or individuals in a men-*
2 *tal health crisis; and*

3 “(K) *at least 1 member shall have experi-*
4 *ence providing services for homeless individuals*
5 *and working with adults with a serious mental*
6 *illness, children with a serious emotional dis-*
7 *turbance, or individuals in a mental health cri-*
8 *sis.*

9 “(3) *TERMS.—A member of the Committee ap-*
10 *pointed under paragraph (2) shall serve for a term of*
11 *3 years, and may be reappointed for 1 or more addi-*
12 *tional 3-year terms. Any member appointed to fill a*
13 *vacancy for an unexpired term shall be appointed for*
14 *the remainder of such term. A member may serve*
15 *after the expiration of the member’s term until a suc-*
16 *cessor has been appointed.*

17 “(e) *WORKING GROUPS.—In carrying out its func-*
18 *tions, the Committee may establish working groups. Such*
19 *working groups shall be composed of Committee members,*
20 *or their designees, and may hold such meetings as are nec-*
21 *essary.*

22 “(f) *SUNSET.—The Committee shall terminate on Sep-*
23 *tember 30, 2027.”.*

24 “(2) *CONFORMING AMENDMENTS.—*

2976

1 (A) *Section 501(l)(2) of the Public Health*
2 *Service Act (42 U.S.C. 290aa(l)(2)) is amended*
3 *by striking “section 6031 of such Act” and in-*
4 *serting “section 501C”.*

5 (B) *The Helping Families in Mental Health*
6 *Crisis Reform Act of 2016 (Division B of Public*
7 *Law 114–255) is amended—*

8 (i) *by repealing section 6031; and*

9 (ii) *by conforming the item relating to*
10 *such section in the table of contents in sec-*
11 *tion 1(b) of Public Law 114–255.*

12 (d) *PRIORITY MENTAL HEALTH NEEDS OF REGIONAL*
13 *AND NATIONAL SIGNIFICANCE.—Section 520A of the Public*
14 *Health Service Act (42 U.S.C. 290bb–32) is amended—*

15 (1) *in subsection (a), by striking “Indian tribes*
16 *or tribal organizations” and inserting “Indian Tribes*
17 *or Tribal organizations”; and*

18 (2) *in subsection (f), by striking “\$394,550,000*
19 *for each of fiscal years 2018 through 2022” and in-*
20 *serting “\$599,036,000 for each of fiscal years 2023*
21 *through 2027”.*

22 **SEC. 1122. CRISIS CARE COORDINATION.**

23 (a) *STRENGTHENING COMMUNITY CRISIS RESPONSE*
24 *SYSTEMS.—Section 520F of the Public Health Service Act*
25 *(42 U.S.C. 290bb–37) is amended to read as follows:*

2977

1 **“SEC. 520F. MENTAL HEALTH CRISIS RESPONSE PARTNER-**
2 **SHIP PILOT PROGRAM.**

3 “(a) *IN GENERAL.—The Secretary shall establish a*
4 *pilot program under which the Secretary will award com-*
5 *petitive grants to States, localities, territories, Indian*
6 *Tribes, and Tribal organizations to establish new, or en-*
7 *hance existing, mobile crisis response teams that divert the*
8 *response for mental health and substance use disorder crises*
9 *from law enforcement to mobile crisis teams, as described*
10 *in subsection (b).*

11 “(b) *MOBILE CRISIS TEAMS DESCRIBED.—A mobile*
12 *crisis team, for purposes of this section, is a team of indi-*
13 *viduals—*

14 “(1) *that is available to respond to individuals*
15 *in mental health and substance use disorder crises*
16 *and provide immediate stabilization, referrals to com-*
17 *munity-based mental health and substance use dis-*
18 *order services and supports, and triage to a higher*
19 *level of care if medically necessary;*

20 “(2) *which may include licensed counselors, clin-*
21 *ical social workers, physicians, paramedics, crisis*
22 *workers, peer support specialists, or other qualified*
23 *individuals; and*

24 “(3) *which may provide support to divert mental*
25 *health and substance use disorder crisis calls from the*
26 *9–1–1 system to the 9–8–8 system.*

2978

1 “(c) *PRIORITY.*—*In awarding grants under this sec-*
2 *tion, the Secretary shall prioritize applications which ac-*
3 *count for the specific needs of the communities to be served,*
4 *including children and families, veterans, rural and under-*
5 *served populations, and other groups at increased risk of*
6 *death from suicide or overdose.*

7 “(d) *REPORT.*—

8 “(1) *INITIAL REPORT.*—*Not later than September*
9 *30, 2024, the Secretary shall submit to Congress a re-*
10 *port on steps taken by States, localities, territories,*
11 *Indian Tribes, and Tribal organizations prior to the*
12 *date of enactment of this section to strengthen the*
13 *partnerships among mental health providers, sub-*
14 *stance use disorder treatment providers, primary care*
15 *physicians, mental health and substance use disorder*
16 *crisis teams, paramedics, law enforcement officers,*
17 *and other first responders.*

18 “(2) *PROGRESS REPORTS.*—*Not later than one*
19 *year after the date on which the first grant is award-*
20 *ed to carry out this section, and for each year there-*
21 *after, the Secretary shall submit to Congress a report*
22 *on the grants made during the year covered by the re-*
23 *port, which shall include—*

24 “(A) *impact data on the teams and people*
25 *served by such programs, including demographic*

2979

1 *information of individuals served, volume, and*
2 *types of service utilization;*

3 *“(B) outcomes of the number of linkages*
4 *made to community-based resources or short-*
5 *term crisis receiving and stabilization facilities,*
6 *as applicable, and diversion from law enforce-*
7 *ment or hospital emergency department settings;*

8 *“(C) data consistent with the State block*
9 *grant requirements for continuous evaluation*
10 *and quality improvement, and other relevant*
11 *data as determined by the Secretary;*

12 *“(D) identification and, where appropriate,*
13 *recommendations of best practices from States*
14 *and localities providing mobile crisis response*
15 *and stabilization services for youth and adults;*
16 *and*

17 *“(E) identification of any opportunities for*
18 *improvements to the program established under*
19 *this section.*

20 *“(e) AUTHORIZATION OF APPROPRIATIONS.—There are*
21 *authorized to be appropriated to carry out this section,*
22 *\$10,000,000 for each of fiscal years 2023 through 2027.”.*

23 *(b) MENTAL HEALTH AWARENESS TRAINING*
24 *GRANTS.—*

2980

1 (1) *IN GENERAL.*—Section 520J(b) of the Public
2 *Health Service Act* (42 U.S.C. 290bb–41(b)) is
3 *amended*—

4 (A) in paragraph (1), by striking “Indian
5 *tribes, tribal organizations*” and inserting “*In-*
6 *dian Tribes, Tribal organizations*”;

7 (B) in paragraph (4), by striking “Indian
8 *tribe, tribal organization*” and inserting “*Indian*
9 *Tribe, Tribal organization*”;

10 (C) in paragraph (5)—

11 (i) by striking “Indian tribe, tribal or-
12 *ganization*” and inserting “*Indian Tribe,*
13 *Tribal organization*”;

14 (ii) in subparagraph (A), by striking
15 “and” at the end;

16 (iii) in subparagraph (B)(ii), by strik-
17 ing the period at the end and inserting “;
18 and”;

19 (iv) by adding at the end the following:
20 “(C) *suicide intervention and prevention.*”;

21 (D) in paragraph (6), by striking “Indian
22 *tribe, tribal organization*” and inserting “*Indian*
23 *Tribe, Tribal organization*”;

24 (E) by redesignating paragraph (7) as
25 paragraph (8);

2981

1 (F) by inserting after paragraph (6) the fol-
2 lowing:

3 “(7) *TECHNICAL ASSISTANCE.*—*The Secretary*
4 *may provide technical assistance to grantees in car-*
5 *rying out this section, which may include assistance*
6 *with—*

7 “(A) *program evaluation and related activi-*
8 *ties, including related data collection and report-*
9 *ing;*

10 “(B) *implementing and disseminating evi-*
11 *dence-based practices and programs; and*

12 “(C) *facilitating collaboration among grant-*
13 *ees.*”; and

14 (G) *in paragraph (8), as so redesignated, by*
15 *striking “\$14,693,000 for each of fiscal years*
16 *2018 through 2022” and inserting “\$24,963,000*
17 *for each of fiscal years 2023 through 2027”.*

18 (2) *TECHNICAL CORRECTIONS.*—*Section 520J(b)*
19 *of the Public Health Service Act (42 U.S.C. 290bb–*
20 *41(b)) is amended—*

21 (A) *in the heading of paragraph (2), by*
22 *striking “EMERGENCY SERVICES PERSONNEL”*
23 *and inserting “EMERGENCY SERVICES PER-*
24 *SONNEL”; and*

2982

1 (B) in the heading of paragraph (3), by
2 striking “DISTRIBUTION OF AWARDS” and in-
3 serting “DISTRIBUTION OF AWARDS”.

4 (c) ADULT SUICIDE PREVENTION.—Section 520L of
5 the Public Health Service Act (42 U.S.C. 290bb–43) is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by striking “individuals who are 25
10 years of age or older” and inserting “adult
11 individuals”; and

12 (ii) by inserting “prevention” after
13 “raise awareness of suicide”; and

14 (B) in paragraph (2)—

15 (i) by striking “Indian tribe” each
16 place it appears and inserting “Indian
17 Tribe”; and

18 (ii) by striking “tribal organization”
19 each place it appears and inserting “Tribal
20 organization”; and

21 (C) by amending paragraph (3)(C) to read
22 as follows:

23 “(C) Raising awareness of suicide preven-
24 tion resources and promoting help seeking among
25 those at risk for suicide.”;

2983

1 (2) *in subsection (b)—*

2 (A) *in paragraph (1), by striking “; and”*
3 *and inserting a semicolon;*

4 (B) *in paragraph (2), by striking the period*
5 *at the end and inserting “; and”; and*

6 (C) *by adding at the end the following:*

7 “(3) *identify best practices, as applicable, to im-*
8 *prove the identification, assessment, treatment, and*
9 *timely transition, as appropriate, to additional or*
10 *follow-up care for individuals in emergency depart-*
11 *ments who are at risk for suicide and enhance the co-*
12 *ordination of care for such individuals during and*
13 *after discharge, in support of activities under sub-*
14 *section (a).”; and*

15 (3) *in subsection (d), by striking “\$30,000,000*
16 *for the period of fiscal years 2018 through 2022” and*
17 *inserting “\$30,000,000 for each of fiscal years 2023*
18 *through 2027”.*

19 **SEC. 1123. TREATMENT OF SERIOUS MENTAL ILLNESS.**

20 (a) *ASSERTIVE COMMUNITY TREATMENT GRANT PRO-*
21 *GRAM.—*

22 (1) *TECHNICAL AMENDMENT.—Section 520M(b)*
23 *of the Public Health Service Act (42 U.S.C. 290bb–*
24 *44(b)) is amended by striking “Indian tribe or tribal*

2984

1 *organization” and inserting “Indian Tribe or Tribal*
2 *organization”.*

3 (2) *REPORT TO CONGRESS.—Section 520M(d)(1)*
4 *of the Public Health Service Act (42 U.S.C. 290bb–*
5 *44(d)(1)) is amended—*

6 (A) *by striking “not later than the end of*
7 *fiscal year 2021” and inserting “not later than*
8 *the end of fiscal year 2026”;* and

9 (B) *by striking “appropriate congressional*
10 *committees” and inserting “Committee on*
11 *Health, Education, Labor, and Pensions of the*
12 *Senate and the Committee on Energy and Com-*
13 *merce of the House of Representatives”.*

14 (3) *AUTHORIZATION OF APPROPRIATIONS.—Sec-*
15 *tion 520M(e)(1) of the Public Health Service Act (42*
16 *U.S.C. 290bb–44(d)(1)) is amended by striking*
17 *“\$5,000,000 for the period of fiscal years 2018*
18 *through 2022” and inserting “\$9,000,000 for each of*
19 *fiscal years 2023 through 2027”.*

20 (b) *ASSISTED OUTPATIENT TREATMENT.—*

21 (1) *IN GENERAL.—Section 224 of the Protecting*
22 *Access to Medicare Act of 2014 (Public Law 113–93;*
23 *42 U.S.C. 290aa note) is amended—*

24 (A) *in subsection (a), by striking “4-year*
25 *pilot”;*

2985

1 *(B) in subsection (e), in the matter pre-*
2 *ceding paragraph (1)—*

3 *(i) by striking “each of fiscal years*
4 *2016, 2017, 2018, 2019, 2020, 2021, and*
5 *2022” and inserting “fiscal year 2023, and*
6 *biennially thereafter”; and*

7 *(ii) by striking “appropriate congres-*
8 *sional committees” and inserting “Com-*
9 *mittee on Health, Education, Labor, and*
10 *Pensions of the Senate and the Committee*
11 *on Energy and Commerce of the House of*
12 *Representatives”;*

13 *(C) in subsection (e), by inserting after*
14 *paragraph (4) the following:*

15 *“(5) Demographic information regarding par-*
16 *ticipation of those served by the grant compared to*
17 *demographic information in the population of the*
18 *grant recipient.”; and*

19 *(D) in subsection (g)—*

20 *(i) in paragraph (1), by striking*
21 *“2015 through 2022” and inserting “2023*
22 *through 2027”; and*

23 *(ii) by amending paragraph (2) to*
24 *read as follows:*

2986

1 “(2) *AUTHORIZATION OF APPROPRIATIONS.—*

2 *There is authorized to be appropriated to carry out*
3 *this section \$22,000,000 for each of fiscal years 2023*
4 *through 2027.”.*

5 (2) *GAO REPORT.—Not later than 3 years after*
6 *the date of enactment of this Act, the Comptroller*
7 *General of the United States shall submit to the Com-*
8 *mittee on Health, Education, Labor, and Pensions of*
9 *the Senate and the Committee on Energy and Com-*
10 *merce of the House of Representatives a report exam-*
11 *ining the efficacy of assisted outpatient treatment*
12 *programs that received funding under section 224 of*
13 *the Protecting Access to Medicare Act of 2014 (Public*
14 *Law 113– 93; 42 U.S.C. 290aa note) in improving*
15 *health outcomes and treatment adherence, reducing*
16 *rates of incarceration, and reducing rates of homeless-*
17 *ness. Such report shall include—*

18 (A) *a comparison of health outcomes, treat-*
19 *ment compliance, program participant feedback,*
20 *reduced rates of incarceration, and reduced rates*
21 *of homelessness as compared to other evidence-*
22 *and community-based outpatient treatment pro-*
23 *grams and services, including information on ge-*
24 *ographic differences in program efficacy, as ap-*
25 *plicable; and*

2987

1 (B) *identification of best practices used, as*
2 *applicable, in the implementation of assisted*
3 *outpatient treatment programs to ensure pro-*
4 *gram participants are receiving treatment in the*
5 *least restrictive environment that is clinically*
6 *appropriate consistent with Federal and State*
7 *law, as applicable.*

8 **SEC. 1124. STUDY ON THE COSTS OF SERIOUS MENTAL ILL-**
9 **NESS.**

10 (a) *IN GENERAL.*—*The Secretary of Health and*
11 *Human Services, in consultation with the Assistant Sec-*
12 *retary for Mental Health and Substance Use, the Assistant*
13 *Secretary for Planning and Evaluation, the Attorney Gen-*
14 *eral of the United States, the Secretary of Labor, and the*
15 *Secretary of Housing and Urban Development, shall con-*
16 *duct a study on the direct and indirect costs of serious men-*
17 *tal illness with respect to—*

18 (1) *nongovernmental entities; and*

19 (2) *the Federal Government and State, local, and*
20 *Tribal governments.*

21 (b) *CONTENT.*—*The study under subsection (a) shall*
22 *consider each of the following:*

23 (1) *The costs to the health care system for health*
24 *services, including with respect to—*

25 (A) *office-based physician visits;*

2988

1 (B) residential and inpatient treatment
2 programs;

3 (C) outpatient treatment programs;

4 (D) emergency department visits;

5 (E) crisis stabilization programs;

6 (F) home health care;

7 (G) skilled nursing and long-term care fa-
8 cilities;

9 (H) prescription drugs and digital thera-
10 peutics; and

11 (I) any other relevant health services.

12 (2) The costs of homelessness, including with re-
13 spect to—

14 (A) homeless shelters;

15 (B) street outreach activities;

16 (C) crisis response center visits; and

17 (D) other supportive services.

18 (3) The costs of structured residential facilities
19 and other supportive housing for residential and cus-
20 todial care services.

21 (4) The costs of law enforcement encounters and
22 encounters with the criminal justice system, including
23 with respect to—

24 (A) encounters that do and do not result in
25 an arrest;

2989

1 (B) criminal and judicial proceedings;

2 (C) services provided by law enforcement
3 and judicial staff (including public defenders,
4 prosecutors, and private attorneys); and

5 (D) incarceration.

6 (5) The costs of serious mental illness on employ-
7 ment.

8 (6) With respect to family members and care-
9 givers, the costs of caring for an individual with a se-
10 rious mental illness.

11 (7) Any other relevant costs for programs and
12 services administered by the Federal Government or
13 State, Tribal, or local governments.

14 (c) DATA DISAGGREGATION.—In conducting the study
15 under subsection (a), the Secretary of Health and Human
16 Services shall (to the extent feasible)—

17 (1) disaggregate data by—

18 (A) costs to nongovernmental entities, the
19 Federal Government, and State, local, and Trib-
20 al governments;

21 (B) types of serious mental illnesses and
22 medical chronic diseases common in patients
23 with a serious mental illness; and

24 (C) demographic characteristics, including
25 race, ethnicity, sex, age (including pediatric sub-

2990

1 *groups), and other characteristics determined by*
2 *the Secretary; and*

3 *(2) include an estimate of—*

4 *(A) the total number of individuals with a*
5 *serious mental illness in the United States, in-*
6 *cluding in traditional and nontraditional hous-*
7 *ing; and*

8 *(B) the percentage of such individuals in—*
9 *(i) homeless shelters;*

10 *(ii) penal facilities, including Federal*
11 *prisons, State prisons, and county and mu-*
12 *nicipal jails; and*

13 *(iii) nursing facilities.*

14 *(d) REPORT.—Not later than 2 years after the date*
15 *of the enactment of this Act, the Secretary of Health and*
16 *Human Services shall—*

17 *(1) submit to the Congress a report containing*
18 *the results of the study conducted under this section;*
19 *and*

20 *(2) make such report publicly available.*

2991

1 **CHAPTER 4—ANNA WESTIN LEGACY**2 **SEC. 1131. MAINTAINING EDUCATION AND TRAINING ON**
3 **EATING DISORDERS.**4 *Subpart 3 of part B of title V of the Public Health*
5 *Service Act (42 U.S.C. 290bb–31 et seq.) is amended by*
6 *adding at the end the following:*7 **“SEC. 520N. CENTER OF EXCELLENCE FOR EATING DIS-**
8 **ORDERS FOR EDUCATION AND TRAINING ON**
9 **EATING DISORDERS.**10 *“(a) IN GENERAL.—The Secretary, acting through the*
11 *Assistant Secretary, shall maintain, by competitive grant*
12 *or contract, a Center of Excellence for Eating Disorders (re-*
13 *ferred to in this section as the ‘Center’) to improve the iden-*
14 *tification of, interventions for, and treatment of eating dis-*
15 *orders in a manner that is developmentally, culturally, and*
16 *linguistically appropriate.*17 *“(b) SUBGRANTS AND SUBCONTRACTS.—The Center*
18 *shall coordinate and implement the activities under sub-*
19 *section (c), in whole or in part, which may include by*
20 *awarding competitive subgrants or subcontracts—*21 *“(1) across geographical regions; and*22 *“(2) in a manner that is not duplicative.*23 *“(c) ACTIVITIES.—The Center—*24 *“(1) shall—*

2992

1 “(A) provide training and technical assist-
2 ance, including for—

3 “(i) primary care and mental health
4 providers to carry out screening, brief inter-
5 vention, and referral to treatment for indi-
6 viduals experiencing, or at risk for, eating
7 disorders; and

8 “(ii) other paraprofessionals and rel-
9 evant individuals providing nonclinical
10 community services to identify and support
11 individuals with, or at disproportionate
12 risk for, eating disorders;

13 “(B) facilitate the development of, and pro-
14 vide training materials to, health care providers
15 (including primary care and mental health pro-
16 fessionals) regarding the effective treatment and
17 ongoing support of individuals with eating dis-
18 orders, including children and marginalized
19 populations at disproportionate risk for eating
20 disorders;

21 “(C) collaborate and coordinate, as appro-
22 priate, with other centers of excellence, technical
23 assistance centers, and psychiatric consultation
24 lines of the Substance Abuse and Mental Health
25 Services Administration and the Health Re-

2993

1 *sources and Services Administration regarding*
2 *eating disorders;*

3 *“(D) coordinate with the Director of the*
4 *Centers for Disease Control and Prevention and*
5 *the Administrator of the Health Resources and*
6 *Services Administration, and other Federal*
7 *agencies, as appropriate, to disseminate training*
8 *to primary care and mental health care pro-*
9 *viders; and*

10 *“(E) support other activities, as determined*
11 *appropriate by the Secretary; and*

12 *“(2) may—*

13 *“(A) support the integration of protocols*
14 *pertaining to screening, brief intervention, and*
15 *referral to treatment for individuals experi-*
16 *encing, or at risk for, eating disorders, with*
17 *health information technology systems;*

18 *“(B) develop and provide training mate-*
19 *rials to health care providers, including primary*
20 *care and mental health providers, to provide*
21 *screening, brief intervention, and referral to*
22 *treatment for members of the military and vet-*
23 *erans experiencing, or at risk for, eating dis-*
24 *orders; and*

2994

1 “(C) consult, as appropriate, with the Sec-
2 retary of Defense and the Secretary of Veterans
3 Affairs on prevention, identification, interven-
4 tion for, and treatment of eating disorders.

5 “(d) AUTHORIZATION OF APPROPRIATIONS.—To carry
6 out this section, there is authorized to be appropriated
7 \$1,000,000 for each of fiscal years 2023 through 2027.”.

8 **CHAPTER 5—COMMUNITY MENTAL**
9 **HEALTH SERVICES BLOCK GRANT RE-**
10 **AUTHORIZATION**

11 **SEC. 1141. REAUTHORIZATION OF BLOCK GRANTS FOR**
12 **COMMUNITY MENTAL HEALTH SERVICES.**

13 (a) FUNDING.—Section 1920(a) of the Public Health
14 Service Act (42 U.S.C. 300x–9(a)) is amended by striking
15 “\$532,571,000 for each of fiscal years 2018 through 2022”
16 and inserting “\$857,571,000 for each of fiscal years 2023
17 through 2027”.

18 (b) SET-ASIDE FOR EVIDENCE-BASED CRISIS CARE
19 SERVICES.—Section 1920 of the Public Health Service Act
20 (42 U.S.C. 300x–9) is amended by adding at the end the
21 following:

22 “(d) CRISIS CARE.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (3), a State shall expend at least 5 percent of
25 the amount the State receives pursuant to section

2995

1 *1911 for each fiscal year to support evidenced-based*
2 *programs that address the crisis care needs of indi-*
3 *viduals with serious mental illnesses and children*
4 *with serious emotional disturbances, which may in-*
5 *clude individuals (including children and adolescents)*
6 *experiencing mental health crises demonstrating seri-*
7 *ous mental illness or serious emotional disturbance,*
8 *as applicable.*

9 “(2) *CORE ELEMENTS.*—*At the discretion of the*
10 *single State agency responsible for the administration*
11 *of the program of the State under a grant under sec-*
12 *tion 1911, funds expended pursuant to paragraph (1)*
13 *may be used to fund some or all of the core crisis care*
14 *service components, as applicable and appropriate,*
15 *including the following:*

16 “(A) *Crisis call centers.*

17 “(B) *24/7 mobile crisis services.*

18 “(C) *Crisis stabilization programs offering*
19 *acute care or subacute care in a hospital or ap-*
20 *propriately licensed facility, as determined by*
21 *such State, with referrals to inpatient or out-*
22 *patient care.*

23 “(3) *STATE FLEXIBILITY.*—*In lieu of expending*
24 *5 percent of the amount the State receives pursuant*
25 *to section 1911 for a fiscal year to support evidence-*

2996

1 *based programs as required by paragraph (1), a State*
2 *may elect to expend not less than 10 percent of such*
3 *amount to support such programs by the end of two*
4 *consecutive fiscal years.*

5 “(4) *RULE OF CONSTRUCTION.*—*Section*
6 *1912(b)(1)(A)(vi) shall not be construed as limiting*
7 *the provision of crisis care services pursuant to para-*
8 *graph (1).”.*

9 (c) *REPORT TO CONGRESS.*—*Not later than September*
10 *30, 2025, and biennially thereafter, the Secretary shall pro-*
11 *vide a report to the Congress on the crisis care strategies*
12 *and programs pursued by States pursuant to subsection (d)*
13 *of section 1920 of the Public Health Service Act (42 U.S.C.*
14 *300x–9), as added by subsection (b). Such report shall in-*
15 *clude—*

16 (1) *a description of each State’s crisis care ac-*
17 *tivities;*

18 (2) *the population served, including information*
19 *on demographics, including age;*

20 (3) *the outcomes of such activities, including—*

21 (A) *how such activities reduced hospitaliza-*
22 *tions and hospital stays;*

23 (B) *how such activities reduced incidents of*
24 *suicidal ideation and behaviors; and*

2997

1 (C) how such activities reduced the severity
2 of onset of serious mental illness and serious
3 emotional disturbance, as applicable; and
4 (4) any other relevant information the Secretary
5 determines is necessary.

6 **CHAPTER 6—PEER-SUPPORTED MENTAL**
7 **HEALTH SERVICES**

8 **SEC. 1151. PEER-SUPPORTED MENTAL HEALTH SERVICES.**

9 Subpart 3 of part B of title V of the Public Health
10 Service Act (42 U.S.C. 290bb—31 et seq.) is amended by
11 inserting after section 520G (42 U.S.C. 290bb—38) the fol-
12 lowing:

13 **“SEC. 520H. PEER-SUPPORTED MENTAL HEALTH SERVICES.**

14 “(a) **GRANTS AUTHORIZED.**—The Secretary, acting
15 through the Assistant Secretary for Mental Health and Sub-
16 stance Use, shall award grants to eligible entities to enable
17 such entities to develop, expand, and enhance access to men-
18 tal health peer-delivered services.

19 “(b) **USE OF FUNDS.**—Grants awarded under sub-
20 section (a) shall be used to develop, expand, and enhance
21 national, statewide, or community-focused programs, in-
22 cluding virtual peer-support services and technology-related
23 capabilities, including by—

2998

1 “(1) carrying out workforce development, recruit-
2 ment, and retention activities, to train, recruit, and
3 retain peer-support providers;

4 “(2) building connections between mental health
5 treatment programs, including between community
6 organizations and peer-support networks, including
7 virtual peer-support networks, and with other mental
8 health support services;

9 “(3) reducing stigma associated with mental
10 health disorders;

11 “(4) expanding and improving virtual peer men-
12 tal health support services, including through the
13 adoption of technologies and capabilities to expand
14 access to virtual peer mental health support services,
15 such as by acquiring equipment and software nec-
16 essary to efficiently run virtual peer-support services;
17 and

18 “(5) conducting research on issues relating to
19 mental illness and the impact peer-support has on re-
20 siliency, including identifying—

21 “(A) the signs of mental illness;

22 “(B) the resources available to individuals
23 with mental illness and to their families; and

24 “(C) the resources available to help support
25 individuals living with mental illness.

2999

1 “(c) *SPECIAL CONSIDERATION.*—*In carrying out this*
2 *section, the Secretary shall give special consideration to the*
3 *unique needs of rural areas.*

4 “(d) *DEFINITION.*—*In this section, the term ‘eligible*
5 *entity’ means—*

6 “(1) *a consumer-run nonprofit organization*
7 *that—*

8 “(A) *is principally governed by people liv-*
9 *ing with a mental health condition; and*

10 “(B) *mobilizes resources within and outside*
11 *of the mental health community, which may in-*
12 *clude through peer-support networks, to increase*
13 *the prevalence and quality of long-term wellness*
14 *of individuals living with a mental health condi-*
15 *tion, including those with a co-occurring sub-*
16 *stance use disorder; or*

17 “(2) *an Indian Tribe, Tribal organization,*
18 *Urban Indian organization, or consortium of Tribes*
19 *or Tribal organizations.*

20 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
21 *authorized to be appropriated to carry out this section*
22 *\$13,000,000 for each of fiscal years 2023 through 2027.”.*

3000

1 ***Subtitle B—Substance Use Disorder***
2 ***Prevention, Treatment, and Re-***
3 ***covery Services***

4 ***CHAPTER 1—NATIVE BEHAVIORAL***
5 ***HEALTH RESOURCES***

6 ***SEC. 1201. BEHAVIORAL HEALTH AND SUBSTANCE USE DIS-***
7 ***ORDER RESOURCES FOR NATIVE AMERICANS.***

8 *Section 506A of the Public Health Service Act (42*
9 *U.S.C. 290aa–5a) is amended to read as follows:*

10 ***“SEC. 506A. BEHAVIORAL HEALTH AND SUBSTANCE USE***
11 ***DISORDER RESOURCES FOR NATIVE AMERI-***
12 ***CANS.***

13 *“(a) DEFINITIONS.—In this section:*

14 *“(1) The term ‘eligible entity’ means any health*
15 *program administered directly by the Indian Health*
16 *Service, a Tribal health program, an Indian Tribe, a*
17 *Tribal organization, an Urban Indian organization,*
18 *and a Native Hawaiian health organization.*

19 *“(2) The terms ‘Indian Tribe’, ‘Tribal health*
20 *program’, ‘Tribal organization’, and ‘Urban Indian*
21 *organization’ have the meanings given to the terms*
22 *‘Indian tribe’, ‘Tribal health program’, ‘tribal organi-*
23 *zation’, and ‘Urban Indian organization’ in section 4*
24 *of the Indian Health Care Improvement Act.*

3001

1 “(3) *The term ‘health program administered di-*
2 *rectly by the Indian Health Service’ means a ‘health*
3 *program administered by the Service’ as such term is*
4 *used in section 4(12)(A) of the Indian Health Care*
5 *Improvement Act.*

6 “(4) *The term ‘Native Hawaiian health organi-*
7 *zation’ means ‘Papa Ola Lokahi’ as defined in section*
8 *12 of the Native Hawaiian Health Care Improvement*
9 *Act.*

10 “(b) *GRANT PROGRAM.—*

11 “(1) *IN GENERAL.—The Secretary, acting*
12 *through the Assistant Secretary for Mental Health*
13 *and Substance Use, and in consultation with the Di-*
14 *rector of the Indian Health Service, as appropriate,*
15 *shall award funds to eligible entities, in amounts de-*
16 *veloped in accordance with paragraph (2), to be used*
17 *by the eligible entity to provide services for the pre-*
18 *vention of, treatment of, and recovery from mental*
19 *health and substance use disorders among American*
20 *Indians, Alaska Natives, and Native Hawaiians.*

21 “(2) *FORMULA.—The Secretary, in consultation*
22 *with the Director of the Indian Health Service, using*
23 *the process described in subsection (d), shall develop*
24 *a formula to determine the amount of an award*
25 *under paragraph (1).*

3002

1 “(3) *DELIVERY OF FUNDS.*—*On request from an*
2 *Indian Tribe or Tribal organization, the Secretary,*
3 *acting through the Assistant Secretary for Mental*
4 *Health and Substance Use and in coordination with*
5 *the Director of the Indian Health Service, may award*
6 *funds under this section through a contract or com-*
7 *pact under, as applicable, title I or V of the Indian*
8 *Self-Determination and Education Assistance Act.*

9 “(c) *TECHNICAL ASSISTANCE AND PROGRAM EVALUA-*
10 *TION.*—

11 “(1) *IN GENERAL.*—*The Secretary shall—*

12 “(A) *provide technical assistance to appli-*
13 *cants and awardees under this section; and*

14 “(B) *in consultation with Indian Tribes*
15 *and Tribal organizations, conference with Urban*
16 *Indian organizations, and engagement with a*
17 *Native Hawaiian health organization, identify*
18 *and establish appropriate mechanisms for In-*
19 *dian Tribes and Tribal organizations, Urban In-*
20 *dian organizations, and a Native Hawaiian*
21 *health organization to demonstrate outcomes and*
22 *report data as required for participation in the*
23 *program under this section.*

24 “(2) *DATA SUBMISSION AND REPORTING.*—*As a*
25 *condition of receipt of funds under this section, an*

3003

1 *applicant shall agree to submit program evaluation*
2 *data and reports consistent with the data submission*
3 *and reporting requirements developed under this sub-*
4 *section.*

5 “(d) *CONSULTATION.*—*The Secretary shall, using an*
6 *accountable process, consult with Indian Tribes and Tribal*
7 *organizations, confer with Urban Indian organizations,*
8 *and engage with a Native Hawaiian health organization*
9 *regarding the development of funding allocations pursuant*
10 *to subsection (b)(2) and program evaluation and reporting*
11 *requirements pursuant to subsection (c). In establishing*
12 *such requirements, the Secretary shall seek to minimize ad-*
13 *ministrative burden for eligible entities, as practicable.*

14 “(e) *APPLICATION.*—*An entity desiring an award*
15 *under subsection (b) shall submit an application to the Sec-*
16 *retary at such time, in such manner, and accompanied by*
17 *such information as the Secretary may reasonably require.*

18 “(f) *REPORT.*—*Not later than 3 years after the date*
19 *of the enactment of the Restoring Hope for Mental Health*
20 *and Well-Being Act of 2022, the Secretary shall prepare*
21 *and submit, to the Committee on Health, Education, Labor,*
22 *and Pensions of the Senate, and the Committee on Energy*
23 *and Commerce of the House of Representatives, a report de-*
24 *scribing the services provided pursuant to this section.*

3004

1 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—There
2 are authorized to be appropriated to carry out this section,
3 \$80,000,000 for each of fiscal years 2023 through 2027.”.

4 **CHAPTER 2—SUMMER BARROW PREVEN-**
5 **TION, TREATMENT, AND RECOVERY**

6 **SEC. 1211. GRANTS FOR THE BENEFIT OF HOMELESS INDI-**
7 **VIDUALS.**

8 Section 506(e) of the Public Health Service Act (42
9 U.S.C. 290aa–5(e)) is amended by striking “2018 through
10 2022” and inserting “2023 through 2027”.

11 **SEC. 1212. PRIORITY SUBSTANCE USE DISORDER TREAT-**
12 **MENT NEEDS OF REGIONAL AND NATIONAL**
13 **SIGNIFICANCE.**

14 Section 509 of the Public Health Service Act (42
15 U.S.C. 290bb–2) is amended—

16 (1) in the section heading, by striking “**ABUSE**”
17 and inserting “**USE DISORDER**”;

18 (2) in subsection (a)—

19 (A) by striking “tribes and tribal organiza-
20 tions (as the terms ‘Indian tribes’ and ‘tribal or-
21 ganizations’ are defined” and inserting “Tribes
22 and Tribal organizations (as such terms are de-
23 fined”; and

3005

1 *(B) in paragraph (3), by striking “in sub-*
2 *stance abuse” and inserting “in substance use*
3 *disorders”;*

4 *(3) in subsection (b), in the subsection heading,*
5 *by striking “ABUSE” and inserting “USE DIS-*
6 *ORDER”;* and

7 *(4) in subsection (f), by striking “\$333,806,000*
8 *for each of fiscal years 2018 through 2022” and in-*
9 *serting “\$521,517,000 for each of fiscal years 2023*
10 *through 2027”.*

11 **SEC. 1213. EVIDENCE-BASED PRESCRIPTION OPIOID AND**
12 **HEROIN TREATMENT AND INTERVENTIONS**
13 **DEMONSTRATION.**

14 *Section 514B of the Public Health Service Act (42*
15 *U.S.C. 290bb–10) is amended—*

16 *(1) in subsection (a)(1)—*

17 *(A) by striking “substance abuse” and in-*
18 *serting “substance use disorder”;*

19 *(B) by striking “tribes and tribal organiza-*
20 *tions” and inserting “Tribes and Tribal organi-*
21 *zations”;* and

22 *(C) by striking “addiction” and inserting*
23 *“substance use disorders”;*

3006

1 (2) in subsection (e)(3), by striking “tribes and
2 tribal organizations” and inserting “Tribes and Trib-
3 al organizations”; and

4 (3) in subsection (f), by striking “2017 through
5 2021” and inserting “2023 through 2027”.

6 **SEC. 1214. PRIORITY SUBSTANCE USE DISORDER PREVEN-**
7 **TION NEEDS OF REGIONAL AND NATIONAL**
8 **SIGNIFICANCE.**

9 Section 516 of the Public Health Service Act (42
10 U.S.C. 290bb–22) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (3), by striking “abuse”
13 and inserting “use”; and

14 (B) in the matter following paragraph (3),
15 by striking “tribes or tribal organizations” and
16 inserting “Tribes or Tribal organizations”;

17 (2) in subsection (b), in the subsection heading,
18 by striking “ABUSE” and inserting “USE DIS-
19 ORDER”; and

20 (3) in subsection (f), by striking “\$211,148,000
21 for each of fiscal years 2018 through 2022” and in-
22 serting “\$218,219,000 for each of fiscal years 2023
23 through 2027”.

3007

1 **SEC. 1215. SOBER TRUTH ON PREVENTING (STOP) UNDER-**
2 **AGE DRINKING REAUTHORIZATION.**

3 *Section 519B of the Public Health Service Act (42*
4 *U.S.C. 290bb–25b) is amended—*

5 *(1) by amending subsection (a) to read as fol-*
6 *lows:*

7 *“(a) DEFINITIONS.—For purposes of this section:*

8 *“(1) The term ‘alcohol beverage industry’ means*
9 *the brewers, vintners, distillers, importers, distribu-*
10 *tors, and retail or online outlets that sell or serve*
11 *beer, wine, and distilled spirits.*

12 *“(2) The term ‘school-based prevention’ means*
13 *programs, which are institutionalized, and run by*
14 *staff members or school-designated persons or organi-*
15 *zations in any grade of school, kindergarten through*
16 *12th grade.*

17 *“(3) The term ‘youth’ means persons under the*
18 *age of 21.’; and*

19 *(2) by striking subsections (c) through (g) and*
20 *inserting the following:*

21 *“(c) INTERAGENCY COORDINATING COMMITTEE; AN-*
22 *NUAL REPORT ON STATE UNDERAGE DRINKING PREVEN-*
23 *TION AND ENFORCEMENT ACTIVITIES.—*

24 *“(1) INTERAGENCY COORDINATING COMMITTEE*
25 *ON THE PREVENTION OF UNDERAGE DRINKING.—*

3008

1 “(A) *IN GENERAL.*—*The Secretary, in col-*
2 *laboration with the Federal officials specified in*
3 *subparagraph (B), shall continue to support and*
4 *enhance the efforts of the interagency coordi-*
5 *nating committee, that began operating in 2004,*
6 *focusing on underage drinking (referred to in*
7 *this subsection as the ‘Committee’).*

8 “(B) *OTHER AGENCIES.*—*The officials re-*
9 *ferred to in subparagraph (A) are the Secretary*
10 *of Education, the Attorney General, the Sec-*
11 *retary of Transportation, the Secretary of the*
12 *Treasury, the Secretary of Defense, the Surgeon*
13 *General, the Director of the Centers for Disease*
14 *Control and Prevention, the Director of the Na-*
15 *tional Institute on Alcohol Abuse and Alco-*
16 *holism, the Assistant Secretary for Mental*
17 *Health and Substance Use, the Director of the*
18 *National Institute on Drug Abuse, the Assistant*
19 *Secretary for Children and Families, the Direc-*
20 *tor of the Office of National Drug Control Policy,*
21 *the Administrator of the National Highway*
22 *Traffic Safety Administration, the Adminis-*
23 *trator of the Office of Juvenile Justice and De-*
24 *linquency Prevention, the Chairman of the Fed-*
25 *eral Trade Commission, and such other Federal*

† HR 2617 EAS2

3009

1 *officials as the Secretary of Health and Human*
2 *Services determines to be appropriate.*

3 “(C) *CHAIR.*—*The Secretary of Health and*
4 *Human Services shall serve as the chair of the*
5 *Committee.*

6 “(D) *DUTIES.*—*The Committee shall guide*
7 *policy and program development across the Fed-*
8 *eral Government with respect to underage drink-*
9 *ing, provided, however, that nothing in this sec-*
10 *tion shall be construed as transferring regulatory*
11 *or program authority from an agency to the*
12 *Committee.*

13 “(E) *CONSULTATIONS.*—*The Committee*
14 *shall actively seek the input of and shall consult*
15 *with all appropriate and interested parties, in-*
16 *cluding States, public health research and inter-*
17 *est groups, foundations, and alcohol beverage in-*
18 *dustry trade associations and companies.*

19 “(F) *ANNUAL REPORT.*—

20 “(i) *IN GENERAL.*—*The Secretary, on*
21 *behalf of the Committee, shall annually sub-*
22 *mit to the Congress a report that summa-*
23 *rizes—*

24 “(I) *all programs and policies of*
25 *Federal agencies designed to prevent*

3010

1 *and reduce underage drinking, includ-*
2 *ing such programs and policies that*
3 *support State efforts to prevent or re-*
4 *duce underage drinking;*

5 *“(II) the extent of progress in pre-*
6 *venting and reducing underage drink-*
7 *ing at State and national levels;*

8 *“(III) data that the Secretary*
9 *shall collect with respect to the infor-*
10 *mation specified in clause (ii); and*

11 *“(IV) such other information re-*
12 *garding underage drinking as the Sec-*
13 *retary determines to be appropriate.*

14 *“(ii) CERTAIN INFORMATION.—The re-*
15 *port under clause (i) shall include informa-*
16 *tion on the following:*

17 *“(I) Patterns and consequences of*
18 *underage drinking as reported in re-*
19 *search and surveys such as, but not*
20 *limited to, Monitoring the Future,*
21 *Youth Risk Behavior Surveillance Sys-*
22 *tem, the National Survey on Drug Use*
23 *and Health, and the Fatality Analysis*
24 *Reporting System.*

3011

1 “(II) Measures of the availability
2 of alcohol from commercial and non-
3 commercial sources to underage popu-
4 lations.

5 “(III) Measures of the exposure of
6 underage populations to messages re-
7 garding alcohol in advertising, social
8 media, and the entertainment media.

9 “(IV) Surveillance data, includ-
10 ing, to the extent such information is
11 available, information on the onset and
12 prevalence of underage drinking, con-
13 sumption patterns and beverage pref-
14 erences, trends related to drinking
15 among different age groups, including
16 between youth and adults, the means of
17 underage access, including trends over
18 time, for these surveillance data, and
19 other data, as appropriate. The Sec-
20 retary shall develop a plan to improve
21 the collection, measurement, and con-
22 sistency of reporting Federal underage
23 alcohol data.

3012

1 “(V) *Any additional findings re-*
2 *sulting from research conducted or sup-*
3 *ported under subsection (g).*

4 “(VI) *Evidence-based best prac-*
5 *tices to prevent and reduce underage*
6 *drinking and provide treatment serv-*
7 *ices to those youth who need such serv-*
8 *ices.*

9 “(2) *ANNUAL REPORT ON STATE UNDERAGE*
10 *DRINKING PREVENTION AND ENFORCEMENT ACTIVI-*
11 *TIES.—*

12 “(A) *IN GENERAL.—The Secretary shall,*
13 *with input and collaboration from other appro-*
14 *priate Federal agencies, States, Indian Tribes,*
15 *territories, and public health, consumer, and al-*
16 *cohol beverage industry groups, annually issue a*
17 *report on each State’s performance in enacting,*
18 *enforcing, and creating laws, regulations, pro-*
19 *grams, and other actions to prevent or reduce*
20 *underage drinking based on the best practices*
21 *identified pursuant to paragraph (1)(F)(ii)(VI).*
22 *For purposes of this paragraph, each such re-*
23 *port, with respect to a year, shall be referred to*
24 *as the ‘State Report’. Each State Report may be*
25 *used as a resource to inform the identification*

† HR 2617 EAS2

3013

1 *and implementation of activities to prevent un-*
2 *derage drinking, as determined to be appropriate*
3 *by such State or other applicable entity.*

4 “(B) CONTENTS.—

5 “(i) PERFORMANCE MEASURES.—*The*
6 *Secretary shall develop, in consultation*
7 *with the Committee, a set of measures to be*
8 *used in preparing the State Report on best*
9 *practices, including as they relate to State*
10 *laws, regulations, other actions, and en-*
11 *forcement practices.*

12 “(ii) STATE REPORT CONTENT.—*The*
13 *State Report shall include updates on State*
14 *laws, regulations, and other actions, includ-*
15 *ing those described in previous reports to*
16 *Congress, including with respect to the fol-*
17 *lowing:*

18 “(I) *Whether or not the State has*
19 *comprehensive anti-underage drinking*
20 *laws such as for the illegal sale, pur-*
21 *chase, attempt to purchase, consump-*
22 *tion, or possession of alcohol; illegal*
23 *use of fraudulent ID; illegal furnishing*
24 *or obtaining of alcohol for an indi-*
25 *vidual under 21 years; the degree of*

3014

1 *strictness of the penalties for such of-*
2 *fenses; and the prevalence of the en-*
3 *forcement of each of these infractions.*

4 “(II) Whether or not the State has
5 *comprehensive liability statutes per-*
6 *taining to underage access to alcohol*
7 *such as dram shop, social host, and*
8 *house party laws, and the prevalence of*
9 *enforcement of each of these laws.*

10 “(III) Whether or not the State
11 *encourages and conducts comprehensive*
12 *enforcement efforts to prevent underage*
13 *access to alcohol at retail outlets, such*
14 *as random compliance checks and*
15 *shoulder tap programs, and the num-*
16 *ber of compliance checks within alcohol*
17 *retail outlets measured against the*
18 *number of total alcohol retail outlets in*
19 *each State, and the result of such*
20 *checks.*

21 “(IV) Whether or not the State en-
22 *courages training on the proper selling*
23 *and serving of alcohol for all sellers*
24 *and servers of alcohol as a condition of*
25 *employment.*

3015

1 “(V) *Whether or not the State has*
2 *policies and regulations with regard to*
3 *direct sales to consumers and home de-*
4 *livery of alcoholic beverages.*

5 “(VI) *Whether or not the State*
6 *has programs or laws to deter adults*
7 *from purchasing alcohol for minors;*
8 *and the number of adults targeted by*
9 *these programs.*

10 “(VII) *Whether or not the State*
11 *has enacted graduated drivers licenses*
12 *and the extent of those provisions.*

13 “(VIII) *Whether or not the State*
14 *has adopted any other policies con-*
15 *sistent with evidence-based practices*
16 *related to the prevention of underage*
17 *alcohol use, which may include any*
18 *such practices described in relevant re-*
19 *ports issued by the Surgeon General*
20 *and practices related to youth exposure*
21 *to alcohol-related products and infor-*
22 *mation.*

23 “(IX) *A description of the degree*
24 *to which the practices of local jurisdic-*

3016

1 *tions within the State vary from one*
2 *another.*

3 “(3) *AUTHORIZATION OF APPROPRIATIONS.—*
4 *There is authorized to be appropriated to carry out*
5 *this subsection \$1,000,000 for each of fiscal years*
6 *2023 through 2027.*

7 “(d) *NATIONAL MEDIA CAMPAIGN TO PREVENT UN-*
8 *DERAGE DRINKING.—*

9 “(1) *IN GENERAL.—The Secretary, in consulta-*
10 *tion with the National Highway Traffic Safety Ad-*
11 *ministration, shall develop or continue an intensive,*
12 *multifaceted national media campaign aimed at*
13 *adults to reduce underage drinking.*

14 “(2) *PURPOSE.—The purpose of the national*
15 *media campaign described in this section shall be to*
16 *achieve the following objectives:*

17 “(A) *Promote community awareness of, and*
18 *a commitment to, reducing underage drinking.*

19 “(B) *Encourage activities, including activi-*
20 *ties carried out by adults, that inhibit the illegal*
21 *use of alcohol by youth.*

22 “(C) *Discourage activities, including activi-*
23 *ties carried out by adults, that promote the ille-*
24 *gal use of alcohol by youth.*

3017

1 “(3) *COMPONENTS.*—When implementing the na-
2 tional media campaign described in this section, the
3 Secretary shall—

4 “(A) educate the public about the public
5 health and safety benefits of evidence-based strat-
6 egies to reduce underage drinking, including ex-
7 isting laws related to the minimum legal drink-
8 ing age, and engage the public and parents in
9 the implementation of such strategies;

10 “(B) educate the public about the negative
11 consequences of underage drinking;

12 “(C) identify specific actions by adults to
13 discourage or inhibit underage drinking;

14 “(D) discourage adult conduct that tends to
15 facilitate underage drinking;

16 “(E) establish collaborative relationships
17 with local and national organizations and insti-
18 tutions to further the goals of the campaign and
19 assure that the messages of the campaign are dis-
20 seminated from a variety of sources;

21 “(F) conduct the campaign through multi-
22 media sources; and

23 “(G) take into consideration demographics
24 and other relevant factors to most effectively
25 reach target audiences.

3018

1 “(4) *CONSULTATION REQUIREMENT.*—*In devel-*
2 *oping and implementing the national media cam-*
3 *paign described in this section, the Secretary shall re-*
4 *view recommendations for reducing underage drink-*
5 *ing, including those published by the National Acad-*
6 *emies of Sciences, Engineering, and Medicine and the*
7 *Surgeon General. The Secretary shall also consult*
8 *with interested parties including the alcohol beverage*
9 *industry, medical, public health, and consumer and*
10 *parent groups, law enforcement, institutions of higher*
11 *education, community-based organizations and coal-*
12 *tions, and other relevant stakeholders.*

13 “(5) *ANNUAL REPORT.*—*The Secretary shall*
14 *produce an annual report on the progress of the devel-*
15 *opment or implementation of the media campaign de-*
16 *scribed in this subsection, including expenses and pro-*
17 *jected costs, and, as such information is available, re-*
18 *port on the effectiveness of such campaign in affecting*
19 *adult attitudes toward underage drinking and adult*
20 *willingness to take actions to decrease underage*
21 *drinking.*

22 “(6) *RESEARCH ON YOUTH-ORIENTED CAM-*
23 *PAIGN.*—*The Secretary may, based on the availability*
24 *of funds, conduct or support research on the potential*
25 *success of a youth-oriented national media campaign*

3019

1 *to reduce underage drinking. The Secretary shall re-*
2 *port to Congress any such results and any related rec-*
3 *ommendations.*

4 “(7) *ADMINISTRATION.—The Secretary may*
5 *enter into an agreement with another Federal agency*
6 *to delegate the authority for execution and adminis-*
7 *tration of the adult-oriented national media cam-*
8 *paign.*

9 “(8) *AUTHORIZATION OF APPROPRIATIONS.—*
10 *There is authorized to be appropriated to carry out*
11 *this section \$2,500,000 for each of fiscal years 2023*
12 *through 2027.*

13 “(e) *COMMUNITY-BASED COALITION ENHANCEMENT*
14 *GRANTS TO PREVENT UNDERAGE DRINKING.—*

15 “(1) *AUTHORIZATION OF PROGRAM.—The Assist-*
16 *ant Secretary for Mental Health and Substance Use,*
17 *in consultation with the Director of the Office of Na-*
18 *tional Drug Control Policy, shall award enhancement*
19 *grants to eligible entities to design, implement, evalu-*
20 *ate, and disseminate comprehensive strategies to*
21 *maximize the effectiveness of community-wide ap-*
22 *proaches to preventing and reducing underage drink-*
23 *ing. This subsection is subject to the availability of*
24 *appropriations.*

3020

1 “(2) *PURPOSES.*—*The purposes of this subsection*
2 *are to—*

3 “(A) *prevent and reduce alcohol use among*
4 *youth in communities throughout the United*
5 *States;*

6 “(B) *strengthen collaboration among com-*
7 *munities, the Federal Government, Tribal Gov-*
8 *ernments, and State and local governments;*

9 “(C) *enhance intergovernmental cooperation*
10 *and coordination on the issue of alcohol use*
11 *among youth;*

12 “(D) *serve as a catalyst for increased cit-*
13 *izen participation and greater collaboration*
14 *among all sectors and organizations of a commu-*
15 *nity that first demonstrates a long-term commit-*
16 *ment to reducing alcohol use among youth;*

17 “(E) *implement evidence-based strategies to*
18 *prevent and reduce underage drinking in com-*
19 *munities; and*

20 “(F) *enhance, not supplant, effective local*
21 *community initiatives for preventing and reduc-*
22 *ing alcohol use among youth.*

23 “(3) *APPLICATION.*—*An eligible entity desiring*
24 *an enhancement grant under this subsection shall sub-*
25 *mit an application to the Assistant Secretary at such*

3021

1 *time, and in such manner, and accompanied by such*
2 *information and assurances, as the Assistant Sec-*
3 *retary may require. Each application shall include—*

4 “(A) a complete description of the entity’s
5 current underage alcohol use prevention initia-
6 tives and how the grant will appropriately en-
7 hance the focus on underage drinking issues; or

8 “(B) a complete description of the entity’s
9 current initiatives, and how it will use the grant
10 to enhance those initiatives by adding a focus on
11 underage drinking prevention.

12 “(4) *USES OF FUNDS.*—Each eligible entity that
13 receives a grant under this subsection shall use the
14 grant funds to carry out the activities described in
15 such entity’s application submitted pursuant to para-
16 graph (3) and obtain specialized training and tech-
17 nical assistance by the entity funded under section 4
18 of Public Law 107–82, as amended (21 U.S.C. 1521
19 note). Grants under this subsection shall not exceed
20 \$60,000 per year and may not exceed four years.

21 “(5) *SUPPLEMENT NOT SUPPLANT.*—Grant funds
22 provided under this subsection shall be used to supple-
23 ment, not supplant, Federal and non-Federal funds
24 available for carrying out the activities described in
25 this subsection.

3022

1 “(6) *EVALUATION.*—*Grants under this subsection*
2 *shall be subject to the same evaluation requirements*
3 *and procedures as the evaluation requirements and*
4 *procedures imposed on recipients of drug-free commu-*
5 *nity grants.*

6 “(7) *DEFINITIONS.*—*For purposes of this sub-*
7 *section, the term ‘eligible entity’ means an organiza-*
8 *tion that is currently receiving or has received grant*
9 *funds under the Drug-Free Communities Act of 1997.*

10 “(8) *ADMINISTRATIVE EXPENSES.*—*Not more*
11 *than 6 percent of a grant under this subsection may*
12 *be expended for administrative expenses.*

13 “(9) *AUTHORIZATION OF APPROPRIATIONS.*—
14 *There is authorized to be appropriated to carry out*
15 *this subsection \$11,500,000 for each of fiscal years*
16 *2023 through 2027.*

17 “(f) *GRANTS TO ORGANIZATIONS REPRESENTING PE-*
18 *DIATRIC PROVIDERS AND OTHER RELATED HEALTH PRO-*
19 *FESSIONALS TO REDUCE UNDERAGE DRINKING THROUGH*
20 *SCREENING AND BRIEF INTERVENTIONS.*—

21 “(1) *IN GENERAL.*—*The Secretary, acting*
22 *through the Assistant Secretary for Mental Health*
23 *and Substance Use, shall make awards to one or more*
24 *entities representing pediatric providers and other re-*
25 *lated health professionals with demonstrated ability to*

3023

1 *increase among the members of such entities effective*
2 *practices to reduce the prevalence of alcohol use*
3 *among individuals under the age of 21, including col-*
4 *lege students.*

5 “(2) *PURPOSES.—Grants under this subsection*
6 *shall be made to improve—*

7 “(A) *screening adolescents for alcohol use;*

8 “(B) *offering brief interventions to adoles-*
9 *cents to discourage such use;*

10 “(C) *educating parents about the dangers of*
11 *and methods of discouraging such use;*

12 “(D) *diagnosing and treating alcohol use*
13 *disorders; and*

14 “(E) *referring patients, when necessary, to*
15 *other appropriate care.*

16 “(3) *USE OF FUNDS.—An entity receiving a*
17 *grant under this section may use the grant funding*
18 *to promote the practices specified in paragraph (2)*
19 *among its members by—*

20 “(A) *providing training to health care pro-*
21 *viders;*

22 “(B) *disseminating best practices, including*
23 *culturally and linguistically appropriate best*
24 *practices, and developing and distributing mate-*
25 *rials; and*

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1 “(C) supporting other activities as deter-
2 mined appropriate by the Assistant Secretary.

3 “(4) APPLICATION.—To be eligible to receive a
4 grant under this subsection, an entity shall submit an
5 application to the Assistant Secretary at such time,
6 and in such manner, and accompanied by such infor-
7 mation and assurances as the Secretary may require.
8 Each application shall include—

9 “(A) a description of the entity;

10 “(B) a description of the activities to be
11 completed that will promote the practices speci-
12 fied in paragraph (2);

13 “(C) a description of the entity’s qualifica-
14 tions for performing such activities; and

15 “(D) a timeline for the completion of such
16 activities.

17 “(5) DEFINITIONS.—For the purpose of this sub-
18 section:

19 “(A) BRIEF INTERVENTION.—The term
20 ‘brief intervention’ means, after screening a pa-
21 tient, providing the patient with brief advice
22 and other brief motivational enhancement tech-
23 niques designed to increase the insight of the pa-
24 tient regarding the patient’s alcohol use, and any

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1 *realized or potential consequences of such use to*
2 *effect the desired related behavioral change.*

3 “(B) *SCREENING.*—*The term ‘screening’*
4 *means using validated patient interview tech-*
5 *niques to identify and assess the existence and*
6 *extent of alcohol use in a patient.*

7 “(6) *AUTHORIZATION OF APPROPRIATIONS.*—
8 *There is authorized to be appropriated to carry out*
9 *this subsection \$3,000,000 for each of fiscal years*
10 *2023 through 2027.*

11 “(g) *DATA COLLECTION AND RESEARCH.*—

12 “(1) *ADDITIONAL RESEARCH ON UNDERAGE*
13 *DRINKING.*—

14 “(A) *IN GENERAL.*—*The Secretary shall,*
15 *subject to the availability of appropriations, sup-*
16 *port the collection of data, and conduct or sup-*
17 *port research that is not duplicative of research*
18 *currently being conducted or supported by the*
19 *Department of Health and Human Services, on*
20 *underage drinking, with respect to the following:*

21 “(i) *The evaluation, which may in-*
22 *clude through the development of relevant*
23 *capabilities of expertise within a State, of*
24 *the effectiveness of comprehensive commu-*
25 *nity-based programs or strategies and state-*

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1 *wide systems to prevent and reduce under-*
2 *age drinking, across the underage years*
3 *from early childhood to age 21, such as pro-*
4 *grams funded and implemented by govern-*
5 *mental entities, public health interest*
6 *groups and foundations, and alcohol bev-*
7 *erage companies and trade associations.*

8 *“(ii) Obtaining and reporting more*
9 *precise information than is currently col-*
10 *lected on the scope of the underage drinking*
11 *problem and patterns of underage alcohol*
12 *consumption, including improved knowledge*
13 *about the problem and progress in pre-*
14 *venting, reducing, and treating underage*
15 *drinking, as well as information on the rate*
16 *of exposure of youth to advertising and*
17 *other media messages encouraging and dis-*
18 *couraging alcohol consumption.*

19 *“(iii) The development and identifica-*
20 *tion of evidence-based or evidence-informed*
21 *strategies to reduce underage drinking,*
22 *which may include through translational*
23 *research.*

24 *“(iv) Improving and conducting public*
25 *health data collection on alcohol use and al-*

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1 *cohol-related conditions in States, which*
2 *may include by increasing the use of sur-*
3 *veys, such as the Behavioral Risk Factor*
4 *Surveillance System, to monitor binge and*
5 *excessive drinking and related harms among*
6 *individuals who are at least 18 years of age,*
7 *but not more than 20 years of age, includ-*
8 *ing harm caused to self or others as a result*
9 *of alcohol use that is not duplicative of re-*
10 *search currently being conducted or sup-*
11 *ported by the Department of Health and*
12 *Human Services.*

13 “(B) *AUTHORIZATION OF APPROPRIA-*
14 *TIONS.—There is authorized to be appropriated*
15 *to carry out this paragraph \$5,000,000 for each*
16 *of fiscal years 2023 through 2027.*

17 “(2) *NATIONAL ACADEMIES OF SCIENCES, ENGI-*
18 *NEERING, AND MEDICINE STUDY.—*

19 “(A) *IN GENERAL.—Not later than 12*
20 *months after the date of enactment of the Restor-*
21 *ing Hope for Mental Health and Well-Being Act*
22 *of 2022, the Secretary shall—*

23 “(i) *contract with the National Acad-*
24 *emies of Sciences, Engineering, and Medi-*
25 *cine to study developments in research on*

3028

1 *underage drinking and the implications of*
2 *these developments; and*

3 *“(ii) report to the Congress on the re-*
4 *sults of such review.*

5 *“(B) AUTHORIZATION OF APPROPRIA-*
6 *TIONS.—There is authorized to be appropriated*
7 *to carry out this paragraph \$500,000 for fiscal*
8 *year 2023.”.*

9 **SEC. 1216. GRANTS FOR JAIL DIVERSION PROGRAMS.**

10 *Section 520G of the Public Health Service Act (42*
11 *U.S.C. 290bb–38) is amended—*

12 *(1) in subsection (a)—*

13 *(A) by striking “up to 125”; and*

14 *(B) by striking “tribes and tribal organiza-*
15 *tions” and inserting “Tribes and Tribal organi-*
16 *zations”;*

17 *(2) in subsection (b)(2), by striking “tribes, and*
18 *tribal organizations” and inserting “Tribes, and*
19 *Tribal organizations”;*

20 *(3) in subsection (c)—*

21 *(A) in paragraph (1), by striking “Indian*
22 *tribe or tribal organization” and inserting “an*
23 *Indian Tribe or Tribal organization, a health fa-*
24 *cility or program described in subsection (a), or*

3029

1 *a public or nonprofit entity referred to in sub-*
2 *section (a)”; and*

3 *(B) in paragraph (2)(A)—*

4 *(i) in clause (i), by inserting “peer re-*
5 *covery support services,” after “disorder*
6 *treatment,”; and*

7 *(ii) in clause (iii), by striking “tribe,*
8 *or tribal organization” and inserting*
9 *“Tribe, or Tribal organization”;*

10 *(4) in subsection (e)—*

11 *(A) in the matter preceding paragraph (1),*
12 *by striking “tribe, or tribal organization” and*
13 *inserting “Tribe, or Tribal organization”;*

14 *(B) in paragraph (3), by inserting “and*
15 *paraprofessionals” after “professionals”; and*

16 *(C) in paragraph (5), by striking “or ar-*
17 *rest” and inserting “, arrest, or release”;*

18 *(5) in subsection (f), by striking “tribe, or tribal*
19 *organization” each place it appears and inserting*
20 *“Tribe, or Tribal organization”;*

21 *(6) in subsection (h), by striking “tribe, or tribal*
22 *organization” and inserting “Tribe, or Tribal organi-*
23 *zation”; and*

24 *(7) in subsection (j), by striking “\$4,269,000 for*
25 *each of fiscal years 2018 through 2022” and inserting*

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1 “\$14,000,000 for each of fiscal years 2023 through
2 2027”.

3 **SEC. 1217. FORMULA GRANTS TO STATES.**

4 Section 521 of the Public Health Service Act (42
5 U.S.C. 290cc–21) is amended by striking “2018 through
6 2022” and inserting “2023 through 2027”.

7 **SEC. 1218. PROJECTS FOR ASSISTANCE IN TRANSITION**
8 **FROM HOMELESSNESS.**

9 Section 535(a) of the Public Health Service Act (42
10 U.S.C. 290cc–35(a)) is amended by striking “2018 through
11 2022” and inserting “2023 through 2027”.

12 **SEC. 1219. GRANTS FOR REDUCING OVERDOSE DEATHS.**

13 (a) GRANTS.—

14 (1) REPEAL OF MAXIMUM GRANT AMOUNT.—
15 Paragraph (2) of section 544(a) of the Public Health
16 Service Act (42 U.S.C. 290dd–3(a)) is hereby re-
17 pealed.

18 (2) ELIGIBLE ENTITY; SUBGRANTS.—Section
19 544(a) of the Public Health Service Act (42 U.S.C.
20 290dd–3(a)) is amended by striking paragraph (3)
21 and inserting the following:

22 “(2) ELIGIBLE ENTITY.—For purposes of this
23 section, the term ‘eligible entity’ means a State, Ter-
24 ritory, locality, or Indian Tribe or Tribal organiza-
25 tion (as those terms are defined in section 4 of the In-

3031

1 *dian Self-Determination and Education Assistance*
2 *Act).*

3 “(3) *SUBGRANTS.*—*For the purposes for which a*
4 *grant is awarded under this section, the eligible entity*
5 *receiving the grant may award subgrants to a Feder-*
6 *ally qualified health center (as defined in section*
7 *1861(aa) of the Social Security Act), an opioid treat-*
8 *ment program (as defined in section 8.2 of title 42,*
9 *Code of Federal Regulations (or any successor regula-*
10 *tions)), any practitioner dispensing narcotic drugs*
11 *pursuant to section 303(g) of the Controlled Sub-*
12 *stances Act, or any nonprofit organization that the*
13 *Secretary deems appropriate, which may include*
14 *Urban Indian organizations (as defined in section 4*
15 *of the Indian Health Care Improvement Act).”.*

16 (3) *PRESCRIBING.*—*Section 544(a)(4) of the*
17 *Public Health Service Act (42 U.S.C. 290dd–3(a)(4))*
18 *is amended—*

19 (A) *in subparagraph (A), by inserting “,*
20 *including patients prescribed both an opioid and*
21 *a benzodiazepine” before the semicolon at the*
22 *end; and*

23 (B) *in subparagraph (D), by striking “drug*
24 *overdose” and inserting “overdose”.*

3032

1 (4) *USE OF FUNDS.—Paragraph (5) of section*
2 *544(c) of the Public Health Service Act (42 U.S.C.*
3 *290dd–3(c)) is amended to read as follows:*

4 *“(5) To establish protocols to connect patients*
5 *who have experienced an overdose with appropriate*
6 *treatment, including overdose reversal medications,*
7 *medication assisted treatment, and appropriate coun-*
8 *seling and behavioral therapies.”.*

9 (5) *IMPROVING ACCESS TO OVERDOSE TREAT-*
10 *MENT.—Section 544 of the Public Health Service Act*
11 *(42 U.S.C. 290dd–3) is amended—*

12 *(A) by redesignating subsections (d) through*
13 *(f) as subsections (e) through (g), respectively;*

14 *(B) in subsection (f), as so redesignated, by*
15 *striking “subsection (d)” and inserting “sub-*
16 *section (e)”;* and

17 *(C) by inserting after subsection (c) the fol-*
18 *lowing:*

19 *“(d) IMPROVING ACCESS TO OVERDOSE TREAT-*
20 *MENT.—*

21 *“(1) INFORMATION ON BEST PRACTICES.—*

22 *“(A) HEALTH AND HUMAN SERVICES.—The*
23 *Secretary of Health and Human Services may*
24 *provide information to States, localities, Indian*
25 *Tribes, Tribal organizations, and Urban Indian*

3033

1 *organizations on best practices for prescribing or*
2 *co-prescribing a drug or device approved,*
3 *cleared, or otherwise legally marketed under the*
4 *Federal Food, Drug, and Cosmetic Act for emer-*
5 *gency treatment of known or suspected opioid*
6 *overdose, including for patients receiving chronic*
7 *opioid therapy and patients being treated for*
8 *opioid use disorders.*

9 “(B) *DEFENSE.*—*The Secretary of Health*
10 *and Human Services may, as appropriate, con-*
11 *sult with the Secretary of Defense regarding the*
12 *provision of information to prescribers within*
13 *Department of Defense medical facilities on best*
14 *practices for prescribing or co-prescribing a drug*
15 *or device approved, cleared, or otherwise legally*
16 *marketed under the Federal Food, Drug, and*
17 *Cosmetic Act for emergency treatment of known*
18 *or suspected opioid overdose, including for pa-*
19 *tients receiving chronic opioid therapy and pa-*
20 *tients being treated for opioid use disorders.*

21 “(C) *VETERANS AFFAIRS.*—*The Secretary of*
22 *Health and Human Services may, as appro-*
23 *priate, consult with the Secretary of Veterans Af-*
24 *airs regarding the provision of information to*
25 *prescribers within Department of Veterans Af-*

3034

1 *fairs medical facilities on best practices for pre-*
2 *scribing or co-prescribing a drug or device ap-*
3 *proved, cleared, or otherwise legally marketed*
4 *under the Federal Food, Drug, and Cosmetic Act*
5 *for emergency treatment of known or suspected*
6 *opioid overdose, including for patients receiving*
7 *chronic opioid therapy and patients being treat-*
8 *ed for opioid use disorders.*

9 “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*
10 *subsection shall be construed as establishing or con-*
11 *tributing to a medical standard of care.”.*

12 (6) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*
13 *tion 544(g) of the Public Health Service Act (42*
14 *U.S.C. 290dd–3(g)), as redesignated, is amended by*
15 *striking “fiscal years 2017 through 2021” and insert-*
16 *ing “fiscal years 2023 through 2027”.*

17 (7) *TECHNICAL AMENDMENTS.*—

18 (A) *Section 544 of the Public Health Serv-*
19 *ice Act (42 U.S.C. 290dd–3), as amended, is fur-*
20 *ther amended by striking “approved or cleared”*
21 *each place it appears and inserting “approved,*
22 *cleared, or otherwise legally marketed”.*

23 (B) *Section 107 of the Comprehensive Ad-*
24 *diction and Recovery Act of 2016 (Public Law*
25 *114–198) is amended by striking subsection (b).*

3035

1 **SEC. 1220. OPIOID OVERDOSE REVERSAL MEDICATION AC-**
2 **CESS AND EDUCATION GRANT PROGRAMS.**

3 (a) *GRANTS*.—Section 545 of the Public Health Service
4 Act (42 U.S.C. 290ee) is amended—

5 (1) in the section heading, by striking “**ACCESS**
6 **AND EDUCATION GRANT PROGRAMS**” and insert-
7 ing “**ACCESS, EDUCATION, AND CO-PRE-**
8 **SCRIBING GRANT PROGRAMS**”;

9 (2) in the heading of subsection (a), by striking
10 “*GRANTS TO STATES*” and inserting “*GRANTS*”;

11 (3) in subsection (a), by striking “shall make
12 grants to States” and inserting “shall make grants to
13 States, localities, Indian Tribes, and Tribal organiza-
14 tions (as those terms are defined in section 4 of the
15 Indian Self-Determination and Education Assistance
16 Act)”;

17 (4) in subsection (a)(1), by striking “implement
18 strategies for pharmacists to dispense a drug or de-
19 vice” and inserting “implement strategies that in-
20 crease access to drugs or devices”;

21 (5) by redesignating paragraphs (3) and (4) as
22 paragraphs (4) and (5), respectively; and

23 (6) by inserting after paragraph (2) the fol-
24 lowing:

25 “(3) encourage health care providers to co-pre-
26 scribe, as appropriate, drugs or devices approved,

3036

1 *cleared, or otherwise legally marketed under the Fed-*
2 *eral Food, Drug, and Cosmetic Act for emergency*
3 *treatment of known or suspected opioid overdose;”.*

4 **(b) GRANT PERIOD.**—Section 545(d)(2) of the Public
5 Health Service Act (42 U.S.C. 290ee(d)(2)) is amended by
6 striking “3 years” and inserting “5 years”.

7 **(c) LIMITATION.**—Paragraph (3) of section 545(d) of
8 the Public Health Service Act (42 U.S.C. 290ee(d)) is
9 amended to read as follows:

10 “(3) **LIMITATIONS.**—A State may—

11 “(A) use not more than 10 percent of a
12 grant under this section for educating the public
13 pursuant to subsection (a)(5); and

14 “(B) use not less than 20 percent of a grant
15 under this section to offset cost-sharing for dis-
16 tribution and dispensing of drugs or devices ap-
17 proved, cleared, or otherwise legally marketed
18 under the Federal Food, Drug, and Cosmetic Act
19 for emergency treatment of known or suspected
20 opioid overdose.”.

21 **(d) AUTHORIZATION OF APPROPRIATIONS.**—Section
22 545(h)(1) of the Public Health Service Act, is amended by
23 striking “fiscal years 2017 through 2019” and inserting
24 “fiscal years 2023 through 2027”.

3037

1 (e) *TECHNICAL AMENDMENT.*—Section 545 of the Pub-
2 lic Health Service Act (42 U.S.C. 290ee), as amended, is
3 further amended by striking “approved or cleared” each
4 place it appears and inserting “approved, cleared, or other-
5 wise legally marketed”.

6 **SEC. 1221. EMERGENCY DEPARTMENT ALTERNATIVES TO**
7 **OPIOIDS.**

8 Section 7091 of the *SUPPORT for Patients and Com-*
9 munities Act (Public Law 115–271) is amended—

10 (1) in the section heading, by striking “**DEM-**
11 **ONSTRATION**” (and by conforming the item relating
12 to such section in the table of contents in section
13 1(b));

14 (2) in subsection (a)—

15 (A) by amending the subsection heading to
16 read as follows: “GRANT PROGRAM”; and

17 (B) in paragraph (1), by striking “dem-
18 onstration”;

19 (3) in subsection (b), in the subsection heading,
20 by striking “DEMONSTRATION”;

21 (4) in subsection (d)(4), by striking “tribal” and
22 inserting “Tribal”;

23 (5) in subsection (f)—

24 (A) in the heading, by striking “REPORT”
25 and inserting “REPORTS”; and

3038

1 *(B) in the matter preceding paragraph (1),*
2 *by striking “Not later than 1 year after comple-*
3 *tion of the demonstration program under this*
4 *section, the Secretary shall submit a report to the*
5 *Congress on the results of the demonstration pro-*
6 *gram” and inserting “Not later than the end of*
7 *each of fiscal years 2024 and 2027, the Secretary*
8 *shall submit to the Committee on Health, Edu-*
9 *cation, Labor, and Pensions of the Senate and*
10 *the Committee on Energy and Commerce of the*
11 *House of Representatives a report on the results*
12 *of the program”; and*
13 *(6) in subsection (g), by striking “2019 through*
14 *2021” and inserting “2023 through 2027”.*

15 **CHAPTER 3—EXCELLENCE IN RECOVERY**
16 **HOUSING**

17 **SEC. 1231. CLARIFYING THE ROLE OF SAMHSA IN PRO-**
18 **MOTING THE AVAILABILITY OF HIGH-QUALITY**
19 **RECOVERY HOUSING.**

20 *Section 501(d) of the Public Health Service Act (42*
21 *U.S.C. 290aa) is amended—*

22 *(1) in paragraph (24)(E), by striking “and” at*
23 *the end;*

24 *(2) in paragraph (25), by striking the period at*
25 *the end and inserting “; and”; and*

† HR 2617 EAS2

3039

1 (3) *by adding at the end the following:*

2 “(26) *collaborate with national accrediting enti-*
3 *ties, recovery housing providers, organizations or in-*
4 *dividuals with established expertise in delivery of re-*
5 *covery housing services, States, Federal agencies (in-*
6 *cluding the Department of Health and Human Serv-*
7 *ices, the Department of Housing and Urban Develop-*
8 *ment, and the agencies listed in section 550(e)(2)(B)),*
9 *and other relevant stakeholders, to promote the avail-*
10 *ability of high-quality recovery housing and services*
11 *for individuals with a substance use disorder.”.*

12 **SEC. 1232. DEVELOPING GUIDELINES FOR STATES TO PRO-**
13 **MOTE THE AVAILABILITY OF HIGH-QUALITY**
14 **RECOVERY HOUSING.**

15 *Section 550(a) of the Public Health Service Act (42*
16 *U.S.C. 290ee–5(a)) (relating to national recovery housing*
17 *best practices) is amended—*

18 (1) *by amending paragraph (1) to read as fol-*
19 *lows:*

20 “(1) *IN GENERAL.—The Secretary, in consulta-*
21 *tion with the individuals and entities specified in*
22 *paragraph (2), shall continue activities to identify,*
23 *facilitate the development of, and periodically update*
24 *consensus-based best practices, which may include*
25 *model laws for implementing suggested minimum*

3040

1 *standards for operating, and promoting the avail-*
2 *ability of, high-quality recovery housing.”;*

3 *(2) in paragraph (2)—*

4 *(A) by striking subparagraphs (A) and (B)*
5 *and inserting the following:*

6 *“(A) officials representing the agencies de-*
7 *scribed in subsection (e)(2);”;*

8 *(B) by redesignating subparagraphs (C)*
9 *through (G) as subparagraphs (B) through (F),*
10 *respectively;*

11 *(C) in subparagraph (B), as so redesign-*
12 *ated, by striking “tribal” and inserting “Trib-*
13 *al”; and*

14 *(D) in subparagraph (D), as so redesign-*
15 *ated, by striking “tribes, tribal organizations,*
16 *and tribally” and inserting “Tribes, Tribal orga-*
17 *nizations, and Tribally”; and*

18 *(3) by adding at the end the following:*

19 *“(3) AVAILABILITY.—The best practices referred*
20 *to in paragraph (1) shall be—*

21 *“(A) made publicly available; and*

22 *“(B) published on the public website of the*
23 *Substance Abuse and Mental Health Services Ad-*
24 *ministration.*

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1 “(4) *EXCLUSION OF GUIDELINE ON TREATMENT*
2 *SERVICES.—In facilitating the development of best*
3 *practices under paragraph (1), the Secretary may not*
4 *include any best practices with respect to substance*
5 *use disorder treatment services.”.*

6 **SEC. 1233. COORDINATION OF FEDERAL ACTIVITIES TO**
7 **PROMOTE THE AVAILABILITY OF RECOVERY**
8 **HOUSING.**

9 *Section 550 of the Public Health Service Act (42*
10 *U.S.C. 290ee–5) (relating to national recovery housing best*
11 *practices), as amended by section 1232, is further amend-*
12 *ed—*

13 *(1) by redesignating subsections (e), (f), and (g)*
14 *as subsections (g), (h), and (i), respectively;*

15 *(2) in subsection (c)(2), by striking “Indian*
16 *tribes, tribal” and inserting “Indian Tribes, Tribal”;*

17 *(3) in subsection (h)(2), as so redesignated—*

18 *(A) by striking “Indian tribe” and insert-*
19 *ing “Indian Tribe”; and*

20 *(B) by striking “tribal organization” and*
21 *inserting “Tribal organization”; and*

22 *(4) by inserting after subsection (d) the fol-*
23 *lowing:*

24 “(e) *COORDINATION OF FEDERAL ACTIVITIES TO PRO-*
25 *MOTE THE AVAILABILITY OF HOUSING FOR INDIVIDUALS*

3042

1 *EXPERIENCING HOMELESSNESS, INDIVIDUALS WITH A*
2 *MENTAL ILLNESS, AND INDIVIDUALS WITH A SUBSTANCE*
3 *USE DISORDER.—*

4 “(1) *IN GENERAL.—The Secretary, acting*
5 *through the Assistant Secretary, and the Secretary of*
6 *Housing and Urban Development shall convene an*
7 *interagency working group for the following purposes:*

8 “(A) *To increase collaboration, cooperation,*
9 *and consultation among the Department of*
10 *Health and Human Services, the Department of*
11 *Housing and Urban Development, and the Fed-*
12 *eral agencies listed in paragraph (2)(B), with re-*
13 *spect to promoting the availability of housing,*
14 *including high-quality recovery housing, for in-*
15 *dividuals experiencing homelessness, individuals*
16 *with mental illnesses, and individuals with sub-*
17 *stance use disorder.*

18 “(B) *To align the efforts of such agencies*
19 *and avoid duplication of such efforts by such*
20 *agencies.*

21 “(C) *To develop objectives, priorities, and a*
22 *long-term plan for supporting State, Tribal, and*
23 *local efforts with respect to the operation of high-*
24 *quality recovery housing that is consistent with*
25 *the best practices developed under this section.*

3043

1 “(D) To improve information on the quality
2 of recovery housing.

3 “(2) COMPOSITION.—The interagency working
4 group under paragraph (1) shall be composed of—

5 “(A) the Secretary, acting through the As-
6 sistant Secretary, and the Secretary of Housing
7 and Urban Development, who shall serve as the
8 co-chairs; and

9 “(B) representatives of each of the following
10 Federal agencies:

11 “(i) The Centers for Medicare & Med-
12 icaid Services.

13 “(ii) The Substance Abuse and Mental
14 Health Services Administration.

15 “(iii) The Health Resources and Serv-
16 ices Administration.

17 “(iv) The Office of the Inspector Gen-
18 eral of the Department of Health and
19 Human Services.

20 “(v) The Indian Health Service.

21 “(vi) The Department of Agriculture.

22 “(vii) The Department of Justice.

23 “(viii) The Office of National Drug
24 Control Policy.

25 “(ix) The Bureau of Indian Affairs.

3044

1 “(x) *The Department of Labor.*

2 “(xi) *The Department of Veterans Af-*
3 *fairs.*

4 “(xii) *Any other Federal agency as the*
5 *co-chairs determine appropriate.*

6 “(3) *MEETINGS.—The working group shall meet*
7 *on a quarterly basis.*

8 “(4) *REPORTS TO CONGRESS.—Not later than 4*
9 *years after the date of the enactment of this section,*
10 *the working group shall submit to the Committee on*
11 *Health, Education, Labor, and Pensions, the Com-*
12 *mittee on Agriculture, Nutrition, and Forestry, and*
13 *the Committee on Finance of the Senate and the Com-*
14 *mittee on Energy and Commerce, the Committee on*
15 *Ways and Means, the Committee on Agriculture, and*
16 *the Committee on Financial Services of the House of*
17 *Representatives a report describing the work of the*
18 *working group and any recommendations of the work-*
19 *ing group to improve Federal, State, and local coordi-*
20 *nation with respect to recovery housing and other*
21 *housing resources and operations for individuals ex-*
22 *periencing homelessness, individuals with a mental*
23 *illness, and individuals with a substance use dis-*
24 *order.”.*

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1 **SEC. 1234. NATIONAL ACADEMIES OF SCIENCES, ENGINEER-**
2 **ING, AND MEDICINE STUDY AND REPORT.**

3 (a) *IN GENERAL.*—Not later than 60 days after the
4 date of enactment of this Act, the Secretary of Health and
5 Human Services, acting through the Assistant Secretary for
6 Mental Health and Substance Use, shall—

7 (1) *contract with the National Academies of*
8 *Sciences, Engineering, and Medicine—*

9 (A) *to study the quality and effectiveness of*
10 *recovery housing in the United States and*
11 *whether the availability of such housing meets*
12 *demand; and*

13 (B) *to identify recommendations to promote*
14 *the availability of high-quality recovery housing;*
15 *and*

16 (2) *report to the Congress on the results of such*
17 *review.*

18 (b) *AUTHORIZATION OF APPROPRIATIONS.*—To carry
19 out this section, there is authorized to be appropriated
20 \$1,500,000 for fiscal year 2023.

21 **SEC. 1235. GRANTS FOR STATES TO PROMOTE THE AVAIL-**
22 **ABILITY OF RECOVERY HOUSING AND SERV-**
23 **ICES.**

24 *Section 550 of the Public Health Service Act (42*
25 *U.S.C. 290ee–5) (relating to national recovery housing best*
26 *practices), as amended by sections 1232 and 1233, is fur-*

3046

1 *ther amended by inserting after subsection (e) (as inserted*
2 *by section 1233) the following:*

3 “(f) *GRANTS FOR IMPLEMENTING NATIONAL RECOV-*
4 *ERY HOUSING BEST PRACTICES.*—

5 “(1) *IN GENERAL.*—*The Secretary shall award*
6 *grants to States (and political subdivisions thereof),*
7 *Indian Tribes, and territories—*

8 “(A) *for the provision of technical assist-*
9 *ance to implement the guidelines and rec-*
10 *ommendations developed under subsection (a);*
11 *and*

12 “(B) *to promote—*

13 “(i) *the availability of recovery hous-*
14 *ing for individuals with a substance use*
15 *disorder; and*

16 “(ii) *the maintenance of recovery hous-*
17 *ing in accordance with best practices devel-*
18 *oped under this section.*

19 “(2) *STATE PROMOTION PLANS.*—*Not later than*
20 *90 days after receipt of a grant under paragraph (1),*
21 *and every 2 years thereafter, each State (or political*
22 *subdivisions thereof,) Indian Tribe, or territory re-*
23 *ceiving a grant under paragraph (1) shall submit to*
24 *the Secretary, and publish on a publicly accessible*

3047

1 *internet website of the State (or political subdivisions*
2 *thereof), Indian Tribe, or territory—*

3 *“(A) the plan of the State (or political sub-*
4 *divisions thereof), Indian Tribe, or territory,*
5 *with respect to the promotion of recovery housing*
6 *for individuals with a substance use disorder lo-*
7 *cated within the jurisdiction of such State (or*
8 *political subdivisions thereof), Indian Tribe, or*
9 *territory; and*

10 *“(B) a description of how such plan is con-*
11 *sistent with the best practices developed under*
12 *this section.”.*

13 **SEC. 1236. FUNDING.**

14 *Subsection (i) of section 550 of the Public Health Serv-*
15 *ice Act (42 U.S.C. 290ee–5) (relating to national recovery*
16 *housing best practices), as redesignated by section 1233, is*
17 *amended by striking “\$3,000,000 for the period of fiscal*
18 *years 2019 through 2021” and inserting “\$5,000,000 for the*
19 *period of fiscal years 2023 through 2027”.*

20 **SEC. 1237. TECHNICAL CORRECTION.**

21 *Title V of the Public Health Service Act (42 U.S.C.*
22 *290aa et seq.) is amended—*

23 *(1) by redesignating section 550 (relating to So-*
24 *briety Treatment and Recovery Teams) (42 U.S.C.*

3048

1 290ee–10), as added by section 8214 of Public Law
2 115–271, as section 550A; and

3 (2) by moving such section so it appears after
4 section 550 (relating to national recovery housing best
5 practices).

6 **CHAPTER 4—SUBSTANCE USE PREVEN-**
7 **TION, TREATMENT, AND RECOVERY**
8 **SERVICES BLOCK GRANT**

9 **SEC. 1241. ELIMINATING STIGMATIZING LANGUAGE RELAT-**
10 **ING TO SUBSTANCE USE.**

11 (a) *BLOCK GRANTS FOR PREVENTION AND TREAT-*
12 *MENT OF SUBSTANCE USE.*—Part B of title XIX of the Pub-
13 lic Health Service Act (42 U.S.C. 300x et seq.) is amend-
14 ed—

15 (1) in the part heading, by striking “**SUB-**
16 **STANCE ABUSE**” and inserting “**SUBSTANCE**
17 **USE**”;

18 (2) in subpart II, by amending the subpart
19 heading to read as follows: “**Block Grants for**
20 **Substance Use Prevention, Treatment,**
21 **and Recovery Services**”;

22 (3) in section 1922(a) (42 U.S.C. 300x–22(a))—
23 (A) in paragraph (1), in the matter pre-
24 ceding subparagraph (A), by striking “substance

3049

1 *abuse” and inserting “substance use disorders”;*
2 *and*

3 *(B) by striking “such abuse” each place it*
4 *appears in paragraphs (1) and (2) and inserting*
5 *“such disorders”;*

6 *(4) in section 1923 (42 U.S.C. 300x–23)—*

7 *(A) in the section heading, by striking*
8 *“**SUBSTANCE ABUSE**” and inserting “**SUB-***
9 ***STANCE USE**”; and*

10 *(B) in subsection (a), by striking “drug*
11 *abuse” and inserting “substance use disorders”;*

12 *(5) in section 1925(a)(1) (42 U.S.C. 300x–*
13 *25(a)(1)), by striking “alcohol or drug abuse” and in-*
14 *serting “alcohol or other substance use disorders”;*

15 *(6) in section 1926(b)(2)(B) (42 U.S.C. 300x–*
16 *26(b)(2)(B)), by striking “substance abuse”;*

17 *(7) in section 1931(b)(2) (42 U.S.C. 300x–*
18 *31(b)(2)), by striking “substance abuse” and inserting*
19 *“substance use disorders”;*

20 *(8) in section 1933(d)(1) (42 U.S.C. 300x–*
21 *33(d)), in the matter following subparagraph (B), by*
22 *striking “abuse of alcohol and other drugs” and in-*
23 *serting “use of substances”;*

24 *(9) by amending paragraph (4) of section 1934*
25 *(42 U.S.C. 300x–34) to read as follows:*

3050

1 “(4) *The term ‘substance use disorder’ means the*
2 *recurrent use of alcohol or other drugs that causes*
3 *clinically significant impairment.’;*

4 (10) *in section 1935 (42 U.S.C. 300x–35)—*

5 (A) *in subsection (a), by striking “substance*
6 *abuse” and inserting “substance use disorders”;*
7 *and*

8 (B) *in subsection (b)(1), by striking “sub-*
9 *stance abuse” each place it appears and insert-*
10 *ing “substance use disorders”;*

11 (11) *in section 1949 (42 U.S.C. 300x–59), by*
12 *striking “substance abuse” each place it appears in*
13 *subsections (a) and (d) and inserting “substance use*
14 *disorders”;*

15 (12) *in section 1954(b)(4) (42 U.S.C. 300x–*
16 *64(b)(4))—*

17 (A) *by striking “substance abuse” and in-*
18 *serting “substance use disorders”; and*

19 (B) *by striking “such abuse” and inserting*
20 *“such disorders”; and*

21 (13) *in section 1956 (42 U.S.C. 300x–66), by*
22 *striking “substance abuse” and inserting “substance*
23 *use disorders”.*

24 (b) *CERTAIN PROGRAMS REGARDING MENTAL*
25 *HEALTH AND SUBSTANCE ABUSE.—Part C of title XIX of*

3051

1 *the Public Health Service Act (42 U.S.C. 300y et seq.) is*
2 *amended—*

3 *(1) in the part heading, by striking “**SUB-***
4 ***STANCE ABUSE**” and inserting “**SUBSTANCE***
5 ***USE**”;*

6 *(2) in section 1971 (42 U.S.C. 300y), by striking*
7 *“substance abuse” each place it appears in sub-*
8 *sections (a), (b), and (f) and inserting “substance*
9 *use”; and*

10 *(3) in section 1976 (42 U.S.C. 300y–11), by*
11 *striking “intravenous abuse” each place it appears*
12 *and inserting “intravenous use”.*

13 **SEC. 1242. AUTHORIZED ACTIVITIES.**

14 *Section 1921(b) of the Public Health Service Act (42*
15 *U.S.C. 300x–21(b)) is amended by striking “activities to*
16 *prevent and treat substance use disorders” and inserting*
17 *“activities to prevent, treat, and provide recovery support*
18 *services for substance use disorders”.*

19 **SEC. 1243. STATE PLAN REQUIREMENTS.**

20 *Section 1932(b)(1)(A) of the Public Health Service Act*
21 *(42 U.S.C. 300x–32(b)(1)(A)) is amended—*

22 *(1) by redesignating clauses (vi) through (ix) as*
23 *clauses (vii) through (x), respectively;*

24 *(2) by inserting after clause (v) the following:*

25 *“(vi) provides a description of—*

3052

1 “(I) the State’s comprehensive
2 statewide recovery support services ac-
3 tivities, including the number of indi-
4 viduals being served, target popu-
5 lations, workforce capacity (consistent
6 with clause (viii)), and priority needs;
7 and

8 “(II) the amount of funds received
9 under this subpart expended on recov-
10 ery support services, disaggregated by
11 the amount expended for type of service
12 activity;”; and

13 (3) in clause (viii), as so redesignated, by strik-
14 ing “disorders workforce” and inserting “disorders
15 workforce, including with respect to prevention, treat-
16 ment, and recovery,”.

17 **SEC. 1244. UPDATING CERTAIN LANGUAGE RELATING TO**
18 **TRIBES.**

19 Section 1933(d) of the Public Health Service Act (42
20 U.S.C. 300x–33(d)) is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (A)—

23 (i) by striking “of an Indian tribe or
24 tribal organization” and inserting “of an
25 Indian Tribe or Tribal organization”; and

3053

1 (ii) by striking “such tribe” and in-
2 serting “such Tribe”;

3 (B) in subparagraph (B)—

4 (i) by striking “tribe or tribal organi-
5 zation” and inserting “Tribe or Tribal or-
6 ganization”; and

7 (ii) by striking “Secretary under this”
8 and inserting “Secretary under this sub-
9 part”; and

10 (C) in the matter following subparagraph
11 (B), by striking “tribe or tribal organization”
12 and inserting “Tribe or Tribal organization”;

13 (2) by amending paragraph (2) to read as fol-
14 lows:

15 “(2) INDIAN TRIBE OR TRIBAL ORGANIZATION AS
16 GRANTEE.—The amount reserved by the Secretary on
17 the basis of a determination under this subsection
18 shall be granted to the Indian Tribe or Tribal organi-
19 zation serving the individuals for whom such a deter-
20 mination has been made.”;

21 (3) in paragraph (3), by striking “tribe or tribal
22 organization” and inserting “Tribe or Tribal organi-
23 zation”; and

24 (4) in paragraph (4)—

3054

1 (A) in the paragraph heading, by striking
2 “*DEFINITION*” and inserting “*DEFINITIONS*”;
3 and
4 (B) by striking “*The terms*” and all that
5 follows through “*given such terms*” and inserting
6 the following: “*The terms ‘Indian Tribe’ and*
7 *‘Tribal organization’ have the meanings given*
8 *the terms ‘Indian tribe’ and ‘tribal organiza-*
9 *tion’*”.

10 **SEC. 1245. BLOCK GRANTS FOR SUBSTANCE USE PREVEN-**
11 **TION, TREATMENT, AND RECOVERY SERV-**
12 **ICES.**

13 (a) *IN GENERAL.*—Section 1935(a) of the Public
14 Health Service Act (42 U.S.C. 300x–35(a)), as amended by
15 section 1241, is further amended by striking “*appro-*
16 *priated*” and all that follows through “*2022..*” and insert-
17 ing the following: “*appropriated \$1,908,079,000 for each of*
18 *fiscal years 2023 through 2027.*”.

19 (b) *TECHNICAL CORRECTIONS.*—Section 1935(b)(1)(B)
20 of the Public Health Service Act (42 U.S.C. 300x–
21 35(b)(1)(B)) is amended by striking “*the collection of data*
22 *in this paragraph is*”.

3055

1 **SEC. 1246. REQUIREMENT OF REPORTS AND AUDITS BY**
2 **STATES.**

3 *Section 1942(a) of the Public Health Service Act (42*
4 *U.S.C. 300x–52(a)) is amended—*

5 *(1) in paragraph (1), by striking “and” at the*
6 *end;*

7 *(2) in paragraph (2), by striking the period at*
8 *the end and inserting “; and”; and*

9 *(3) by adding at the end the following:*

10 *“(3) the amount provided to each recipient in*
11 *the previous fiscal year.”.*

12 **SEC. 1247. STUDY ON ASSESSMENT FOR USE OF STATE RE-**
13 **SOURCES.**

14 *(a) IN GENERAL.—The Secretary of Health and*
15 *Human Services, acting through the Assistant Secretary for*
16 *Mental Health and Substance Use (in this section referred*
17 *to as the “Secretary”), shall, in consultation with States*
18 *and other local entities providing prevention, treatment, or*
19 *recovery support services related to substance use, conduct*
20 *a study on strategies to assess community needs with re-*
21 *spect to such services in order to facilitate State use of block*
22 *grant funding received under subpart II of part B of title*
23 *XIX of the Public Health Service Act (42 U.S.C. 300x–21*
24 *et seq.) to provide services to substance use disorder preven-*
25 *tion, treatment, and recovery support. The study shall,*
26 *where feasible and appropriate, include estimates of re-*

3056

1 *sources for community needs strategies respective to preven-*
2 *tion, treatment, or recovery support services.*

3 *(b) REPORT.—Not later than 2 years after the date*
4 *of enactment of this Act, the Secretary shall submit to the*
5 *Committee on Health, Education, Labor, and Pensions of*
6 *the Senate and the Committee on Energy and Commerce*
7 *of the House of Representatives a report on the results of*
8 *the study conducted under subsection (a).*

9 **CHAPTER 5—TIMELY TREATMENT FOR**
10 **OPIOID USE DISORDER**
11 **SEC. 1251. STUDY ON EXEMPTIONS FOR TREATMENT OF**
12 **OPIOID USE DISORDER THROUGH OPIOID**
13 **TREATMENT PROGRAMS DURING THE COVID—**
14 **19 PUBLIC HEALTH EMERGENCY.**

15 *(a) STUDY.—The Assistant Secretary for Mental*
16 *Health and Substance Use shall conduct a study, in con-*
17 *sultation with patients and other stakeholders, on activities*
18 *carried out pursuant to exemptions granted—*

19 *(1) to a State (including the District of Colum-*
20 *bia or any territory of the United States) or an*
21 *opioid treatment program;*

22 *(2) pursuant to section 8.11(h) of title 42, Code*
23 *of Federal Regulations; and*

24 *(3) during the period—*

3057

1 (A) beginning on the declaration of the pub-
2 lic health emergency for the COVID-19 pan-
3 demic under section 319 of the Public Health
4 Service Act (42 U.S.C. 247d); and

5 (B) ending on the earlier of—

6 (i) the termination of such public
7 health emergency, including extensions
8 thereof pursuant to such section 319; and

9 (ii) the end of calendar year 2022.

10 (b) *PRIVACY.*—The section does not authorize the dis-
11 closure by the Department of Health and Human Services
12 of individually identifiable information about patients.

13 (c) *FEEDBACK.*—In conducting the study under sub-
14 section (a), the Assistant Secretary for Mental Health and
15 Substance Use shall gather feedback from the States and
16 opioid treatment programs on their experiences in imple-
17 menting exemptions described in subsection (a).

18 (d) *REPORT.*—Not later than 180 days after the end
19 of the period described in subsection (a)(3)(B), and subject
20 to subsection (c), the Assistant Secretary for Mental Health
21 and Substance Use shall publish a report on the results of
22 the study under this section.

3058

1 **SEC. 1252. CHANGES TO FEDERAL OPIOID TREATMENT**
2 **STANDARDS.**

3 (a) *MOBILE MEDICATION UNITS.*—Section 302(e) of
4 the Controlled Substances Act (21 U.S.C. 822(e)) is amend-
5 ed by adding at the end the following:

6 “(3) Notwithstanding paragraph (1), a registrant that
7 is dispensing pursuant to section 303(g) narcotic drugs to
8 individuals for maintenance treatment or detoxification
9 treatment shall not be required to have a separate registra-
10 tion to incorporate one or more mobile medication units
11 into the registrant’s practice to dispense such narcotics at
12 locations other than the registrant’s principal place of busi-
13 ness or professional practice described in paragraph (1), so
14 long as the registrant meets such standards for operation
15 of a mobile medication unit as the Attorney General may
16 establish.”.

17 (b) *REVISE OPIOID TREATMENT PROGRAM ADMISSION*
18 *CRITERIA TO ELIMINATE REQUIREMENT THAT PATIENTS*
19 *HAVE AN OPIOID USE DISORDER FOR AT LEAST 1 YEAR.*—
20 Not later than 18 months after the date of enactment of
21 this Act, the Secretary of Health and Human Services shall
22 revise section 8.12(e)(1) of title 42, Code of Federal Regula-
23 tions (or successor regulations), to eliminate the require-
24 ment that an opioid treatment program only admit an in-
25 dividual for treatment under the program if the individual

3059

1 *has been addicted to opioids for at least 1 year before being*
2 *so admitted for treatment.*

3 **CHAPTER 6—ADDITIONAL PROVISIONS**
4 **RELATING TO ADDICTION TREATMENT**

5 **SEC. 1261. PROHIBITION.**

6 *Notwithstanding any provision of this title and the*
7 *amendments made by this title, no funds made available*
8 *to carry out this title or any amendment made by this title*
9 *shall be used to purchase, procure, or distribute pipes or*
10 *cylindrical objects intended to be used to smoke or inhale*
11 *illegal scheduled substances.*

12 **SEC. 1262. ELIMINATING ADDITIONAL REQUIREMENTS FOR**
13 **DISPENSING NARCOTIC DRUGS IN SCHEDULE**
14 **III, IV, AND V FOR MAINTENANCE OR DETOXI-**
15 **FICATION TREATMENT.**

16 *(a) IN GENERAL.—Section 303(g) of the Controlled*
17 *Substances Act (21 U.S.C. 823(g)) is amended—*

18 *(1) by striking paragraph (2);*

19 *(2) by striking “(g)(1) Except as provided in*
20 *paragraph (2), practitioners who dispense narcotic*
21 *drugs to individuals for maintenance treatment or de-*
22 *toxification treatment” and inserting “(g) Practi-*
23 *tioners who dispense narcotic drugs (other than nar-*
24 *cotic drugs in schedule III, IV, or V) to individuals*

3060

1 *for maintenance treatment or detoxification treat-*
2 *ment”;*

3 *(3) by redesignating subparagraphs (A), (B),*
4 *and (C) as paragraphs (1), (2), and (3), respectively;*
5 *and*

6 *(4) in paragraph (2), as so redesignated—*

7 *(A) by striking “(i) security of stocks” and*
8 *inserting “(A) security of stocks”; and*

9 *(B) by striking “(ii) the maintenance of*
10 *records” and inserting “(B) the maintenance of*
11 *records”.*

12 *(b) CONFORMING CHANGES.—*

13 *(1) Subsections (a) and (d)(1) of section 304 of*
14 *the Controlled Substances Act (21 U.S.C. 824) are*
15 *each amended by striking “303(g)(1)” each place it*
16 *appears and inserting “303(g)”.*

17 *(2) Section 309A(a)(2) of the Controlled Sub-*
18 *stances Act (21 U.S.C. 829a) is amended—*

19 *(A) in the matter preceding subparagraph*
20 *(A), by striking “the controlled substance is to be*
21 *administered for the purpose of maintenance or*
22 *detoxification treatment under section 303(g)(2)”*
23 *and inserting “the controlled substance is a nar-*
24 *cotic drug in schedule III, IV, or V to be admin-*

3061

1 *istered for the purpose of maintenance or detoxi-*
2 *fication treatment”; and*

3 *(B) by striking “and—” and all that fol-*
4 *lows through “is to be administered by injection*
5 *or implantation;” and inserting “and is to be*
6 *administered by injection or implantation;”.*

7 *(3) Section 520E–4(c) of the Public Health Serv-*
8 *ice Act (42 U.S.C. 290bb–36d(c)) is amended by strik-*
9 *ing “information on any qualified practitioner that*
10 *is certified to prescribe medication for opioid depend-*
11 *ency under section 303(g)(2)(B) of the Controlled*
12 *Substances Act” and inserting “information on any*
13 *practitioner who prescribes narcotic drugs in schedule*
14 *III, IV, or V of section 202 of the Controlled Sub-*
15 *stances Act for the purpose of maintenance or detoxi-*
16 *fication treatment”.*

17 *(4) Section 544(a)(3) of the Public Health Serv-*
18 *ice Act (42 U.S.C. 290dd–3), as added by section*
19 *1219(a)(2), is amended by striking “any practitioner*
20 *dispensing narcotic drugs pursuant to section 303(g)*
21 *of the Controlled Substances Act” and inserting “any*
22 *practitioner dispensing narcotic drugs for the purpose*
23 *of maintenance or detoxification treatment”.*

24 *(5) Section 1833(bb)(3)(B) of the Social Security*
25 *Act (42 U.S.C. 1395l(bb)(3)(B)) is amended by strik-*

3062

1 *ing “first receives a waiver under section 303(g) of*
2 *the Controlled Substances Act on or after January 1,*
3 *2019” and inserting “first begins prescribing narcotic*
4 *drugs in schedule III, IV, or V of section 202 of the*
5 *Controlled Substances Act for the purpose of mainte-*
6 *nance or detoxification treatment on or after January*
7 *1, 2021”.*

8 *(6) Section 1834(o)(3)(C)(ii) of the Social Secu-*
9 *urity Act (42 U.S.C. 1395m(o)(3)(C)(ii)) is amended*
10 *by striking “first receives a waiver under section*
11 *303(g) of the Controlled Substances Act on or after*
12 *January 1, 2019” and inserting “first begins pre-*
13 *scribing narcotic drugs in schedule III, IV, or V of*
14 *section 202 of the Controlled Substances Act for the*
15 *purpose of maintenance or detoxification treatment*
16 *on or after January 1, 2021”.*

17 *(7) Section 1866F(c)(3) of the Social Security*
18 *Act (42 U.S.C. 1395cc–6(c)(3)) is amended—*

19 *(A) in subparagraph (A), by adding “and”*
20 *at the end;*

21 *(B) in subparagraph (B), by striking “;*
22 *and” and inserting a period; and*

23 *(C) by striking subparagraph (C).*

24 *(8) Section 1903(aa)(2)(C) of the Social Security*
25 *Act (42 U.S.C. 1396b(aa)(2)(C)) is amended—*

3063

1 (A) in clause (i), by adding “and” at the
2 end;
3 (B) by striking clause (ii); and
4 (C) by redesignating clause (iii) as clause
5 (ii).

6 **SEC. 1263. REQUIRING PRESCRIBERS OF CONTROLLED SUB-**
7 **STANCES TO COMPLETE TRAINING.**

8 (a) *IN GENERAL.*—Section 303 of the Controlled Sub-
9 stances Act (21 U.S.C. 823) is amended by adding at the
10 end the following:

11 “(l) *REQUIRED TRAINING FOR PRESCRIBERS.*—

12 “(1) *TRAINING REQUIRED.*—As a condition on
13 registration under this section to dispense controlled
14 substances in schedule II, III, IV, or V, the Attorney
15 General shall require any qualified practitioner, be-
16 ginning with the first applicable registration for the
17 practitioner, to meet the following:

18 “(A) If the practitioner is a physician (as
19 defined under section 1861(r) of the Social Secu-
20 rity Act) and the practitioner meets one or more
21 of the following conditions:

22 “(i) The physician holds a board cer-
23 tification in addiction psychiatry or addic-
24 tion medicine from the American Board of
25 Medical Specialties.

3064

1 “(ii) *The physician holds a board cer-*
2 *tification from the American Board of Ad-*
3 *diction Medicine.*

4 “(iii) *The physician holds a board cer-*
5 *tification in addiction medicine from the*
6 *American Osteopathic Association.*

7 “(iv) *The physician has, with respect*
8 *to the treatment and management of pa-*
9 *tients with opioid or other substance use*
10 *disorders, or the safe pharmacological man-*
11 *agement of dental pain and screening, brief*
12 *intervention, and referral for appropriate*
13 *treatment of patients with or at risk of de-*
14 *veloping opioid or other substance use dis-*
15 *orders, completed not less than 8 hours of*
16 *training (through classroom situations, sem-*
17 *inars at professional society meetings, elec-*
18 *tronic communications, or otherwise) that is*
19 *provided by—*

20 “(I) *the American Society of Ad-*
21 *diction Medicine, the American Acad-*
22 *emy of Addiction Psychiatry, the*
23 *American Medical Association, the*
24 *American Osteopathic Association, the*
25 *American Dental Association, the*

† HR 2617 EAS2

3065

1 *American Association of Oral and*
2 *Maxillofacial Surgeons, the American*
3 *Psychiatric Association, or any other*
4 *organization accredited by the Accredi-*
5 *tation Council for Continuing Medical*
6 *Education (ACCME) or the Commis-*
7 *sion for Continuing Education Pro-*
8 *vider Recognition (CCEPR);*

9 *“(II) any organization accredited*
10 *by a State medical society accreditor*
11 *that is recognized by the ACCME or*
12 *the CCEPR;*

13 *“(III) any organization accredited*
14 *by the American Osteopathic Associa-*
15 *tion to provide continuing medical*
16 *education; or*

17 *“(IV) any organization approved*
18 *by the Assistant Secretary for Mental*
19 *Health and Substance Use, the*
20 *ACCME, or the CCEPR.*

21 *“(v) The physician graduated in good*
22 *standing from an accredited school of*
23 *allopathic medicine, osteopathic medicine,*
24 *dental surgery, or dental medicine in the*
25 *United States during the 5-year period im-*

3066

1 *mediately preceding the date on which the*
2 *physician first registers or renews under*
3 *this section and has successfully completed a*
4 *comprehensive allopathic or osteopathic*
5 *medicine curriculum or accredited medical*
6 *residency or dental surgery or dental medi-*
7 *cine curriculum that included not less than*
8 *8 hours of training on—*

9 *“(I) treating and managing pa-*
10 *tients with opioid or other substance*
11 *use disorders, including the appro-*
12 *priate clinical use of all drugs ap-*
13 *proved by the Food and Drug Admin-*
14 *istration for the treatment of a sub-*
15 *stance use disorder; or*

16 *“(II) the safe pharmacological*
17 *management of dental pain and*
18 *screening, brief intervention, and refer-*
19 *ral for appropriate treatment of pa-*
20 *tients with or at risk of developing*
21 *opioid and other substance use dis-*
22 *orders.*

23 *“(B) If the practitioner is not a physician*
24 *(as defined under section 1861(r) of the Social*
25 *Security Act), the practitioner is legally author-*

3067

1 *ized by the State to dispense controlled sub-*
2 *stances under schedule II, III, IV, or V and is*
3 *dispensing such substances within such State in*
4 *accordance with all applicable State laws, and*
5 *the practitioner meets one or more of the fol-*
6 *lowing conditions:*

7 *“(i) The practitioner has completed not*
8 *fewer than 8 hours of training with respect*
9 *to the treatment and management of pa-*
10 *tients with opioid or other substance use*
11 *disorders (through classroom situations,*
12 *seminars at professional society meetings,*
13 *electronic communications, or otherwise)*
14 *provided by the American Society of Addic-*
15 *tion Medicine, the American Academy of*
16 *Addiction Psychiatry, the American Med-*
17 *ical Association, the American Osteopathic*
18 *Association, the American Nurses*
19 *Credentialing Center, the American Psy-*
20 *chiatric Association, the American Associa-*
21 *tion of Nurse Practitioners, the American*
22 *Academy of Physician Associates, or any*
23 *other organization approved or accredited*
24 *by the Assistant Secretary for Mental*
25 *Health and Substance Use or the Accredita-*

† HR 2617 EAS2

3068

1 *tion Council for Continuing Medical Edu-*
2 *cation.*

3 “(ii) *The practitioner has graduated in*
4 *good standing from an accredited physician*
5 *assistant school or accredited school of ad-*
6 *vanced practice nursing in the United*
7 *States during the 5-year period imme-*
8 *diately preceding the date on which the*
9 *practitioner first registers or renews under*
10 *this section and has successfully completed a*
11 *comprehensive physician assistant or ad-*
12 *vanced practice nursing curriculum that in-*
13 *cluded not fewer than 8 hours of training*
14 *on treating and managing patients with*
15 *opioid and other substance use disorders,*
16 *including the appropriate clinical use of all*
17 *drugs approved by the Food and Drug Ad-*
18 *ministration for the treatment of a sub-*
19 *stance use disorder.*

20 “(2) *ONE-TIME TRAINING.—*

21 “(A) *IN GENERAL.—The Attorney General*
22 *shall not require any qualified practitioner to*
23 *complete the training described in clause (iv) or*
24 *(v) of paragraph (1)(A) or clause (i) or (ii) of*
25 *paragraph (1)(B) more than once.*

3069

1 “(B) *NOTIFICATION.*—Not later than 90
2 days after the date of the enactment of the *Re-*
3 *storing Hope for Mental Health and Well-Being*
4 *Act of 2022*, the Attorney General shall provide
5 to qualified practitioners a single written, elec-
6 tronic notification of the training described in
7 clauses (iv) and (v) of paragraph (1)(A) or
8 clauses (i) and (ii) of paragraph (1)(B).

9 “(3) *RULE OF CONSTRUCTION.*—Nothing in this
10 subsection shall be construed—

11 “(A) to preclude the use, by a qualified
12 practitioner, of training received pursuant to
13 this subsection to satisfy registration require-
14 ments of a State or for some other lawful pur-
15 pose; or

16 “(B) to preempt any additional require-
17 ments by a State related to the dispensing of
18 controlled substances under schedule II, III, IV,
19 or V.

20 “(4) *DEFINITIONS.*—In this section:

21 “(A) *FIRST APPLICABLE REGISTRATION.*—
22 The term ‘first applicable registration’ means the
23 first registration or renewal of registration by a
24 qualified practitioner under this section that oc-
25 curs on or after the date that is 180 days after

3070

1 *the date of enactment of the Restoring Hope for*
2 *Mental Health and Well-Being Act of 2022.*

3 “(B) *QUALIFIED PRACTITIONER.*—*In this*
4 *subsection, the term ‘qualified practitioner’*
5 *means a practitioner who—*

6 “(i) *is licensed under State law to pre-*
7 *scribe controlled substances; and*

8 “(ii) *is not solely a veterinarian.*”.

9 (b) *REPORT.*—*Not later than 5 years after the date*
10 *of enactment of this Act, the Secretary, in consultation with*
11 *the Attorney General, shall submit to the Committee on*
12 *Health, Education, Labor, and Pensions of the Senate and*
13 *the Committee on Energy and Commerce of the House of*
14 *Representatives a report assessing the impact of the elimi-*
15 *nation of the waiver program established under section*
16 *303(g)(2) of the Controlled Substances Act (21 U.S.C.*
17 *823(g)(2)), as amended by the Drug Addiction Treatment*
18 *Act of 2000.*

19 **SEC. 1264. INCREASE IN NUMBER OF DAYS BEFORE WHICH**
20 **CERTAIN CONTROLLED SUBSTANCES MUST**
21 **BE ADMINISTERED.**

22 *Section 309A(a)(5) of the Controlled Substances Act*
23 *(21 U.S.C. 829a(a)(5)) is amended by striking “14 days”*
24 *and inserting “45 days”.*

3071

1 **CHAPTER 7—OPIOID CRISIS RESPONSE**

2 **SEC. 1271. OPIOID PRESCRIPTION VERIFICATION.**

3 (a) *MATERIALS FOR TRAINING PHARMACISTS ON CER-*
4 *TAIN CIRCUMSTANCES UNDER WHICH A PHARMACIST MAY*
5 *DECLINE TO FILL A PRESCRIPTION.—*

6 (1) *UPDATES TO MATERIALS.—Section 3212(a)*
7 *of the SUPPORT for Patients and Communities Act*
8 *(21 U.S.C. 829 note) is amended by striking “Not*
9 *later than 1 year after the date of enactment of this*
10 *Act, the Secretary of Health and Human Services, in*
11 *consultation with the Administrator of the Drug En-*
12 *forcement Administration, Commissioner of Food and*
13 *Drugs, Director of the Centers for Disease Control*
14 *and Prevention, and Assistant Secretary for Mental*
15 *Health and Substance Use, shall develop and dissemi-*
16 *nate” and inserting “The Secretary of Health and*
17 *Human Services, in consultation with the Adminis-*
18 *trator of the Drug Enforcement Administration, Com-*
19 *missioner of Food and Drugs, Director of the Centers*
20 *for Disease Control and Prevention, and Assistant*
21 *Secretary for Mental Health and Substance Use, shall*
22 *develop and disseminate not later than 1 year after*
23 *the date of enactment of the Restoring Hope for Men-*
24 *tal Health and Well-Being Act of 2022, and update*
25 *periodically thereafter”.*

3072

1 (2) *MATERIALS INCLUDED*.—Section 3212(b) of
2 the *SUPPORT for Patients and Communities Act* (21
3 U.S.C. 829 note) is amended—

4 (A) by redesignating paragraphs (1) and
5 (2) as paragraphs (2) and (3), respectively; and

6 (B) by inserting before paragraph (2), as so
7 redesignated, the following new paragraph:

8 “(1) pharmacists on how to verify the identity of
9 the patient;”.

10 (3) *MATERIALS FOR TRAINING ON PATIENT*
11 *VERIFICATION* .—Section 3212 of the *SUPPORT for*
12 *Patients and Communities Act* (21 U.S.C. 829 note)
13 is amended by adding at the end the following new
14 subsection:

15 “(d) *MATERIALS FOR TRAINING ON VERIFICATION OF*
16 *IDENTITY*.—Not later than 1 year after the date of enact-
17 ment of this subsection, the Secretary of Health and Human
18 Services, after seeking stakeholder input in accordance with
19 subsection (c), shall—

20 “(1) update the materials developed under sub-
21 section (a) to include information for pharmacists on
22 how to verify the identity of the patient; and

23 “(2) disseminate, as appropriate, the updated
24 materials.”.

3073

1 (b) *INCENTIVIZING STATES TO BUILD OR MAINTAIN*
2 *PRESCRIPTION DRUG MONITORING PROGRAMS.*—

3 (1) *IN GENERAL.*—Section 392A of the Public
4 *Health Service Act (42 U.S.C. 280b–1) is amended—*

5 (A) *by redesignating subsections (c) and (d)*
6 *as subsections (d) and (e), respectively; and*

7 (B) *by inserting after subsection (b) the fol-*
8 *lowing new subsection:*

9 “(c) *PRIORITY.*—*In awarding grants to States under*
10 *subsections (a) and (b), the Director of the Centers for Dis-*
11 *ease Control and Prevention may give priority to jurisdic-*
12 *tions with a disproportionately high rate of drug overdoses*
13 *or drug overdose deaths, as applicable.”.*

14 (2) *CONFORMING CHANGE.*—Section 392A of the
15 *Public Health Service Act (42 U.S.C. 280b–1) is*
16 *amended by striking “Indian tribes” each place it ap-*
17 *pears and inserting “Indian Tribes”.*

18 **SEC. 1272. SYNTHETIC OPIOID AND EMERGING DRUG MIS-**
19 **USE DANGER AWARENESS.**

20 (a) *IN GENERAL.*—*Not later than one year after the*
21 *date of enactment of this Act, the Secretary shall provide*
22 *for the planning and implementation of a public education*
23 *campaign to raise public awareness of synthetic opioids (in-*
24 *cluding fentanyl and its analogues) and emerging drug use*
25 *and misuse issues, as appropriate. Such campaign related*

3074

1 *to synthetic opioids shall include the dissemination of infor-*
2 *mation that—*

3 *(1) promotes awareness about the potency and*
4 *dangers of fentanyl and its analogues and other syn-*
5 *thetic opioids;*

6 *(2) explains services provided by the Substance*
7 *Abuse and Mental Health Services Administration*
8 *and the Centers for Disease Control and Prevention*
9 *(and any entity providing such services under a con-*
10 *tract entered into with such agencies) with respect to*
11 *the use and misuse of opioids (including synthetic*
12 *opioids) and other emerging drug threats, such as*
13 *stimulants, as appropriate; and*

14 *(3) relates generally to opioid use and pain*
15 *management, including information on alternative,*
16 *nonopioid pain management treatments.*

17 *The Secretary shall update such campaign to address*
18 *emerging drug misuse issues, as appropriate.*

19 *(b) USE OF MEDIA.—The campaign under subsection*
20 *(a) may be implemented through the use of television, radio,*
21 *internet, in-person public communications, and other com-*
22 *mercial marketing venues and may be targeted to specific*
23 *demographic groups.*

24 *(c) CONSIDERATION OF REPORT FINDINGS.—In plan-*
25 *ning and implementing the public education campaign*

3075

1 *under subsection (a) related to synthetic opioids, the Sec-*
2 *retary shall take into consideration the findings of the re-*
3 *port required under section 7001 of the SUPPORT for Pa-*
4 *tients and Communities Act (Public Law 115–271).*

5 (d) *CONSULTATION.—In coordinating the campaign*
6 *under subsection (a), the Secretary shall consult with the*
7 *Assistant Secretary for Mental Health and Substance Use*
8 *to provide ongoing advice on the effectiveness of information*
9 *disseminated through the campaign.*

10 (e) *REQUIREMENT OF CAMPAIGN.—The campaign im-*
11 *plemented under subsection (a) shall not be duplicative of*
12 *any other Federal efforts relating to eliminating substance*
13 *use and misuse.*

14 (f) *EVALUATION.—*

15 (1) *IN GENERAL.—The Secretary shall ensure*
16 *that the campaign implemented under subsection (a)*
17 *is subject to an independent evaluation, beginning 2*
18 *years after the date of enactment of this Act, and 2*
19 *years thereafter.*

20 (2) *MEASURES AND BENCHMARKS.—For pur-*
21 *poses of an evaluation conducted pursuant to para-*
22 *graph (1), the Secretary shall—*

23 (A) *establish baseline measures and bench-*
24 *marks to quantitatively evaluate the impact of*
25 *the campaign under this section; and*

3076

1 (B) conduct qualitative assessments regard-
2 ing the effectiveness of strategies employed under
3 this section.

4 (g) *REPORT.*—The Secretary shall, beginning 2 years
5 after the date of enactment of this Act, and 2 years there-
6 after, submit to Congress a report on the effectiveness of the
7 campaign implemented under subsection (a) towards meet-
8 ing the measures and benchmarks established under sub-
9 section (f)(2).

10 (h) *DISSEMINATION OF INFORMATION THROUGH PRO-*
11 *VIDERS.*—The Secretary shall develop and implement a
12 plan for the dissemination of information related to syn-
13 thetic opioids, to health care providers who participate in
14 Federal programs, including programs administered by the
15 Department of Health and Human Services, the Indian
16 Health Service, the Department of Veterans Affairs, the De-
17 partment of Defense, and the Health Resources and Services
18 Administration, the Medicare program under title XVIII
19 of the Social Security Act (42 U.S.C. 1395 et seq.), and
20 the Medicaid program under title XIX of such Act (42
21 U.S.C. 1396 et seq.).

22 (i) *TRAINING GUIDE AND OUTREACH ON SYNTHETIC*
23 *OPIOID EXPOSURE PREVENTION.*—

24 (1) *TRAINING GUIDE.*—Not later than 18 months
25 after the date of enactment of this Act, the Secretary

3077

1 *shall design, publish, and make publicly available on*
2 *the internet website of the Department of Health and*
3 *Human Services, a training guide and webinar for*
4 *first responders and other individuals who also may*
5 *be at high risk of exposure to synthetic opioids that*
6 *details measures to prevent that exposure.*

7 (2) *OUTREACH.*—*Not later than 18 months after*
8 *the date of enactment of this Act, the Secretary shall*
9 *also conduct outreach about the availability of the*
10 *training guide and webinar published under para-*
11 *graph (1) to—*

12 (A) *fire department staff;*

13 (B) *law enforcement officers;*

14 (C) *ambulance transport and other first re-*
15 *sponders;*

16 (D) *hospital emergency department per-*
17 *sonnel; and*

18 (E) *other high-risk occupations, as identi-*
19 *fied by the Secretary.*

20 **SEC. 1273. GRANT PROGRAM FOR STATE AND TRIBAL RE-**
21 **SPONSE TO OPIOID USE DISORDERS.**

22 *Section 1003 of the 21st Century Cures Act (42 U.S.C.*
23 *290ee–3 note) is amended to read as follows:*

3078

1 **“SEC. 1003. GRANT PROGRAM FOR STATE AND TRIBAL RE-**
2 **SPONSE TO OPIOID USE DISORDERS.**

3 “(a) *IN GENERAL.*—*The Secretary of Health and*
4 *Human Services (referred to in this section as the ‘Sec-*
5 *retary’)* shall carry out the grant program described in sub-
6 *section (b) for purposes of addressing opioid misuse and*
7 *use disorders and, as applicable and appropriate, stimulant*
8 *misuse and use disorders, within States, Indian Tribes, and*
9 *populations served by Tribal organizations and Urban In-*
10 *dian organizations.*

11 “(b) *GRANTS PROGRAM.*—

12 “(1) *IN GENERAL.*—*Subject to the availability of*
13 *appropriations, the Secretary shall award grants to*
14 *the single State agency responsible for administering*
15 *the substance use prevention, treatment, and recovery*
16 *services block grant under subpart II of part B of title*
17 *XIX of the Public Health Service Act (42 U.S.C.*
18 *300x–21 et seq.), Indian Tribes, and Tribal organiza-*
19 *tions for the purpose of addressing opioid misuse and*
20 *use disorders, and as applicable and appropriate,*
21 *stimulant misuse and use disorders, within such*
22 *States, such Indian Tribes, and populations served by*
23 *such Tribal organizations, in accordance with para-*
24 *graph (2). Indian Tribes or Tribal organizations may*
25 *also apply for an award as part of a consortia or*

3079

1 *may include in an application a partnership with an*
2 *Urban Indian organization.*

3 “(2) *MINIMUM ALLOCATIONS.*—*Notwithstanding*
4 *subsection (i)(3), in determining grant amounts for*
5 *each recipient of a grant under paragraph (1), the*
6 *Secretary shall ensure that each State and the Dis-*
7 *trict of Columbia receive not less than \$4,000,000 and*
8 *ensure that each Territory receives not less than*
9 *\$250,000.*

10 “(3) *FORMULA METHODOLOGY.*—

11 “(A) *IN GENERAL.*—*At least 30 days before*
12 *publishing a funding opportunity announcement*
13 *with respect to grants under this section, the Sec-*
14 *retary shall—*

15 “(i) *develop a formula methodology to*
16 *be followed in allocating grant funds*
17 *awarded under this section among grantees,*
18 *which, where applicable and appropriate*
19 *based on populations being served by the*
20 *relevant entity—*

21 “(I) *with respect to allocations for*
22 *States, gives preference to States whose*
23 *populations have a prevalence of*
24 *opioid misuse and use disorders or*
25 *drug overdose deaths that is substan-*

† HR 2617 EAS2

3080

1 *tially higher relative to the populations*
2 *of other States;*

3 *“(II) with respect to allocations*
4 *for Tribes and Tribal organizations,*
5 *gives preferences to Tribes and Tribal*
6 *organizations (including those apply-*
7 *ing in partnership with an Urban In-*
8 *dian organization) serving populations*
9 *with demonstrated need with respect to*
10 *opioid misuse and use disorders or*
11 *drug overdose deaths;*

12 *“(III) includes performance as-*
13 *sessments for continuation awards; and*

14 *“(IV) ensures that the formula*
15 *avoids a funding cliff between States*
16 *with similar overdose mortality rates*
17 *to prevent funding reductions when*
18 *compared to prior year allocations, as*
19 *determined by the Secretary; and*

20 *“(ii) not later than 30 days after de-*
21 *veloping the formula methodology under*
22 *clause (i), submit the formula methodology*
23 *to—*

24 *“(I) the Committee on Health,*
25 *Education, Labor, and Pensions and*

† HR 2617 EAS2

3081

1 *the Committee on Appropriations of*
2 *the Senate; and*

3 “(II) *the Committee on Energy*
4 *and Commerce and the Committee on*
5 *Appropriations of the House of Rep-*
6 *resentatives.*

7 “(B) *REPORT.—Not later than two years*
8 *after the date of the enactment of the Restoring*
9 *Hope for Mental Health and Well-Being Act of*
10 *2022, the Comptroller General of the United*
11 *States shall submit to the Committee on Health,*
12 *Education, Labor, and Pensions of the Senate*
13 *and the Committee on Energy and Commerce of*
14 *the House of Representatives a report that—*

15 “(i) *assesses how grant funding is allo-*
16 *cated to States under this section and how*
17 *such allocations have changed over time;*

18 “(ii) *assesses how any changes in fund-*
19 *ing under this section have affected the ef-*
20 *forts of States to address opioid misuse and*
21 *use disorders and, as applicable and appro-*
22 *priate, stimulant misuse and use disorders;*
23 *and*

24 “(iii) *assesses the use of funding pro-*
25 *vided through the grant program under this*

† HR 2617 EAS2

3082

1 *section and other similar grant programs*
2 *administered by the Substance Abuse and*
3 *Mental Health Services Administration.*

4 “(4) *USE OF FUNDS.—Grants awarded under*
5 *this subsection shall be used for carrying out activi-*
6 *ties that supplement activities pertaining to opioid*
7 *misuse and use disorders and, as applicable and ap-*
8 *propriate, stimulant misuse and use disorders (in-*
9 *cluding co-occurring substance misuse and use dis-*
10 *orders), undertaken by the entities described in para-*
11 *graph (1), which may include public health-related*
12 *activities such as the following:*

13 “(A) *Implementing substance use disorder*
14 *and overdose prevention activities, including pri-*
15 *mary prevention activities, and evaluating such*
16 *activities to identify effective strategies to pre-*
17 *vent substance use disorders and overdoses, which*
18 *may include drugs or devices approved, cleared,*
19 *or otherwise legally marketed under the Federal*
20 *Food, Drug, and Cosmetic Act.*

21 “(B) *Establishing or improving prescrip-*
22 *tion drug monitoring programs.*

23 “(C) *Training for health care practitioners,*
24 *such as best practices for prescribing opioids,*
25 *pain management, recognizing potential cases of*

3083

1 *substance use disorders, referral of patients to*
2 *treatment programs, preventing diversion of con-*
3 *trolled substances, and overdose prevention.*

4 “(D) Supporting access to and the provision
5 *of substance use disorder-related health care serv-*
6 *ices, including—*

7 “(i) services provided by federally cer-
8 *tified opioid treatment programs;*

9 “(ii) services provided in outpatient
10 *and residential substance use disorder treat-*
11 *ment programs or facilities, including those*
12 *that utilize medication-assisted treatment,*
13 *as appropriate; or*

14 “(iii) services provided by other appro-
15 *priate health care providers to treat sub-*
16 *stance use disorders, including crisis serv-*
17 *ices and services provided in integrated*
18 *health care settings by appropriate health*
19 *care providers that treat substance use dis-*
20 *orders.*

21 “(E) Recovery support services, including—

22 “(i) community-based services that in-
23 *clude education, outreach, and peer sup-*
24 *ports such as peer support specialists and*
25 *recovery coaches to help support recovery;*

† HR 2617 EAS2

3084

1 “(ii) *mutual aid recovery programs*
2 *that support medication-assisted treatment;*

3 “(iii) *services to address housing needs;*

4 *or*

5 “(iv) *services related to supporting*
6 *families that include an individual with a*
7 *substance use disorder.*

8 “(F) *Other public health-related activities,*
9 *as such entity determines appropriate, related to*
10 *addressing opioid misuse and use disorders and,*
11 *as applicable and appropriate, stimulant misuse*
12 *and use disorders, within such entity, including*
13 *directing resources in accordance with local*
14 *needs related to substance use disorders.*

15 “(c) *ACCOUNTABILITY AND OVERSIGHT.—A State re-*
16 *ceiving a grant under subsection (b) shall submit to the Sec-*
17 *retary a description of—*

18 “(1) *the purposes for which the grant funds re-*
19 *ceived by the State under such subsection for the pre-*
20 *ceding fiscal year were expended and a description of*
21 *the activities of the State under the grant;*

22 “(2) *the ultimate recipients of amounts provided*
23 *to the State;*

24 “(3) *the number of individuals served through*
25 *the grant; and*

3085

1 “(4) *such other information as determined ap-*
2 *propriate by the Secretary.*

3 “(d) *LIMITATIONS.—Any funds made available pursu-*
4 *ant to subsection (i) shall not be used for any purpose other*
5 *than the grant program under subsection (b).*

6 “(e) *INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—*
7 *The Secretary, in consultation with Indian Tribes and*
8 *Tribal organizations, shall identify and establish appro-*
9 *priate mechanisms for Indian Tribes and Tribal organiza-*
10 *tions to demonstrate or report the information as required*
11 *under subsections (b), (c), and (d).*

12 “(f) *REPORT TO CONGRESS.—Not later than Sep-*
13 *tember 30, 2024, and biennially thereafter, the Secretary*
14 *shall submit to the Committee on Health, Education, Labor,*
15 *and Pensions of the Senate and the Committee on Energy*
16 *and Commerce of the House of Representatives, and the*
17 *Committees on Appropriations of the House of Representa-*
18 *tives and the Senate, a report that includes a summary of*
19 *the information provided to the Secretary in reports made*
20 *pursuant to subsections (c) and (d), including—*

21 “(1) *the purposes for which grant funds are*
22 *awarded under this section;*

23 “(2) *the activities of the grant recipients; and*

3086

1 “(3) *each entity that receives a grant under this*
2 *section, including the funding level provided to such*
3 *recipient.*

4 “(g) *TECHNICAL ASSISTANCE.—The Secretary, includ-*
5 *ing through the Tribal Training and Technical Assistance*
6 *Center of the Substance Abuse and Mental Health Services*
7 *Administration, as applicable, shall provide entities de-*
8 *scribed in subsection (b)(1) with technical assistance con-*
9 *cerning grant application and submission procedures under*
10 *this section, award management activities, and enhancing*
11 *outreach and direct support to rural and underserved com-*
12 *munities and providers in addressing substance use dis-*
13 *orders.*

14 “(h) *DEFINITIONS.—In this section:*

15 “(1) *INDIAN TRIBE.—The term ‘Indian Tribe’*
16 *has the meaning given the term ‘Indian tribe’ in sec-*
17 *tion 4 of the Indian Self-Determination and Edu-*
18 *cation Assistance Act (25 U.S.C. 5304).*

19 “(2) *TRIBAL ORGANIZATION.—The term ‘Tribal*
20 *organization’ has the meaning given the term ‘tribal*
21 *organization’ in section 4 of the Indian Self-Deter-*
22 *mination and Education Assistance Act (25 U.S.C.*
23 *5304).*

3087

1 “(3) *STATE*.—The term ‘State’ has the meaning
2 given such term in section 1954(b) of the Public
3 Health Service Act (42 U.S.C. 300x–64(b)).

4 “(4) *URBAN INDIAN ORGANIZATION*.—The term
5 ‘Urban Indian organization’ has the meaning given
6 such term in section 4 of the Indian Health Care Im-
7 provement Act.

8 “(i) *AUTHORIZATION OF APPROPRIATIONS*.—

9 “(1) *IN GENERAL*.—For purposes of carrying out
10 the grant program under subsection (b), there is au-
11 thorized to be appropriated \$1,750,000,000 for each of
12 fiscal years 2023 through 2027.

13 “(2) *FEDERAL ADMINISTRATIVE EXPENSES*.—Of
14 the amounts made available for each fiscal year to
15 award grants under subsection (b), the Secretary shall
16 not use more than 2 percent for Federal administra-
17 tive expenses, training, technical assistance, and eval-
18 uation.

19 “(3) *SET ASIDE*.—Of the amounts made avail-
20 able for each fiscal year to award grants under sub-
21 section (b) for a fiscal year, the Secretary shall—

22 “(A) award not more than 5 percent to In-
23 dian Tribes and Tribal organizations; and

24 “(B) of the amount remaining after appli-
25 cation of subparagraph (A), set aside up to 15

3088

1 *percent for awards to States with the highest*
2 *age-adjusted rate of drug overdose death based on*
3 *the ordinal ranking of States according to the*
4 *Director of the Centers for Disease Control and*
5 *Prevention.”.*

6 ***Subtitle C—Access to Mental Health***
7 ***Care and Coverage***

8 ***CHAPTER 1—IMPROVING UPTAKE AND PA-***
9 ***TIENT ACCESS TO INTEGRATED CARE***
10 ***SERVICES***

11 ***SEC. 1301. IMPROVING UPTAKE AND PATIENT ACCESS TO***
12 ***INTEGRATED CARE SERVICES.***

13 *Section 520K of the Public Health Service Act (42*
14 *U.S.C. 290bb–42) is amended to read as follows:*

15 ***“SEC. 520K. IMPROVING UPTAKE AND PATIENT ACCESS TO***
16 ***INTEGRATED CARE SERVICES.***

17 ***“(a) DEFINITIONS.—In this section:***

18 ***“(1) ELIGIBLE ENTITY.—The term ‘eligible enti-***
19 ***ty’ means a State, or an appropriate State agency,***
20 ***in collaboration with—***

21 ***“(A) 1 or more qualified community pro-***
22 ***grams as described in section 1913(b)(1); or***

23 ***“(B) 1 or more health centers (as defined in***
24 ***section 330(a)), rural health clinics (as defined***
25 ***in section 1861(aa) of the Social Security Act),***

3089

1 *or Federally qualified health centers (as defined*
2 *in such section), or primary care practices serv-*
3 *ing adult or pediatric patients or both.*

4 “(2) *INTEGRATED CARE; BIDIRECTIONAL INTE-*
5 *GRATED CARE.*—

6 “(A) *The term ‘integrated care’ means col-*
7 *laborative models, including the psychiatric col-*
8 *laborative care model and other evidence-based or*
9 *evidence-informed models, or practices for coordi-*
10 *nating and jointly delivering behavioral and*
11 *physical health services, which may include*
12 *practices that share the same space in the same*
13 *facility.*

14 “(B) *The term ‘bidirectional integrated*
15 *care’ means the integration of behavioral health*
16 *care and specialty physical health care, and the*
17 *integration of primary and physical health care*
18 *within specialty behavioral health settings, in-*
19 *cluding within primary health care settings.*

20 “(3) *PSYCHIATRIC COLLABORATIVE CARE*
21 *MODEL.*—*The term ‘psychiatric collaborative care*
22 *model’ means the evidence-based, integrated behav-*
23 *ioral health service delivery method that includes—*

24 “(A) *care directed by the primary care*
25 *team;*

3090

1 “(B) structured care management;

2 “(C) regular assessments of clinical status
3 using developmentally appropriate, validated
4 tools; and

5 “(D) modification of treatment as appro-
6 priate.

7 “(4) SPECIAL POPULATION.—The term ‘special
8 population’ means—

9 “(A) adults with a serious mental illness or
10 adults who have co-occurring mental illness and
11 physical health conditions or chronic disease;

12 “(B) children and adolescents with a serious
13 emotional disturbance who have a co-occurring
14 physical health condition or chronic disease;

15 “(C) individuals with a substance use dis-
16 order; or

17 “(D) individuals with a mental illness who
18 have a co-occurring substance use disorder.

19 “(b) GRANTS AND COOPERATIVE AGREEMENTS.—

20 “(1) IN GENERAL.—The Secretary may award
21 grants and cooperative agreements to eligible entities
22 to support the improvement of integrated care for
23 physical and behavioral health care in accordance
24 with paragraph (2).

3091

1 “(2) *USE OF FUNDS.*—A grant or cooperative
2 *agreement awarded under this section shall be used—*

3 “(A) *to promote full integration and col-*
4 *laboration in clinical practices between physical*
5 *and behavioral health care, including for special*
6 *populations;*

7 “(B) *to support the improvement of inte-*
8 *grated care models for physical and behavioral*
9 *health care to improve overall wellness and phys-*
10 *ical health status, including for special popu-*
11 *lations;*

12 “(C) *to promote the implementation and*
13 *improvement of bidirectional integrated care*
14 *services provided at entities described in sub-*
15 *section (a)(1), including evidence-based or evi-*
16 *dence-informed screening, assessment, diagnosis,*
17 *prevention, treatment, and recovery services for*
18 *mental and substance use disorders, and co-oc-*
19 *curring physical health conditions and chronic*
20 *diseases; and*

21 “(D) *in the case of an eligible entity that is*
22 *collaborating with a primary care practice, to*
23 *support the implementation of evidence-based or*
24 *evidence-informed integrated care models, includ-*

3092

1 *ing the psychiatric collaborative care model, in-*
2 *cluding—*

3 *“(i) by hiring staff;*

4 *“(ii) by identifying and formalizing*
5 *contractual relationships with other health*
6 *care providers or other relevant entities of-*
7 *fering care management and behavioral*
8 *health consultation to facilitate the adoption*
9 *of integrated care, including, as applicable,*
10 *providers who will function as psychiatric*
11 *consultants and behavioral health care man-*
12 *agers in providing behavioral health inte-*
13 *gration services through the collaborative*
14 *care model;*

15 *“(iii) by purchasing or upgrading soft-*
16 *ware and other resources, as applicable,*
17 *needed to appropriately provide behavioral*
18 *health integration, including resources need-*
19 *ed to establish a patient registry and imple-*
20 *ment measurement-based care; and*

21 *“(iv) for such other purposes as the*
22 *Secretary determines to be applicable and*
23 *appropriate.*

24 *“(c) APPLICATIONS.—*

3093

1 “(1) *IN GENERAL.*—An eligible entity that is
2 seeking a grant or cooperative agreement under this
3 section shall submit an application to the Secretary
4 at such time, in such manner, and accompanied by
5 such information as the Secretary may require, in-
6 cluding the contents described in paragraph (2).

7 “(2) *CONTENTS FOR AWARDS.*—Any such appli-
8 cation of an eligible entity seeking a grant or cooper-
9 ative agreement under this section shall include, as
10 applicable—

11 “(A) a description of a plan to achieve fully
12 collaborative agreements to provide bidirectional
13 integrated care to special populations;

14 “(B) a summary of the policies, if any, that
15 are barriers to the provision of integrated care,
16 and the specific steps, if applicable, that will be
17 taken to address such barriers;

18 “(C) a description of partnerships or other
19 arrangements with local health care providers to
20 provide services to special populations and, as
21 applicable, in areas with demonstrated need,
22 such as Tribal, rural, or other medically under-
23 served communities, such as those with a work-
24 force shortage of mental health and substance use

3094

1 *disorder, pediatric mental health, or other re-*
2 *lated professionals;*

3 “(D) *an agreement and plan to report to*
4 *the Secretary performance measures necessary to*
5 *evaluate patient outcomes and facilitate evalua-*
6 *tions across participating projects; and*

7 “(E) *a description of the plan or progress*
8 *in implementing the psychiatric collaborative*
9 *care model, as applicable and appropriate;*

10 “(F) *a description of the plan or progress of*
11 *evidence-based or evidence-informed integrated*
12 *care models other than the psychiatric collabo-*
13 *rative care model implemented by primary care*
14 *practices, as applicable and appropriate; and*

15 “(G) *a plan for sustainability beyond the*
16 *grant or cooperative agreement period under sub-*
17 *section (e).*

18 “(d) GRANT AND COOPERATIVE AGREEMENT
19 AMOUNTS.—

20 “(1) TARGET AMOUNT.—*The target amount that*
21 *an eligible entity may receive for a year through a*
22 *grant or cooperative agreement under this section*
23 *shall be no more than \$2,000,000.*

24 “(2) ADJUSTMENT PERMITTED.—*The Secretary,*
25 *taking into consideration the quality of an eligible en-*

3095

1 *tity’s application and the number of eligible entities*
2 *that received grants under this section prior to the*
3 *date of enactment of the Restoring Hope for Mental*
4 *Health and Well-Being Act of 2022, may adjust the*
5 *target amount that an eligible entity may receive for*
6 *a year through a grant or cooperative agreement*
7 *under this section.*

8 *“(3) LIMITATION.—An eligible entity that is re-*
9 *ceiving funding under subsection (b)—*

10 *“(A) may not allocate more than 10 percent*
11 *of the funds awarded to such eligible entity*
12 *under this section to administrative functions;*
13 *and*

14 *“(B) shall allocate the remainder of such*
15 *funding to health facilities that provide inte-*
16 *grated care.*

17 *“(e) DURATION.—A grant or cooperative agreement*
18 *under this section shall be for a period not to exceed 5 years.*

19 *“(f) REPORT ON PROGRAM OUTCOMES.—An eligible*
20 *entity receiving a grant or cooperative agreement under this*
21 *section shall submit an annual report to the Secretary.*
22 *Such annual report shall include—*

23 *“(1) the progress made to reduce barriers to inte-*
24 *grated care as described in the entity’s application*
25 *under subsection (c);*

3096

1 “(2) a description of outcomes with respect to
2 each special population listed in subsection (a)(4), in-
3 cluding outcomes related to education, employment,
4 and housing, or, as applicable and appropriate, out-
5 comes for such populations receiving behavioral health
6 care through the psychiatric collaborative care model
7 in primary care practices; and

8 “(3) progress in meeting performance metrics
9 and other relevant benchmarks; and

10 “(4) such other information that the Secretary
11 may require.

12 “(g) *TECHNICAL ASSISTANCE FOR PRIMARY-BEHAV-*
13 *IORAL HEALTH CARE INTEGRATION.—*

14 “(1) *CERTAIN RECIPIENTS.—The Secretary may*
15 *provide appropriate information, training, and tech-*
16 *nical assistance to eligible entities that receive a*
17 *grant or cooperative agreement under subsection*
18 *(b)(2), in order to help such entities meet the require-*
19 *ments of this section, including assistance with—*

20 “(A) *development and selection of integrated*
21 *care models;*

22 “(B) *dissemination of evidence-based inter-*
23 *ventions in integrated care;*

3097

1 “(C) establishment of organizational prac-
2 tices to support operational and administrative
3 success; and

4 “(D) as appropriate, appropriate informa-
5 tion, training, and technical assistance in imple-
6 menting the psychiatric collaborative care model
7 when an eligible entity is collaborating with 1 or
8 more primary care practices for the purposes of
9 implementing the psychiatric collaborative care
10 model.

11 “(2) *ADDITIONAL DISSEMINATION OF TECHNICAL*
12 *INFORMATION.—In addition to providing the assist-*
13 *ance described in paragraph (1) to recipients of a*
14 *grant or cooperative agreement under this section, the*
15 *Secretary may also provide such assistance to other*
16 *States and political subdivisions of States, Indian*
17 *Tribes and Tribal organizations, as those terms are*
18 *defined in section 4 of the Indian Self-Determination*
19 *and Education Assistance Act, outpatient mental*
20 *health and addiction treatment centers, community*
21 *mental health centers that meet the criteria under sec-*
22 *tion 1913(c), certified community behavioral health*
23 *clinics described in section 223 of the Protecting Ac-*
24 *cess to Medicare Act of 2014, primary care organiza-*
25 *tions such as Federally qualified health centers or*

† **HR 2617 EAS2**

3098

1 *rural health clinics as defined in section 1861(aa) of*
2 *the Social Security Act, primary health care prac-*
3 *tices, the community-based organizations, and other*
4 *entities engaging in integrated care activities, as the*
5 *Secretary determines appropriate.*

6 “(h) *REPORT TO CONGRESS.*—Not later than 18
7 months after the date of enactment of the *Restoring Hope*
8 *for Mental Health and Well-Being Act of 2022*, and annu-
9 ally thereafter, the Secretary shall submit a report to the
10 Committee on Health, Education, Labor, and Pensions of
11 the Senate and the Committee on Energy and Commerce
12 of the House of Representatives summarizing the informa-
13 tion submitted in reports to the Secretary under subsection
14 (f), including progress made in meeting performance
15 metrics and the uptake of integrated care models, any ad-
16 justments made to target amounts pursuant to subsection
17 (d)(2), and any other relevant information.

18 “(i) *FUNDING.*—

19 “(1) *AUTHORIZATION OF APPROPRIATIONS.*—To
20 carry out this section, there is authorized to be appro-
21 priated \$60,000,000 for each of fiscal years 2023
22 through 2027.

23 “(2) *INCREASING UPTAKE OF THE PSYCHIATRIC*
24 *COLLABORATIVE CARE MODEL BY PRIMARY CARE*
25 *PRACTICES.*—Not less than 10 percent of funds appro-

3099

1 *appropriated to carry out this section shall be for the pur-*
2 *poses of implementing the psychiatric collaborative*
3 *care model implemented by primary care practices*
4 *under subsection (b).*

5 *“(3) FUNDING CONTINGENCY.—Paragraph (2)*
6 *shall not apply to a fiscal year unless the amount*
7 *made available to carry out this section for such fiscal*
8 *year exceeds the amount appropriated to carry out*
9 *this section (as in effect before the date of enactment*
10 *of the Restoring Hope for Mental Health and Well-*
11 *Being Act of 2022) for fiscal year 2022.”.*

12 **CHAPTER 2—HELPING ENABLE ACCESS TO**
13 **LIFESAVING SERVICES**

14 **SEC. 1311. REAUTHORIZATION AND PROVISION OF CERTAIN**
15 **PROGRAMS TO STRENGTHEN THE HEALTH**
16 **CARE WORKFORCE.**

17 *(a) MENTAL AND BEHAVIORAL HEALTH EDUCATION*
18 *AND TRAINING GRANTS.—Section 756 of the Public Health*
19 *Service Act (42 U.S.C. 294e–1) is amended—*

20 *(1) in subsection (a)—*

21 *(A) in paragraph (1), by inserting “(which*
22 *may include master’s and doctoral level pro-*
23 *grams)” after “occupational therapy”; and*

24 *(B) in paragraph (4), by inserting before*
25 *the period the following: “, including training to*

3100

1 *increase skills and capacity to meet the needs of*
2 *children and adolescents who have experienced*
3 *trauma”;* and

4 (2) *in subsection (f), by striking “For each of fis-*
5 *cal years 2019 through 2023” and inserting “For*
6 *each of fiscal years 2023 through 2027”.*

7 (b) *TRAINING DEMONSTRATION PROGRAM.—Section*
8 *760 of the Public Health Service Act (42 U.S.C. 294k) is*
9 *amended—*

10 (1) *by striking “mental and substance use dis-*
11 *orders” each place it appears and inserting “mental*
12 *health and substance use disorder”;*

13 (2) *in subsection (a)(2)—*

14 (A) *by inserting “(including for individuals*
15 *completing clinical training requirements for li-*
16 *censure)” after “training”;*

17 (B) *by inserting “counselors, nurses,” after*
18 *“psychologists,”; and*

19 (C) *by striking the semicolon and inserting*
20 *“, including such settings that serve pediatric*
21 *populations;”;*

22 (3) *in subsection (a)(3)(A)—*

23 (A) *by striking “disorder” (as inserted by*
24 *paragraph (1)) and inserting “disorders”; and*

3101

- 1 *(B) by inserting “or pediatric populations”*
2 *after “addiction”;*
- 3 *(4) in subsection (b)(2)(A), by inserting “(in-*
4 *cluding such settings that serve pediatric popu-*
5 *lations)” after “settings”;*
- 6 *(5) in subsection (c)(2)(F)—*
- 7 *(A) by inserting “counselors, nurses,” after*
8 *“psychologists”; and*
- 9 *(B) by striking the period and inserting “,*
10 *including such entities that serve pediatric popu-*
11 *lations.”;*
- 12 *(6) in subsection (d)(1)(A)—*
- 13 *(A) by inserting “health service psycholo-*
14 *gists, nurses” after “fellows,”; and*
- 15 *(B) by inserting “counselors,” after “physi-*
16 *cian assistants”;*
- 17 *(7) in subsection (d)(1)(B)—*
- 18 *(A) by inserting “, which may include such*
19 *settings that serve pediatric populations” after*
20 *“settings”;*
- 21 *(B) by inserting “health” after “mental”;*
- 22 *(8) in subsection (d)(2)(C), inserting “(which*
23 *may include trauma-informed care, as appropriate)”*
24 *after “care”;*

3102

1 (9) in subsection (g), by striking “\$10,000,000
2 for each of fiscal years 2018 through 2022” and in-
3 serting “, and \$31,700,000 for each of fiscal years
4 2023 through 2027”; and

5 (10) in subsection (f)(2)(B), by striking “dis-
6 order” (as inserted by paragraph (1)) and inserting
7 “disorders”.

8 **SEC. 1312. REAUTHORIZATION OF MINORITY FELLOWSHIP**
9 **PROGRAM.**

10 Section 597(c) of the Public Health Service Act (42
11 U.S.C. 290ll(c)) is amended by striking “\$12,669,000 for
12 each of fiscal years 2018 through 2022” and inserting
13 “\$25,000,000 for each of fiscal years 2023 through 2027”.

14 **CHAPTER 3—ELIMINATING THE OPT-OUT**
15 **FOR NONFEDERAL GOVERNMENTAL**
16 **HEALTH PLANS**

17 **SEC. 1321. ELIMINATING THE OPT-OUT FOR NONFEDERAL**
18 **GOVERNMENTAL HEALTH PLANS.**

19 Section 2722(a)(2) of the Public Health Service Act
20 (42 U.S.C. 300gg–21(a)(2)) is amended by adding at the
21 end the following new subparagraph:

22 “(F) *SUNSET OF ELECTION OPTION.*—

23 “(i) *IN GENERAL.*—Notwithstanding
24 the preceding provisions of this para-
25 graph—

3103

1 “(I) no election described in sub-
2 paragraph (A) with respect to section
3 2726 may be made on or after the date
4 of the enactment of this subparagraph;
5 and

6 “(II) except as provided in clause
7 (ii), no such election with respect to
8 section 2726 expiring on or after the
9 date that is 180 days after the date of
10 such enactment may be renewed.

11 “(ii) *EXCEPTION FOR CERTAIN COL-*
12 *LECTIVELY BARGAINED PLANS.—Notwith-*
13 *standing clause (i)(II), a plan described in*
14 *subparagraph (B)(ii) that is subject to mul-*
15 *tiple agreements described in such subpara-*
16 *graph of varying lengths and that has an*
17 *election described in subparagraph (A) with*
18 *respect to section 2726 in effect as of the*
19 *date of the enactment of this subparagraph*
20 *that expires on or after the date that is 180*
21 *days after the date of such enactment may*
22 *extend such election until the date on which*
23 *the term of the last such agreement ex-*
24 *pires.”.*

3104

1 **CHAPTER 4—MENTAL HEALTH AND SUB-**
2 **STANCE USE DISORDER PARITY IM-**
3 **PLEMENTATION**

4 **SEC. 1331. GRANTS TO SUPPORT MENTAL HEALTH AND SUB-**
5 **STANCE USE DISORDER PARITY IMPLEMEN-**
6 **TATION.**

7 (a) *IN GENERAL.*—Section 2794(c) of the Public
8 Health Service Act (42 U.S.C. 300gg–94(c)) (as added by
9 section 1003 of the Patient Protection and Affordable Care
10 Act (Public Law 111–148)) is amended by adding at the
11 end the following:

12 “(3) *PARITY IMPLEMENTATION.*—

13 “(A) *IN GENERAL.*—Beginning during the
14 first fiscal year that begins after the date of en-
15 actment of this paragraph, the Secretary shall,
16 out of funds made available pursuant to sub-
17 paragraph (C), award grants to eligible States to
18 enforce and ensure compliance with the mental
19 health and substance use disorder parity provi-
20 sions of section 2726.

21 “(B) *ELIGIBLE STATE.*—A State shall be el-
22 igible for a grant awarded under this paragraph
23 only if such State—

24 “(i) submits to the Secretary an appli-
25 cation for such grant at such time, in such

3105

1 *manner, and containing such information*
2 *as specified by the Secretary; and*

3 “(ii) agrees to request and review from
4 *health insurance issuers offering group or*
5 *individual health insurance coverage the*
6 *comparative analyses and other information*
7 *required of such health insurance issuers*
8 *under subsection (a)(8)(A) of section 2726*
9 *relating to the design and application of*
10 *nonquantitative treatment limitations im-*
11 *posed on mental health or substance use dis-*
12 *order benefits.*

13 “(C) *AUTHORIZATION OF APPROPRIA-*
14 *TIONS.—There are authorized to be appropriated*
15 *\$10,000,000 for each of the first five fiscal years*
16 *beginning after the date of the enactment of this*
17 *paragraph, to remain available until expended,*
18 *for purposes of awarding grants under subpara-*
19 *graph (A).”.*

20 (b) *TECHNICAL AMENDMENT.—Section 2794 of the*
21 *Public Health Service Act (42 U.S.C. 300gg–95), as added*
22 *by section 6603 of the Patient Protection and Affordable*
23 *Care Act (Public Law 111–148) is redesignated as section*
24 *2795.*

3106

1 ***Subtitle D—Children and Youth***
2 ***CHAPTER 1—SUPPORTING CHILDREN’S***
3 ***MENTAL HEALTH CARE ACCESS***

4 ***SEC. 1401. TECHNICAL ASSISTANCE FOR SCHOOL-BASED***
5 ***HEALTH CENTERS.***

6 *Section 399Z–1 of the Public Health Service Act (42*
7 *U.S.C. 280h–5) is amended—*

8 *(1) by redesignating subsection (l) as subsection*
9 *(m); and*

10 *(2) by inserting after subsection (k) the fol-*
11 *lowing:*

12 *“(l) TECHNICAL ASSISTANCE.—The Secretary shall*
13 *provide technical assistance by grants or contracts awarded*
14 *to private, nonprofit entities with demonstrated expertise*
15 *related to school-based health centers. Such technical assist-*
16 *ance, taking into account local and regional differences*
17 *among school based health centers, shall support such enti-*
18 *ties in providing services described in subsection (a)(1) pur-*
19 *suant to this section, including mental health and substance*
20 *use disorder services, and may include technical assistance*
21 *relating to program operations and support for the imple-*
22 *mentation of evidence-based or evidence-informed best prac-*
23 *tices related to the provision of high quality health care*
24 *services to children and adolescents.”.*

3107

1 **SEC. 1402. INFANT AND EARLY CHILDHOOD MENTAL**
2 **HEALTH PROMOTION, INTERVENTION, AND**
3 **TREATMENT.**

4 *Section 399Z–2 of the Public Health Service Act (42*
5 *U.S.C. 280h–6) is amended—*

6 *(1) by redesignating subsection (f) as subsection*
7 *(g);*

8 *(2) by inserting after subsection (e) the following:*

9 *“(f) TECHNICAL ASSISTANCE.—The Secretary may,*
10 *directly or by awarding grants or contracts to public and*
11 *private nonprofit entities, provide training and technical*
12 *assistance to eligible entities to carry out activities de-*
13 *scribed in subsection (d).”;* and

14 *(3) in subsection (g) (as redesignated by para-*
15 *graph (1)), by striking “\$20,000,000 for the period of*
16 *fiscal years 2018 through 2022” and inserting*
17 *“\$50,000,000 for the period of fiscal years 2023*
18 *through 2027”.*

19 **SEC. 1403. CO-OCCURRING CHRONIC CONDITIONS AND**
20 **MENTAL HEALTH IN YOUTH STUDY.**

21 *Not later than 12 months after the date of enactment*
22 *of this Act, the Secretary of Health and Human Services*
23 *shall—*

24 *(1) complete a study on the rates of suicidal be-*
25 *haviors among children and adolescents with chronic*

3108

1 *illnesses, including substance use disorders, auto-*
2 *immune disorders, and heritable blood disorders; and*
3 *(2) submit a report to the Congress on the results*
4 *of such study, including recommendations for early*
5 *intervention services for such children and adolescents*
6 *at risk of suicide, the dissemination of best practices*
7 *to support the emotional and mental health needs of*
8 *youth, and strategies to lower the rates of suicidal be-*
9 *haviors in children and adolescents described in para-*
10 *graph (1) to reduce any demographic disparities in*
11 *such rates.*

12 **SEC. 1404. BEST PRACTICES FOR BEHAVIORAL AND MENTAL**
13 **HEALTH INTERVENTION TEAMS.**

14 *The Public Health Service Act is amended by inserting*
15 *after section 520H of such Act, as added by section 1151*
16 *of this Act, the following new section:*

17 **“SEC. 520H–1. BEST PRACTICES FOR BEHAVIORAL AND MEN-**
18 **TAL HEALTH INTERVENTION TEAMS.**

19 *“(a) IN GENERAL.—The Secretary, acting through the*
20 *Assistant Secretary for Mental Health and Substance Use,*
21 *and in consultation with the Secretary of Education, shall*
22 *submit to the Health Education, Labor, and Pensions Com-*
23 *mittee of the Senate and the Energy and Commerce Com-*
24 *mittee of the House of Representatives a report that identi-*
25 *fies best practices related to using behavioral and mental*

1 *health intervention teams, which may be used to assist ele-*
2 *mentary schools, secondary schools, and institutions of*
3 *higher education interested in voluntarily establishing and*
4 *using such teams to support students exhibiting behaviors*
5 *interfering with learning at school or who are at risk of*
6 *harm to self or others.*

7 “(b) *ELEMENTS.—The report under subsection (a)*
8 *shall assess evidence supporting such best practices and, as*
9 *appropriate, include consideration of the following:*

10 “(1) *How behavioral and mental health interven-*
11 *tion teams might operate effectively from an evidence-*
12 *based, objective perspective while protecting the con-*
13 *stitutional and civil rights and privacy of individ-*
14 *uals.*

15 “(2) *The use of behavioral and mental health*
16 *intervention teams—*

17 “(A) *to identify and support students exhib-*
18 *iting behaviors interfering with learning or pos-*
19 *ing a risk of harm to self or others; and*

20 “(B) *to implement evidence-based interven-*
21 *tions to meet the behavioral and mental health*
22 *needs of such students.*

23 “(3) *How behavioral and mental health interven-*
24 *tion teams can—*

3110

1 “(A) *access evidence-based professional de-*
2 *velopment to support students described in para-*
3 *graph (2)(A); and*

4 “(B) *ensure that such teams—*

5 “(i) *are composed of trained, diverse*
6 *stakeholders with expertise in child and*
7 *youth development, behavioral and mental*
8 *health, and disability; and*

9 “(ii) *use cross validation by a wide-*
10 *range of individual perspectives on the*
11 *team.*

12 “(4) *How behavioral and mental health interven-*
13 *tion teams can help mitigate inappropriate referral to*
14 *mental health services or law enforcement by imple-*
15 *menting evidence-based interventions that meet stu-*
16 *dent needs.*

17 “(c) *CONSULTATION.—In carrying out subsection (a),*
18 *the Secretary shall consult with—*

19 “(1) *the Secretary of Education;*

20 “(2) *the Director of the National Threat Assess-*
21 *ment Center of the United States Secret Service;*

22 “(3) *the Attorney General;*

23 “(4) *teachers (which shall include special edu-*
24 *cation teachers), principals and other school leaders,*
25 *school board members, behavioral and mental health*

3111

1 *professionals (including school-based mental health*
2 *professionals), and parents of students;*

3 *“(5) local law enforcement agencies and campus*
4 *law enforcement administrators;*

5 *“(6) privacy, disability, and civil rights experts;*
6 *and*

7 *“(7) other education and mental health profes-*
8 *sionals as the Secretary deems appropriate.*

9 *“(d) PUBLICATION.—The Secretary shall publish the*
10 *report under subsection (a) in an accessible format on the*
11 *internet website of the Department of Health and Human*
12 *Services.*

13 *“(e) DEFINITIONS.—In this section:*

14 *“(1) The term ‘behavioral and mental health*
15 *intervention team’ means a multidisciplinary team of*
16 *trained individuals who—*

17 *“(A) are trained to identify and assess the*
18 *behavioral health needs of children and youth*
19 *and who are responsible for identifying, sup-*
20 *porting, and connecting students exhibiting be-*
21 *haviors interfering with learning at school, or*
22 *who are at risk of harm to self or others, with*
23 *appropriate behavioral health services; and*

24 *“(B) develop and facilitate implementation*
25 *of evidence-based interventions to—*

3112

1 “(i) mitigate the threat of harm to self
2 or others posed by a student described in
3 subparagraph (A);

4 “(ii) meet the mental and behavioral
5 health needs of such students; and

6 “(iii) support positive, safe, and sup-
7 portive learning environments.

8 “(2) The terms ‘elementary school’, ‘parent’, and
9 ‘secondary school’ have the meanings given to such
10 terms in section 8101 of the Elementary and Sec-
11 ondary Education Act of 1965.

12 “(3) The term ‘institution of higher education’
13 has the meaning given to such term in section 102 of
14 the Higher Education Act of 1965.”.

15 **CHAPTER 2—CONTINUING SYSTEMS OF**
16 **CARE FOR CHILDREN**

17 **SEC. 1411. COMPREHENSIVE COMMUNITY MENTAL HEALTH**
18 **SERVICES FOR CHILDREN WITH SERIOUS**
19 **EMOTIONAL DISTURBANCES.**

20 (a) *DEFINITION.*—Section 565(d)(2)(B) of the Public
21 Health Service Act (42 U.S.C. 290ff–4(d)(2)(B)) is amend-
22 ed by striking “may be)” and inserting “may be), kinship
23 caregivers of the child,”.

3113

1 (b) *AUTHORIZATION OF APPROPRIATIONS.—Para-*
2 *graph (1) of section 565(f) of the Public Health Service Act*
3 *(42 U.S.C. 290ff–4(f)) is amended—*

4 (1) *by moving the margin of such paragraph 2*
5 *ems to the right; and*

6 (2) *by striking “\$119,026,000 for each of fiscal*
7 *years 2018 through 2022” and inserting*
8 *“\$125,000,000 for each of fiscal years 2023 through*
9 *2027”.*

10 **SEC. 1412. SUBSTANCE USE DISORDER TREATMENT AND**
11 **EARLY INTERVENTION SERVICES FOR CHIL-**
12 **DREN AND ADOLESCENTS.**

13 *Section 514 of the Public Health Service Act (42*
14 *U.S.C. 290bb–7) is amended—*

15 (1) *in subsection (a), by striking “Indian tribes*
16 *or tribal organizations” and inserting “Indian Tribes*
17 *or Tribal organizations”; and*

18 (2) *in subsection (f), by striking “2018 through*
19 *2022” and inserting “2023 through 2027”.*

3114

CHAPTER 3—GARRETT LEE SMITH
MEMORIAL REAUTHORIZATION

SEC. 1421. SUICIDE PREVENTION TECHNICAL ASSISTANCE
CENTER.

(a) *TECHNICAL AMENDMENT.*—Section 520C of the
Public Health Service Act (42 U.S.C. 290bb–34) is amend-
ed—

(1) by striking “tribes” and inserting “Tribes”;
and

(2) by striking “tribal” each place it appears
and inserting “Tribal”.

(b) *COLLABORATION.*—Section 520C(a) of the Public
Health Service Act (42 U.S.C. 290bb–34(a)) is amended—

(1) by striking “The Secretary” and inserting
the following:

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

(2) by adding at the end the following:

“(2) *COLLABORATION.*—In carrying out this sub-
section, as applicable with respect to assistance to en-
tities serving members of the Armed Forces and vet-
erans, the Secretary shall, as appropriate, collaborate
with the Secretary of Defense and the Secretary of
Veterans Affairs.”.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—Section
520C(c) of the Public Health Service Act (42 U.S.C. 290bb–

3115

1 34(c)) is amended by striking “\$5,988,000 for each of fiscal
2 years 2018 through 2022” and inserting “\$9,000,000 for
3 each of fiscal years 2023 through 2027”.

4 (d) ANNUAL REPORT.—Section 520C(d) of the Public
5 Health Service Act (42 U.S.C. 290bb–34(d)) is amended by
6 striking “Not later than 2 years after the date of enactment
7 of this subsection, the Secretary shall submit to Congress”
8 and inserting “Not later than 2 years after the date of the
9 enactment of the Restoring Hope for Mental Health and
10 Well-Being Act of 2022, the Secretary shall submit to the
11 Committee on Health, Education, Labor, and Pensions of
12 the Senate and the Committee on Energy and Commerce
13 of the House of Representatives”.

14 **SEC. 1422. YOUTH SUICIDE EARLY INTERVENTION AND PRE-**
15 **VENTION STRATEGIES.**

16 Section 520E of the Public Health Service Act (42
17 U.S.C. 290bb–36) is amended—

18 (1) by striking “tribe” and inserting “Tribe”;

19 (2) by striking “tribal” each place it appears
20 and inserting “Tribal”;

21 (3) in subsection (a)(1), by inserting “pediatric
22 health programs,” after “foster care systems,”;

23 (4) by amending subsection (b)(1)(B) to read as
24 follows:

3116

1 “(B) a public organization or private non-
2 profit organization designated by a State or In-
3 dian Tribe (as defined in section 4 of the Indian
4 Self-Determination and Education Assistance
5 Act) to develop or direct the State-sponsored
6 statewide or Tribal youth suicide early interven-
7 tion and prevention strategy; or”;

8 (5) in subsection (c)—

9 (A) in paragraph (1), by inserting “pedi-
10 atric health programs,” after “foster care sys-
11 tems,”;

12 (B) in paragraph (7), by inserting “pedi-
13 atric health programs,” after “foster care sys-
14 tems,”;

15 (C) in paragraph (9), by inserting “pedi-
16 atric health programs,” after “educational insti-
17 tutions,”;

18 (D) in paragraph (13), by striking “and”
19 at the end;

20 (E) in paragraph (14), by striking the pe-
21 riod at the end and inserting “; and”; and

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

23 “(15) provide to parents, legal guardians, and
24 family members of youth, supplies to securely store

3117

1 *means commonly used in suicide, if applicable, with-*
2 *in the household.”;*

3 *(6) in subsection (d)—*

4 *(A) in the heading, by striking “DIRECT*
5 *SERVICES” and inserting “SUICIDE PREVENTION*
6 *ACTIVITIES”; and*

7 *(B) by striking “direct services, of which*
8 *not less than 5 percent shall be used for activities*
9 *authorized under subsection (a)(3)” and insert-*
10 *ing “suicide prevention activities”;*

11 *(7) in subsection (e)(3)(A), by inserting “and the*
12 *Department of Education, as appropriate” after*
13 *“agencies and suicide working groups”;*

14 *(8) in subsection (g)—*

15 *(A) in paragraph (1), by striking “18” and*
16 *inserting “24”; and*

17 *(B) in paragraph (2), by striking “2 years*
18 *after the date of enactment of Helping Families*
19 *in Mental Health Crisis Reform Act of 2016”*
20 *and inserting “December 31, 2025”;*

21 *(9) in subsection (l)(4), by striking “between 10*
22 *and 24 years of age” and inserting “up to 24 years*
23 *of age”; and*

24 *(10) in subsection (m), by striking “\$30,000,000*
25 *for each of fiscal years 2018 through 2022” and in-*

3118

1 serting “\$40,000,000 for each of fiscal years 2023
2 through 2027”.

3 **SEC. 1423. MENTAL HEALTH AND SUBSTANCE USE DIS-**
4 **ORDER SERVICES FOR STUDENTS IN HIGHER**
5 **EDUCATION.**

6 Section 520E–2 of the Public Health Service Act (42
7 U.S.C. 290bb–36b) is amended—

8 (1) in the heading, by striking “**ON CAMPUS**”
9 and inserting “**FOR STUDENTS IN HIGHER EDU-**
10 **CATION**”;

11 (2) in subsection (b)—

12 (A) in paragraph (1), by striking “mental
13 and substance use disorders” and inserting
14 “mental health and substance use disorders and
15 promote resiliency”;

16 (B) in paragraph (4), by striking “mental
17 and substance use disorder services.” and insert-
18 ing “mental health and substance use disorder
19 resources and services.”;

20 (C) in paragraph (5), by striking “mental
21 and substance use” and inserting “mental health
22 and substance use”;

23 (D) in paragraph (6), by striking “staff to
24 respond effectively to students with mental and
25 substance use disorders.” and inserting “staff to

3119

1 *recognize and respond effectively and appro-*
2 *priately to students experiencing mental health*
3 *and substance use disorders.”;*

4 *(E) in paragraph (7), by striking “mental*
5 *and substance use” and inserting “mental health*
6 *and substance use”;*

7 *(F) in paragraph (8), by striking “mental*
8 *and substance use” and inserting “mental health*
9 *and substance use.”;*

10 *(G) in paragraph (9), by striking “regard-*
11 *ing improving the behavioral health of students*
12 *through clinical services, outreach, prevention,*
13 *or” and inserting “to improve the behavioral*
14 *health of students through clinical services, out-*
15 *reach, prevention, promotion of mental health,*
16 *or”;*

17 *(H) in paragraph (10), by striking “mental*
18 *and behavioral disorders,” and inserting “mental*
19 *and behavioral health disorders,”; and*

20 *(I) in paragraph (12), by striking “best*
21 *practices.” and inserting “best practices, and*
22 *trauma-informed practices.”;*

23 *(3) in subsection (d)—*

3120

1 (A) in paragraph (1), by striking “mental
2 and substance use” and inserting “mental health
3 and substance use”; and

4 (B) in paragraph (3), by striking “pro-
5 moting access to services,” and inserting “pro-
6 moting mental health and access to services,”

7 (4) in subsection (f)—

8 (A) in the matter preceding paragraph (1),
9 by striking “the Congress” and inserting “the
10 Committee on Energy and Commerce of the
11 House of Representatives and the Committee on
12 Health, Education, Labor, and Pensions of the
13 Senate”;

14 (B) in paragraph (2), by striking “includ-
15 ing efforts” and inserting “including through
16 prevention, early detection, early intervention,
17 and efforts”; and

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

19 “(3) An assessment of the mental health and sub-
20 stance use disorder needs of the populations served by
21 recipients of grants under this section.”; and

22 (5) in subsection (i), by striking “2018 through
23 2022” and inserting “2023 through 2027”;

3121

1 **SEC. 1424. MENTAL AND BEHAVIORAL HEALTH OUTREACH**
2 **AND EDUCATION AT INSTITUTIONS OF HIGH-**
3 **ER EDUCATION.**

4 *Section 549 of the Public Health Service Act (42*
5 *U.S.C. 290ee-4) is amended—*

6 *(1) in the heading, by striking “ON COLLEGE*
7 **CAMPUSES”** and inserting **“AT INSTITUTIONS OF**
8 **HIGHER EDUCATION”**;

9 *(2) in subsection (c)(2), by inserting “, including*
10 *minority-serving institutions as described in section*
11 *371(a) of the Higher Education Act of 1965 (20*
12 *U.S.C. 1067q) and community colleges” after “higher*
13 *education”; and*

14 *(3) in subsection (f), by striking “2018 through*
15 *2022” and inserting “2023 through 2027”.*

16 **CHAPTER 4—MEDIA AND MENTAL HEALTH**

17 **SEC. 1431. STUDY ON THE EFFECTS OF SMARTPHONE AND**
18 **SOCIAL MEDIA USE ON ADOLESCENTS.**

19 *(a) IN GENERAL.—Not later than 1 year after the date*
20 *of enactment of this Act, the Secretary of Health and*
21 *Human Services may conduct or support research on—*

22 *(1) smartphone and social media use by adoles-*
23 *cents; and*

24 *(2) the effects of such use on—*

25 *(A) emotional, behavioral, and physical*
26 *health and development; and*

3122

1 *(B) any disparities in the mental health*
2 *outcomes of rural, minority, and other under-*
3 *served populations.*

4 *(b) REPORT.—Not later than 5 years after the date*
5 *of enactment of this Act, the Secretary of Health and*
6 *Human Services shall submit to the Congress, and make*
7 *publicly available, a report on the findings of research*
8 *under this section.*

9 **SEC. 1432. RESEARCH ON THE HEALTH AND DEVELOPMENT**
10 **EFFECTS OF MEDIA AND RELATED TECH-**
11 **NOLOGY ON INFANTS, CHILDREN, AND ADO-**
12 **LESCENTS.**

13 *(a) IN GENERAL.—The Secretary of Health and*
14 *Human Services (in this section referred to as the “Sec-*
15 *retary”)* shall, as appropriate, conduct or support research
16 *related to the health and developmental effects, including*
17 *long-term effects, of media and related technology use on*
18 *infants, children, and adolescents, which may include the*
19 *effects of exposure to, and use of, media and related tech-*
20 *nology, such as social media, applications, websites, tele-*
21 *vision, motion pictures, artificial intelligence, mobile de-*
22 *vices, computers, video games, virtual and augmented re-*
23 *ality, and other content, networks, or platforms dissemi-*
24 *nated through the internet, broadcasted, or other media*
25 *technologies, as applicable.*

3123

1 (b) *ACTIVITIES.*—In carrying out subsection (a), the
2 Secretary, acting through the Director of the National Insti-
3 tutes of Health, shall, as appropriate, develop a research
4 agenda to assess the effects of media and related technologies
5 on infants, children, and adolescents, which may include
6 consideration of the following, as appropriate:

7 (1) *The cognitive development of infants, chil-*
8 *dren, and adolescents, which may include effects re-*
9 *lated to language development, learning abilities, and*
10 *other areas of cognitive development.*

11 (2) *The physical health of infants, children, and*
12 *adolescents, which may include effects related to diet,*
13 *exercise, sleeping and eating routines, and other areas*
14 *of physical development.*

15 (3) *The mental health of infants, children, and*
16 *adolescents, which may include effects related to self-*
17 *awareness, social awareness, relationship skills, deci-*
18 *sion-making, violence, bullying, privacy, mental dis-*
19 *orders, and other areas related to mental health.*

20 (c) *CONSULTATION.*—In developing the research agen-
21 da under subsection (b), the Secretary may consult with ap-
22 propriate national research institutes, academies, and cen-
23 ters, relevant consortia, and non-Federal experts, as appro-
24 priate. The Secretary may utilize scientific workshops,
25 symposia, and other activities to assess current knowledge

1 *and identify relevant research opportunities and gaps in*
2 *this area.*

3 *(d) REPORT TO CONGRESS.—Not later than 2 years*
4 *after the date of enactment of this Act, the Director of the*
5 *National Institutes of Health shall submit to the Committee*
6 *on Energy and Commerce of the House of Representatives*
7 *and the Committee on Health, Education, Labor, and Pen-*
8 *sions of the Senate a report—*

9 *(1) on the progress made in improving data and*
10 *expanding research on the health and developmental*
11 *effects of media and related technology on infants,*
12 *children, and adolescents in accordance with this sec-*
13 *tion; and*

14 *(2) that summarizes the grants and research*
15 *funded under this section for each of the years covered*
16 *by the report.*

17 ***Subtitle E—Miscellaneous***
18 ***Provisions***

19 ***SEC. 1501. LIMITATIONS ON AUTHORITY.***

20 *In carrying out any program of the Substance Abuse*
21 *and Mental Health Services Administration whose statu-*
22 *tory authorization is enacted or amended by this title, the*
23 *Secretary of Health and Human Services shall not allocate*
24 *funding, or require award recipients to prioritize, dedicate,*
25 *or allocate funding, without consideration of the incidence,*

3125

1 *prevalence, or determinants of mental health or substance*
2 *use issues, unless such allocation or requirement is con-*
3 *sistent with statute, regulation, or other Federal law.*

4 ***TITLE II—PREPARING FOR AND***
5 ***RESPONDING TO EXISTING VI-***
6 ***RUSES, EMERGING NEW***
7 ***THREATS, AND PANDEMICS***

8 ***SEC. 2001. SHORT TITLE.***

9 *This title may be cited as the “Prepare for and Re-*
10 *spond to Existing Viruses, Emerging New Threats, and*
11 *Pandemics Act” or the “PREVENT Pandemics Act”.*

12 ***Subtitle A—Strengthening Federal***
13 ***and State Preparedness***

14 ***CHAPTER 1—FEDERAL LEADERSHIP AND***
15 ***ACCOUNTABILITY***

16 ***SEC. 2101. APPOINTMENT AND AUTHORITY OF THE DIREC-***
17 ***TOR OF THE CENTERS FOR DISEASE CON-***
18 ***TROL AND PREVENTION.***

19 *(a) IN GENERAL.—Part A of title III of the Public*
20 *Health Service Act (42 U.S.C. 241 et seq.) is amended by*
21 *inserting after section 304 the following:*

3126

1 **“SEC. 305. APPOINTMENT AND AUTHORITY OF THE DIREC-**
2 **TOR OF THE CENTERS FOR DISEASE CON-**
3 **TROL AND PREVENTION.**

4 “(a) *IN GENERAL.*—*The Centers for Disease Control*
5 *and Prevention (referred to in this section as the ‘CDC’)*
6 *shall be headed by the Director of the Centers for Disease*
7 *Control and Prevention (referred to in this section as the*
8 *‘Director’), who shall be appointed by the President, by and*
9 *with the advice and consent of the Senate. Such individual*
10 *shall also serve as the Administrator of the Agency for Toxic*
11 *Substances and Disease Registry consistent with section*
12 *104(i) of the Comprehensive Environmental Response,*
13 *Compensation, and Liability Act. The Director shall per-*
14 *form functions provided for in subsection (b) and such other*
15 *functions as the Secretary may prescribe.*

16 “(b) *FUNCTIONS.*—*The Secretary, acting through the*
17 *Director, shall—*

18 “(1) *implement and exercise applicable authori-*
19 *ties and responsibilities provided for in this Act or*
20 *other applicable law related to the investigation, de-*
21 *tection, identification, prevention, or control of dis-*
22 *eases or conditions to preserve and improve public*
23 *health domestically and globally and address injuries*
24 *and occupational and environmental hazards, as ap-*
25 *propriate;*

3127

1 “(2) be responsible for the overall direction of the
2 CDC and for the establishment and implementation of
3 policies related to the management and operation of
4 programs and activities within the CDC;

5 “(3) coordinate and oversee the operation of cen-
6 ters, institutes, and offices within the CDC;

7 “(4) support, in consultation with the heads of
8 such centers, institutes, and offices, program coordi-
9 nation across such centers, institutes, and offices, in-
10 cluding through priority setting reviews and the de-
11 velopment of strategic plans, to reduce unnecessary
12 duplication and encourage collaboration between pro-
13 grams;

14 “(5) oversee the development, implementation,
15 and updating of the strategic plan established pursu-
16 ant to subsection (c);

17 “(6) ensure that appropriate strategic planning,
18 including the use of performance metrics, is conducted
19 by such centers, institutes, and offices to facilitate
20 and improve CDC programs and activities;

21 “(7) communicate, including through convening
22 annual meetings, with public and private entities re-
23 garding relevant public health programs and activi-
24 ties, and, as applicable, the strategic plan established
25 pursuant to subsection (c).

3128

1 “(c) *STRATEGIC PLAN*.—

2 “(1) *IN GENERAL*.—Not later than 1 year after
3 the date of enactment of the *PREVENT Pandemics*
4 *Act*, and at least every 4 years thereafter, the Director
5 shall develop and submit to the Committee on Health,
6 Education, Labor, and Pensions and the Committee
7 on Appropriations of the Senate and the Committee
8 on Energy and Commerce and the Committee on Ap-
9 propriations of the House of Representatives, and post
10 on the website of the CDC, a coordinated strategy to
11 provide strategic direction and facilitate collaboration
12 across the centers, institutes, and offices within the
13 CDC. Such strategy shall be known as the ‘CDC Stra-
14 tegic Plan’.

15 “(2) *REQUIREMENTS*.—The CDC Strategic Plan
16 shall—

17 “(A) identify strategic priorities and objec-
18 tives related to—

19 “(i) preventing, reducing, and elimi-
20 nating the spread of communicable and
21 noncommunicable diseases or conditions,
22 and addressing injuries, and occupational
23 and environmental hazards;

24 “(ii) supporting the efforts of State,
25 local, and Tribal health departments to pre-

3129

1 *vent and reduce the prevalence of the dis-*
2 *eases or conditions under clause (i);*

3 *“(iii) containing, mitigating, and end-*
4 *ing disease outbreaks;*

5 *“(iv) enhancing global and domestic*
6 *public health capacity, capabilities, and*
7 *preparedness, including public health data,*
8 *surveillance, workforce, and laboratory ca-*
9 *capacity and safety; and*

10 *“(v) other priorities, as established by*
11 *the Director;*

12 *“(B) describe the capacity and capabilities*
13 *necessary to achieve the priorities and objectives*
14 *under subparagraph (A), and progress towards*
15 *achieving such capacity and capabilities, as ap-*
16 *propriate; and*

17 *“(C) include a description of how the CDC*
18 *Strategic Plan incorporates—*

19 *“(i) strategic communications;*

20 *“(ii) partnerships with private sector*
21 *entities, and State, local, and Tribal health*
22 *departments, and other public sector enti-*
23 *ties, as appropriate; and*

24 *“(iii) coordination with other agencies*
25 *and offices of the Department of Health and*

† **HR 2617 EAS2**

3130

1 *Human Services and other Federal depart-*
2 *ments and agencies, as appropriate.*

3 “(3) *USE OF PLANS.*—*Strategic plans developed*
4 *and updated by the centers, institutes, and offices of*
5 *the CDC shall be prepared regularly and in such a*
6 *manner that such plans will be informed by the CDC*
7 *Strategic Plan developed and updated under this sub-*
8 *section.*

9 “(d) *APPEARANCES BEFORE CONGRESS.*—

10 “(1) *IN GENERAL.*—*Each fiscal year, the Direc-*
11 *tor shall appear before the Committee on Health,*
12 *Education, Labor, and Pensions of the Senate and the*
13 *Committee on Energy and Commerce of the House of*
14 *Representatives at hearings on topics such as—*

15 “(A) *support for State, local, and Tribal*
16 *public health preparedness and responses to any*
17 *recent or ongoing public health emergency, in-*
18 *cluding—*

19 “(i) *any objectives, activities, or initia-*
20 *tives that have been carried out, or are*
21 *planned, by the Director to prepare for, or*
22 *respond to, the public health emergency, in-*
23 *cluding relevant strategic communications*
24 *or partnerships and any gaps or challenges*

3131

1 *identified in such objectives, activities, or*
2 *initiatives;*

3 “(ii) *any objectives and planned ac-*
4 *tivities for the upcoming fiscal year to ad-*
5 *dress gaps in, or otherwise improve, State,*
6 *local, and Tribal public health prepared-*
7 *ness; and*

8 “(iii) *other potential all-hazard threats*
9 *that the Director is preparing to address;*

10 “(B) *activities related to public health and*
11 *functions of the Director described in subsection*
12 *(b); and*

13 “(C) *updates on other relevant activities*
14 *supported or conducted by the CDC, or in col-*
15 *laboration or coordination with the heads of*
16 *other Federal departments, agencies, or stake-*
17 *holders, as appropriate.*

18 “(2) *CLARIFICATIONS.—*

19 “(A) *WAIVER AUTHORITY.—The Chair of*
20 *the Committee on Health, Education, Labor, and*
21 *Pensions of the Senate or the Chair of the Com-*
22 *mittee on Energy and Commerce of the House of*
23 *Representatives may waive the requirements of*
24 *paragraph (1) for the applicable fiscal year with*
25 *respect to the applicable Committee.*

3132

1 “(B) *SCOPE OF REQUIREMENTS.*—*The re-*
2 *quirements of this subsection shall not be con-*
3 *strued to impact the appearance of other Federal*
4 *officials or the Director at hearings of either*
5 *Committee described in paragraph (1) at other*
6 *times and for purposes other than the times and*
7 *purposes described in paragraph (1).*

8 “(3) *CLOSED HEARINGS.*—*Information that is*
9 *not appropriate for disclosure during an open hear-*
10 *ing under paragraph (1) in order to protect national*
11 *security may instead be discussed in a closed hearing*
12 *that immediately follows the open hearing.*

13 “(e) *OTHER TRANSACTIONS.*—

14 “(1) *IN GENERAL.*—*In carrying out activities of*
15 *the Centers for Disease Control and Prevention, the*
16 *Director may enter into transactions other than a*
17 *contract, grant, or cooperative agreement for purposes*
18 *of infectious disease research, biosurveillance, infec-*
19 *tious disease modeling, and public health prepared-*
20 *ness and response.*

21 “(2) *WRITTEN DETERMINATION.*—*With respect to*
22 *a project that is expected to cost the Centers for Dis-*
23 *ease Control and Prevention more than \$40,000,000,*
24 *the Director may exercise the authority under para-*
25 *graph (1) only upon a written determination by the*

1 *Assistant Secretary for Financial Resources of the De-*
2 *partment of Health and Human Services, that the use*
3 *of such authority is essential to promoting the success*
4 *of the project. The authority of the Assistant Sec-*
5 *retary for Financial Resources under this paragraph*
6 *may not be delegated.*

7 “(3) *GUIDELINES.—The Director, in consulta-*
8 *tion with the Secretary, shall establish guidelines re-*
9 *garding the use of the authority under paragraph (1).*
10 *Such guidelines shall include auditing requirements.”.*

11 (b) *EFFECTIVE DATE.—The first sentence of section*
12 *305(a) of the Public Health Service Act, as added by sub-*
13 *section (a), shall take effect on January 20, 2025.*

14 **SEC. 2102. ADVISORY COMMITTEE TO THE DIRECTOR OF**
15 **THE CENTERS FOR DISEASE CONTROL AND**
16 **PREVENTION.**

17 *Title III of the Public Health Service Act (42 U.S.C.*
18 *241 et seq.) is amended by inserting after section 305, as*
19 *added by section 2101, the following:*

20 **“SEC. 305A. ADVISORY COMMITTEE TO THE DIRECTOR.**

21 “(a) *IN GENERAL.—Not later than 60 days after the*
22 *date of the enactment of the PREVENT Pandemics Act, the*
23 *Secretary, acting through the Director of the Centers for*
24 *Disease Control and Prevention (referred to in this section*
25 *as the ‘Director’), shall maintain or establish an advisory*

3134

1 *committee within the Centers for Disease Control and Pre-*
2 *vention to advise the Director on policy and strategies that*
3 *enable the agency to fulfill its mission.*

4 “(b) *FUNCTIONS AND ACTIVITIES.—The Advisory*
5 *Committee may—*

6 “(1) *make recommendations to the Director re-*
7 *garding ways to prioritize the activities of the agency*
8 *in alignment with the CDC Strategic Plan required*
9 *under section 305(c);*

10 “(2) *advise on ways to achieve or improve per-*
11 *formance metrics in relation to the CDC Strategic*
12 *Plan, and other relevant metrics, as appropriate;*

13 “(3) *provide advice and recommendations on the*
14 *development of the CDC Strategic Plan, and any sub-*
15 *sequent updates, as appropriate;*

16 “(4) *advise on grants, cooperative agreements,*
17 *contracts, or other transactions, as applicable;*

18 “(5) *provide other advice to the Director, as re-*
19 *quested, to fulfill duties under sections 301 and 311;*
20 *and*

21 “(6) *appoint subcommittees.*

22 “(c) *MEMBERSHIP.—*

23 “(1) *IN GENERAL.—The Advisory Committee*
24 *shall consist of not more than 15 non-Federal mem-*

3135

1 *bers, including the Chair, to be appointed by the Sec-*
2 *retary under paragraph (3).*

3 *“(2) EX OFFICIO MEMBERS.—Any ex officio*
4 *members of the Advisory Council may consist of—*

5 *“(A) the Secretary;*

6 *“(B) the Assistant Secretary for Health;*

7 *“(C) the Director; and*

8 *“(D) such additional officers or employees*
9 *of the United States as the Secretary determines*
10 *necessary for the advisory committee to effec-*
11 *tively carry out its functions.*

12 *“(3) APPOINTED MEMBERS.—Individuals shall*
13 *be appointed to the Advisory Committee under para-*
14 *graph (1) as follows:*

15 *“(A) Twelve of the members shall be ap-*
16 *pointed by the Director from among the leading*
17 *representatives of the health disciplines (includ-*
18 *ing public health, global health, health dispari-*
19 *ties, biomedical research, public health prepared-*
20 *ness, and other fields, as applicable) relevant to*
21 *the activities of the agency or center, as applica-*
22 *ble.*

23 *“(B) Three of the members may be ap-*
24 *pointed by the Secretary from the general public*
25 *and may include leaders in fields of innovation,*

3136

1 *public policy, public relations, law, economics, or*
2 *management.*

3 “(4) *COMPENSATION.—Ex officio members of the*
4 *Advisory Council who are officers or employees of the*
5 *United States shall not receive any compensation for*
6 *service on the advisory committee. The remaining*
7 *members of the advisory committee may receive, for*
8 *each day (including travel time) they are engaged in*
9 *the performance of the functions of the advisory com-*
10 *mittee, compensation at rates not to exceed the daily*
11 *equivalent to the annual rate of basic pay for level III*
12 *of the Executive Schedule under section 5314 of title*
13 *5, United States Code.*

14 “(5) *TERMS OF OFFICE.—*

15 “(A) *IN GENERAL.—The term of office of a*
16 *member of the advisory committee appointed*
17 *under paragraph (3) shall be 4 years, except that*
18 *any member appointed to fill a vacancy for an*
19 *unexpired term shall serve for the remainder of*
20 *such term. The Secretary shall make appoint-*
21 *ments to the advisory committee in such a man-*
22 *ner as to ensure that the terms of the members*
23 *not all expire in the same year. A member of the*
24 *advisory committee may serve after the expira-*

3137

1 *tion of such member's term until a successor has*
2 *been appointed and taken office.*

3 “(B) *REAPPOINTMENTS.*—*A member who*
4 *has been appointed to the advisory committee for*
5 *a term of 4 years may not be reappointed to the*
6 *advisory committee during the 2-year period be-*
7 *ginning on the date on which such 4-year term*
8 *expired.*

9 “(C) *TIME FOR APPOINTMENT.*—*If a va-*
10 *cancy occurs in the advisory committee among*
11 *the members appointed under paragraph (3), the*
12 *Secretary shall make an appointment to fill such*
13 *vacancy within 90 days from the date the va-*
14 *cancy occurs.*

15 “(d) *CHAIR.*—*The Secretary shall select a member of*
16 *the advisory committee to serve as the Chair of the com-*
17 *mittee. The Secretary may so select an individual from*
18 *among the appointed members. The term of office of the*
19 *chair shall be 2 years.*

20 “(e) *MEETINGS.*—*The advisory committee shall meet*
21 *at the call of the Chair or upon request of the Director,*
22 *but in no event less than 2 times during each fiscal year.*

23 “(f) *EXECUTIVE SECRETARY AND STAFF.*—*The Direc-*
24 *tor shall designate a member of the staff of the agency to*
25 *serve as the executive secretary of the advisory committee.*

3138

1 *The Director shall make available to the advisory committee*
2 *such staff, information, and other assistance as it may re-*
3 *quire to carry out its functions. The Director shall provide*
4 *orientation and training for new members of the advisory*
5 *committee to provide for their effective participation in the*
6 *functions of the advisory committee.”.*

7 **SEC. 2103. PUBLIC HEALTH AND MEDICAL PREPAREDNESS**
8 **AND RESPONSE COORDINATION.**

9 (a) *PUBLIC HEALTH EMERGENCY FUND.*—Section
10 319(b) of the Public Health Service Act (42 U.S.C. 247d(b))
11 is amended—

12 (1) in paragraph (2)—

13 (A) in subparagraph (E), by striking “and”
14 at the end;

15 (B) by redesignating subparagraph (F) as
16 subparagraph (G); and

17 (C) by inserting after subparagraph (E),
18 the following:

19 “(F) support the initial deployment and
20 distribution of contents of the Strategic National
21 Stockpile, as appropriate; and”; and

22 (2) by amending paragraph (3)(A) to read as
23 follows:

3139

1 “(A) the expenditures made from the Public
2 Health Emergency Fund in such fiscal year, in-
3 cluding—

4 “(i) the amount obligated;

5 “(ii) the recipient or recipients of such
6 obligated funds;

7 “(iii) the specific response activities
8 such obligated funds will support; and

9 “(iv) the declared or potential public
10 health emergency for which such funds were
11 obligated; and”.

12 (b) IMPROVING PUBLIC HEALTH AND MEDICAL PRE-
13 PAREDNESS AND RESPONSE COORDINATION.—

14 (1) COORDINATION WITH FEDERAL AGENCIES.—

15 Section 2801 of the Public Health Service Act (42
16 U.S.C. 300hh) is amended by adding at the end the
17 following:

18 “(c) COORDINATION WITH FEDERAL AGENCIES.—In
19 leading the Federal public health and medical response to
20 a declared or potential public health emergency, consistent
21 with this section, the Secretary shall coordinate with, and
22 may request support from, other Federal departments and
23 agencies, as appropriate in order to carry out necessary ac-
24 tivities and leverage the expertise of such departments and
25 agencies, which may include the provision of assistance at

3140

1 *the direction of the Secretary related to supporting the pub-*
2 *lic health and medical response for States, localities, and*
3 *Tribes.”.*

4 (2) *ASPR DUTIES.*—*Section 2811(b) of the Pub-*
5 *lic Health Service Act (42 U.S.C. 300hh–10(b)) is*
6 *amended—*

7 (A) *in paragraph (1), by inserting “and,*
8 *consistent with the National Response Frame-*
9 *work and other applicable provisions of law, as-*
10 *sist the Secretary in carrying out the functions*
11 *under section 2801” before the period; and*

12 (B) *in paragraph (4)—*

13 (i) *in subparagraph (E) by striking*
14 *“the actions necessary to overcome these ob-*
15 *stacles.” and inserting “recommend actions*
16 *necessary to overcome these obstacles, such*
17 *as—*

18 “(i) *improving coordination with rel-*
19 *evant Federal officials;*

20 “(ii) *partnering with other public or*
21 *private entities to leverage capabilities*
22 *maintained by such entities, as appropriate*
23 *and consistent with this subsection; and*

24 “(iii) *coordinating efforts to support or*
25 *establish new capabilities, as appropriate.”;*

3141

1 (ii) in subparagraph (G)—
2 (I) by redesignating clauses (i)
3 and (ii) as subclauses (I) and (II) and
4 adjusting the margins accordingly;
5 (II) in the matter preceding sub-
6 clause (I), as so redesignated—
7 (aa) by inserting “each year,
8 including national-level and
9 State-level full-scale exercises not
10 less than once every 4 years” after
11 “operational exercises”; and
12 (bb) by striking “exercises
13 based on—” and inserting “exer-
14 cises—
15 “(i) based on”;
16 (III) by striking the period and
17 inserting a semicolon; and
18 (IV) by adding at the end the fol-
19 lowing:
20 “(ii) that assess the ability of the Stra-
21 tegic National Stockpile, as appropriate, to
22 provide medical countermeasures, medical
23 products, and other supplies, including an-
24 cillary medical supplies, to support the re-
25 sponse to a public health emergency or po-

3142

1 *tential public health emergency, including a*
2 *threat that requires the large-scale and si-*
3 *multaneous deployment of stockpiles and a*
4 *long-term public health and medical re-*
5 *sponse; and*

6 *“(iii) conducted in coordination with*
7 *State and local health officials.”; and*

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

10 *“(J) MEDICAL PRODUCT AND SUPPLY CA-*
11 *PACITY PLANNING.—Coordinate efforts within the*
12 *Department of Health and Human Services to*
13 *support—*

14 *“(i) preparedness for medical product*
15 *and medical supply needs directly related to*
16 *responding to chemical, biological, radio-*
17 *logical, or nuclear threats, including emerg-*
18 *ing infectious diseases, and incidents cov-*
19 *ered by the National Response Framework,*
20 *including—*

21 *“(I) sharing information, includ-*
22 *ing with appropriate stakeholders, re-*
23 *lated to the anticipated need for, and*
24 *availability of, such products and sup-*
25 *plies during such responses;*

† HR 2617 EAS2

3143

1 “(II) supporting activities, which
2 may include public-private partner-
3 ships, to maintain capacity of medical
4 products and medical supplies, as ap-
5 plicable and appropriate; and

6 “(III) planning for potential
7 surges in medical supply needs for
8 purposes of a response to such a threat;
9 and

10 “(ii) situational awareness with re-
11 spect to anticipated need for, and avail-
12 ability of, such medical products and med-
13 ical supplies within the United States dur-
14 ing a response to such a threat.”.

15 (c) *APPEARANCES BEFORE AND REPORTS TO CON-*
16 *GRESS.*—Section 2811 of the Public Health Service Act (42
17 *U.S.C. 300hh–10*) is amended by adding at the end the fol-
18 *lowing:*

19 “(g) *APPEARANCES BEFORE CONGRESS.*—

20 “(1) *IN GENERAL.*—Each fiscal year, the Assist-
21 ant Secretary for Preparedness and Response shall
22 appear before the Committee on Health, Education,
23 Labor, and Pensions of the Senate and the Committee
24 on Energy and Commerce of the House of Representa-
25 tives at hearings, on topics such as—

3144

1 “(A) coordination of Federal activities to
2 prepare for, and respond to, public health emer-
3 gencies;

4 “(B) activities and capabilities of the Stra-
5 tegic National Stockpile, including whether, and
6 the degree to which, recommendations made pur-
7 suant to section 2811–1(c)(1)(A) have been met;

8 “(C) support for State, local, and Tribal
9 public health and medical preparedness;

10 “(D) activities implementing the counter-
11 measures budget plan described under subsection
12 (b)(7), including—

13 “(i) any challenges in meeting the full
14 range of identified medical countermeasure
15 needs; and

16 “(ii) progress in supporting advanced
17 research, development, and procurement of
18 medical countermeasures, pursuant to sub-
19 section (b)(3);

20 “(E) the strategic direction of, and activi-
21 ties related to, the sustainment of manufacturing
22 surge capacity and capabilities for medical coun-
23 termeasures pursuant to section 319L and the
24 distribution and deployment of such counter-
25 measures;

3145

1 “(F) any additional objectives, activities, or
2 initiatives that have been carried out or are
3 planned by the Assistant Secretary for Prepared-
4 ness and Response and associated challenges, as
5 appropriate;

6 “(G) the specific all-hazards threats that the
7 Assistant Secretary for Preparedness and Re-
8 sponse is preparing to address, or that are being
9 addressed, through the activities described in
10 subparagraphs (A) through (F); and

11 “(H) objectives, activities, or initiatives re-
12 lated to the coordination and consultation re-
13 quired under subsections (b)(4)(H) and (b)(4)(I),
14 in a manner consistent with paragraph (3), as
15 appropriate.

16 “(2) CLARIFICATIONS.—

17 “(A) WAIVER AUTHORITY.—The Chair of
18 the Committee on Health, Education, Labor, and
19 Pensions of the Senate or the Chair of the Com-
20 mittee on Energy and Commerce of the House of
21 Representatives may waive the requirements of
22 paragraph (1) for the applicable fiscal year with
23 respect to the applicable Committee.

24 “(B) SCOPE OF REQUIREMENTS.—The re-
25 quirements of this subsection shall not be con-

3146

1 *strued to impact the appearance of other Federal*
2 *officials or the Assistant Secretary at hearings of*
3 *either Committee described in paragraph (1) at*
4 *other times and for purposes other than the times*
5 *and purposes described in paragraph (1)*

6 “(3) *CLOSED HEARINGS.*—*Information that is*
7 *not appropriate for disclosure during an hear-*
8 *ing under paragraph (1) in order to protect national*
9 *security may instead be discussed in a closed hearing*
10 *that immediately follows such open hearing.”.*

11 (d) *ANNUAL REPORT ON EMERGENCY RESPONSE AND*
12 *PREPAREDNESS.*—*Section 2801 of the Public Health Serv-*
13 *ice Act (42 U.S.C. 300hh), as amended by subsection (b),*
14 *is further amended by adding at the end the following:*

15 “(d) *ANNUAL REPORT ON EMERGENCY RESPONSE AND*
16 *PREPAREDNESS.*—*The Secretary shall submit a written re-*
17 *port each fiscal year to the Committee on Health, Edu-*
18 *cation, Labor, and Pensions and the Committee on Appro-*
19 *priations of the Senate and the Committee on Energy and*
20 *Commerce and the Committee on Appropriations of the*
21 *House of Representatives, containing—*

22 “(1) *updated information related to an assess-*
23 *ment of the response to any public health emergency*
24 *declared, or otherwise in effect, during the previous*
25 *fiscal year;*

3147

1 “(2) *findings related to drills and operational*
2 *exercises completed in the previous fiscal year pursu-*
3 *ant to section 2811(b)(4)(G);*

4 “(3) *the state of public health preparedness and*
5 *response capabilities for chemical, biological, radio-*
6 *logical, and nuclear threats, including emerging infec-*
7 *tious diseases; and*

8 “(4) *any challenges in preparing for or respond-*
9 *ing to such threats, as appropriate.”.*

10 *(e) GAO REPORT ON INTERAGENCY AGREEMENTS AND*
11 *COORDINATION.—Not later than 3 years after the date of*
12 *enactment of this Act, the Comptroller General of the United*
13 *States shall—*

14 *(1) conduct a review of previous and current*
15 *interagency agreements established between the Sec-*
16 *retary of Health and Human Services and the heads*
17 *of other relevant Federal departments or agencies pur-*
18 *suant to section 2801(b) of the Public Health Service*
19 *Act (42 U.S.C. 300hh(b)), including—*

20 *(A) the specific roles and responsibilities of*
21 *each Federal department or agency that is a*
22 *party to any such interagency agreement;*

23 *(B) the manner in which specific capabili-*
24 *ties of each such Federal department or agency*

3148

1 *may be utilized under such interagency agree-*
2 *ments;*

3 *(C) the frequency with which such inter-*
4 *agency agreements have been utilized;*

5 *(D) gaps, if any, in interagency agreements*
6 *that prevent the Secretary from carrying out the*
7 *goals under section 2802 of the Public Health*
8 *Service Act (42 U.S.C. 300hh-1);*

9 *(E) barriers, if any, to establishing or uti-*
10 *lizing such interagency agreements; and*

11 *(F) recommendations, if any, on the ways*
12 *in which such interagency agreements can be im-*
13 *proved to address the gaps and barriers identi-*
14 *fied under subparagraphs (D) and (E);*

15 *(2) conduct a review of the implementation and*
16 *utilization of the authorities described under section*
17 *2801(c) of the Public Health Service Act (42 U.S.C.*
18 *300hh(c)); and*

19 *(3) submit to the Committee on Health, Edu-*
20 *cation, Labor, and Pensions of the Senate and the*
21 *Committee on Energy and Commerce of the House of*
22 *Representatives a report on the reviews under para-*
23 *graphs (1) and (2), including related recommenda-*
24 *tions, as applicable.*

3149

1 **SEC. 2104. OFFICE OF PANDEMIC PREPAREDNESS AND RE-**
2 **SPONSE POLICY.**

3 (a) *IN GENERAL.*—*There is established in the Execu-*
4 *tive Office of the President an Office of Pandemic Prepared-*
5 *ness and Response Policy (referred to in this section as the*
6 *“Office”), which shall be headed by a Director (referred to*
7 *in this section as the “Director”) appointed by the Presi-*
8 *dent and who shall be compensated at the rate provided for*
9 *level II of the Executive Schedule in section 5313 of title*
10 *5, United States Code. The President is authorized to ap-*
11 *point not more than 2 Associate Directors, who shall be*
12 *compensated at a rate not to exceed that provided for level*
13 *III of the Executive Schedule in section 5314 of such title.*
14 *Associate Directors shall perform such functions as the Di-*
15 *rector may prescribe.*

16 (b) *FUNCTIONS OF THE DIRECTOR.*—*The primary*
17 *function of the Director is to provide advice, within the Ex-*
18 *ecutive Office of the President, on policy related to pre-*
19 *paredness for, and response to, pandemic and other biologi-*
20 *cal threats that may impact national security, and support*
21 *strategic coordination and communication with respect to*
22 *relevant activities across the Federal Government. In addi-*
23 *tion to such other functions and activities as the President*
24 *may assign, the Director, consistent with applicable laws*
25 *and the National Response Framework, shall—*

3150

1 (1) *serve as the principal advisor to the Presi-*
2 *dent on all matters related to pandemic preparedness*
3 *and response policy and make recommendations to*
4 *the President regarding pandemic and other biologi-*
5 *cal threats that may impact national security;*

6 (2) *coordinate Federal activities to prepare for,*
7 *and respond to, pandemic and other biological*
8 *threats, by—*

9 (A) *providing strategic direction to the*
10 *heads of applicable Federal departments, agen-*
11 *cies, and offices, including—*

12 (i) *the establishment, implementation,*
13 *prioritization, and assessment of policy*
14 *goals and objectives across the Executive Of-*
15 *fice of the President and such departments,*
16 *agencies, and offices;*

17 (ii) *supporting the assessment and*
18 *clarification of roles and responsibilities re-*
19 *lated to such Federal activities; and*

20 (iii) *supporting the development and*
21 *implementation of metrics and performance*
22 *measures to evaluate the extent to which ap-*
23 *plicable activities meet such goals and objec-*
24 *tives;*

3151

1 (B) providing, in consultation with the Sec-
2 retary of Health and Human Services and the
3 heads of other relevant Federal departments,
4 agencies, and offices, leadership with respect to
5 the National Biodefense Strategy and related ac-
6 tivities pursuant to section 1086 of the National
7 Defense Authorization Act for Fiscal Year 2017
8 (6 U.S.C. 104) and section 363 of the William
9 M. (Mac) Thornberry National Defense Author-
10 ization Act for Fiscal Year 2021 (6 U.S.C. 105);

11 (C) facilitating coordination and commu-
12 nication between such Federal departments,
13 agencies, and offices to improve preparedness for,
14 and response to, such threats;

15 (D) ensuring that the authorities, capabili-
16 ties, and expertise of each such department,
17 agency, and office are appropriately leveraged to
18 facilitate the whole-of-Government response to
19 such threats;

20 (E) overseeing coordination of Federal ef-
21 forts to prepare for and support the production,
22 supply, and distribution of relevant medical
23 products and supplies during a response to a
24 pandemic or other biological threat, as applica-
25 ble and appropriate, including supporting Fed-

3152

1 *eral efforts to assess any relevant vulnerabilities*
2 *in the supply chain of such products and sup-*
3 *plies, and identify opportunities for private enti-*
4 *ties to engage with the Federal Government to*
5 *address medical product and medical supply*
6 *needs during such a response;*

7 *(F) overseeing coordination of Federal ef-*
8 *forts for the basic and advanced research, devel-*
9 *opment, manufacture, and procurement of med-*
10 *ical countermeasures for such threats, including*
11 *by—*

12 *(i) serving, with the Secretary of*
13 *Health and Human Services, as co-Chair of*
14 *the Public Health Emergency Medical*
15 *Countermeasures Enterprise established*
16 *pursuant to section 2811–1 of the Public*
17 *Health Service Act (42 U.S.C. 300hh–10a);*

18 *(ii) promoting coordination between*
19 *the medical countermeasure research, devel-*
20 *opment, and procurement activities of re-*
21 *spective Federal departments and agencies,*
22 *including to advance the discovery and de-*
23 *velopment of new medical products and*
24 *technologies;*

3153

1 (G) convening heads of Federal departments
2 and agencies, as appropriate, on topics related to
3 capabilities to prepare for, and respond to, such
4 threats;

5 (H) assessing and advising on international
6 cooperation in preparing for, and responding to,
7 such threats to advance the national security ob-
8 jectives of the United States; and

9 (I) overseeing other Federal activities to as-
10 sess preparedness for, and responses to, such
11 threats, including—

12 (i) drills and operational exercises con-
13 ducted pursuant to applicable provisions of
14 law; and

15 (ii) Federal after-action reports devel-
16 oped following such drills and exercises or a
17 response to a pandemic or other biological
18 threat;

19 (3) promote and support the development of rel-
20 evant expertise and capabilities within the Federal
21 Government to ensure that the United States can
22 quickly detect, identify, and respond to such threats,
23 and provide recommendations, as appropriate, to the
24 President;

3154

1 (4) *consult with the Director of the Office of*
2 *Management and Budget and other relevant officials*
3 *within the Executive Office of the President, includ-*
4 *ing the Assistant to the President for National Secu-*
5 *rity Affairs and the Director of the Office of Science*
6 *and Technology Policy, regarding activities related to*
7 *preparing for, and responding to, such threats and*
8 *relevant research and emerging technologies that may*
9 *advance the biosecurity and preparedness and re-*
10 *sponse goals of the Federal Government;*

11 (5) *identify opportunities to leverage current and*
12 *emerging technologies, including through public-pri-*
13 *vate partnerships, as appropriate, to address such*
14 *threats and advance the preparedness and response*
15 *goals of the Federal Government; and*

16 (6) *ensure that findings of Federal after-action*
17 *reports conducted pursuant to paragraph (2)(I)(ii)*
18 *are implemented to the maximum extent feasible*
19 *within the Federal Government.*

20 (c) *SUPPORT FROM OTHER AGENCIES.—Each depart-*
21 *ment, agency, and instrumentality of the executive branch*
22 *of the Federal Government, including any independent*
23 *agency, is authorized to support the Director by providing*
24 *the Director such information as the Director determines*

3155

1 *necessary to carry out the functions of the Director under*
2 *this section.*

3 *(d) PREPAREDNESS OUTLOOK REPORT.—*

4 *(1) IN GENERAL.—Within its first year of oper-*
5 *ation, the Director, in consultation with the heads of*
6 *relevant Federal departments and agencies and other*
7 *officials within the Executive Office of the President,*
8 *shall through a report submitted to the President and*
9 *made available to the public, to the extent practicable,*
10 *identify and describe situations and conditions which*
11 *warrant special attention within the next 5 years, in-*
12 *volving current and emerging problems of national*
13 *significance related to pandemic or other biological*
14 *threats, and opportunities for, and the barriers to, the*
15 *research, development, and procurement of medical*
16 *countermeasures to adequately respond to such*
17 *threats.*

18 *(2) REVISIONS.—The Office shall revise the re-*
19 *port under paragraph (1) not less than once every 5*
20 *years and work with relevant Federal officials to ad-*
21 *dress the problems, barriers, opportunities, and ac-*
22 *tions identified under this report through the develop-*
23 *ment of the President's Budgets and programs.*

24 *(e) INTERDEPARTMENTAL WORKING GROUP.—The Di-*
25 *rector shall lead an interdepartmental working group that*

3156

1 *will meet on a regular basis to evaluate national biosecurity*
2 *and pandemic preparedness issues and make recommenda-*
3 *tions to the heads of applicable Federal departments, agen-*
4 *cies and offices. The working group shall consist of rep-*
5 *resentatives from—*

6 *(1) the Office of Pandemic Preparedness and Re-*
7 *sponse Policy, to serve as the chair;*

8 *(2) the Department of Health and Human Serv-*
9 *ices;*

10 *(3) the Department of Homeland Security;*

11 *(4) the Department of Defense;*

12 *(5) the Office of Management and Budget; and*

13 *(6) other Federal Departments and agencies.*

14 *(f) INDUSTRY LIAISON.—*

15 *(1) IN GENERAL.—Not later than 10 days after*
16 *the initiation of a Federal response to a pandemic or*
17 *other biological threat that may pose a risk to na-*
18 *tional security, the Director shall appoint an Indus-*
19 *try Liaison within the Office of Pandemic Prepared-*
20 *ness and Response Policy to serve until the termi-*
21 *nation of such response.*

22 *(2) ACTIVITIES.—The Industry Liaison shall—*

23 *(A) not later than 20 days after the initi-*
24 *ation of such response, identify affected indus-*
25 *tries and develop a plan to regularly commu-*

3157

1 *nicate with, and receive input from, affected in-*
2 *dustries;*

3 *(B) work with relevant Federal departments*
4 *and agencies to support information sharing and*
5 *coordination with industry stakeholders; and*

6 *(C) communicate, and support the provision*
7 *of technical assistance, as applicable, with pri-*
8 *vate entities interested in supporting such re-*
9 *sponse, which may include entities not histori-*
10 *cally involved in the public health or medical*
11 *sectors, as applicable and appropriate.*

12 *(g) ADDITIONAL FUNCTIONS OF THE DIRECTOR.—The*
13 *Director, in addition to the other duties and functions set*
14 *forth in this section—*

15 *(1) shall—*

16 *(A) serve as a member of the Domestic Pol-*
17 *icy Council and the National Security Council;*

18 *(B) serve as a member of the Intergovern-*
19 *mental Science, Engineering, and Technology*
20 *Advisory Panel under section 205(b) of the Na-*
21 *tional Science and Technology Policy, Organiza-*
22 *tion, and Priorities Act of 1976 (42 U.S.C.*
23 *6614(b)) and the Federal Coordinating Council*
24 *for Science, Engineering and Technology under*
25 *section 401 of such Act (42 U.S.C. 6651);*

3158

1 (C) consult with State, Tribal, local, and
2 territorial governments, industry, academia, pro-
3 fessional societies, and other stakeholders, as ap-
4 propriate;

5 (D) use for administrative purposes, on a
6 reimbursable basis, the available services, equip-
7 ment, personnel, and facilities of Federal, State,
8 and local agencies; and

9 (E) at the President's request, perform such
10 other duties and functions and enter into con-
11 tracts and other arrangements for studies, anal-
12 yses, and related services with public or private
13 entities, as applicable and appropriate; and

14 (2) may hold such hearings in various parts of
15 the United States as necessary to determine the views
16 of the entities and individuals referred to in para-
17 graph (1) and of the general public, concerning na-
18 tional needs and trends in pandemic preparedness
19 and response.

20 (h) *STAFFING AND DETAILEES.*—In carrying out func-
21 tions under this section, the Director may—

22 (1) appoint not more than 25 individuals to
23 serve as employees of the Office as necessary to carry
24 out this section;

3159

1 (2) *fix the compensation of such personnel at a*
2 *rate to be determined by the Director, up to the*
3 *amount of annual compensation (excluding expenses)*
4 *specified in section 102 of title 3, United States Code;*

5 (3) *utilize the services of consultants, which may*
6 *include by obtaining services described under section*
7 *3109(b) of title 5, United States Code, at rates not to*
8 *exceed the rate of basic pay for level IV of the Execu-*
9 *tive Schedule; and*

10 (4) *direct, with the concurrence of the Secretary*
11 *of a department or head of an agency, the temporary*
12 *reassignment within the Federal Government of per-*
13 *sonnel employed by such department or agency, in*
14 *order to carry out the functions of the Office.*

15 (i) *PREPAREDNESS REVIEW AND REPORT.—The Di-*
16 *rector, in consultation with the heads of applicable Federal*
17 *departments, agencies, and offices, shall—*

18 (1) *not later than 1 year after the date of enact-*
19 *ment of this Act, conduct a review of applicable Fed-*
20 *eral strategies, policies, procedures, and after-action*
21 *reports to identify gaps and inefficiencies related to*
22 *pandemic preparedness and response;*

23 (2) *not later than 18 months after the date of en-*
24 *actment of this Act, and every 2 years thereafter, sub-*
25 *mit to the President and the Committee on Health,*

3160

1 *Education, Labor, and Pensions of the Senate and the*
2 *Committee on Energy and Commerce of the House of*
3 *Representatives a report describing—*

4 *(A) current and emerging pandemic and*
5 *other biological threats that pose a significant*
6 *level of risk to national security;*

7 *(B) the roles and responsibilities of the Fed-*
8 *eral Government in preparing for, and respond-*
9 *ing to, such threats;*

10 *(C) the findings of the review conducted*
11 *under paragraph (1);*

12 *(D) any barriers or limitations related to*
13 *addressing such findings;*

14 *(E) current and planned activities to up-*
15 *date Federal strategies, policies, and procedures*
16 *to address such findings, consistent with applica-*
17 *ble laws and the National Response Framework;*

18 *(F) current and planned activities to sup-*
19 *port the development of expertise within the Fed-*
20 *eral Government pursuant to subsection (b)(3);*
21 *and*

22 *(G) opportunities to improve Federal pre-*
23 *paredness and response capacities and capabili-*
24 *ties through the use of current and emerging*
25 *technologies.*

3161

1 (j) *NONDUPLICATION OF EFFORT.*—*The Director shall*
2 *ensure that activities carried out under this section do not*
3 *unnecessarily duplicate the efforts of other Federal depart-*
4 *ments, agencies, and offices.*

5 (k) *CONFORMING AMENDMENTS.*—

6 (1) *Section 2811–1 of the Public Health Service*
7 *Act (42 U.S.C. 300hh–10a) is amended—*

8 (A) *in the second sentence of subsection (a),*
9 *by striking “shall serve as chair” and inserting*
10 *“and the Director of the Office of Pandemic Pre-*
11 *paredness and Response Policy shall serve as co-*
12 *chairs”; and*

13 (B) *in subsection (b)—*

14 (i) *by redesignating paragraph (10) as*
15 *paragraph (11); and*

16 (ii) *by inserting after paragraph (9)*
17 *the following:*

18 “(10) *The Director of the Office of Pandemic*
19 *Preparedness and Response Policy.*”.

20 (2) *Section 101(c)(1) of the National Security*
21 *Act of 1947 (50 U.S.C. 3021(c)(1)) is amended by in-*
22 *serting “the Director of the Office of Pandemic Pre-*
23 *paredness and Response Policy” after “Treasury,”.*

3162

1 (3) *The National Science and Technology Policy,*
2 *Organization, and Priorities Act of 1976 (42 U.S.C.*
3 *6601 et seq.) is amended—*

4 (A) *in section 205(b)(2) (42 U.S.C.*
5 *6614(b)(2))—*

6 (i) *by striking “and (C)” and inserting*
7 *“(C)”;* *and*

8 (ii) *by striking the period at the end*
9 *and inserting “; and (D) the Director of the*
10 *Office of Pandemic Preparedness and Re-*
11 *sponse Policy.”;* *and*

12 (B) *in section 401(b) (42 U.S.C. 6651(b)),*
13 *by inserting “, the Director of the Office of Pan-*
14 *demic Preparedness and Response Policy,” after*
15 *“Technology Policy”.*

16 **CHAPTER 2—STATE AND LOCAL**
17 **READINESS**

18 **SEC. 2111. IMPROVING STATE AND LOCAL PUBLIC HEALTH**
19 **SECURITY.**

20 (a) *IN GENERAL.—Section 319C–1(b)(2) of the Public*
21 *Health Service Act (42 U.S.C. 247d–3a(b)(2)) is amend-*
22 *ed—*

23 (1) *in subparagraph (A)—*

3163

1 (A) in clause (vii), by inserting “during
2 and” before “following a public health emer-
3 gency”;

4 (B) by amending clause (viii) to read as
5 follows:

6 “(viii) a description of how the entity,
7 as applicable and appropriate, will coordi-
8 nate with State emergency preparedness
9 and response plans in public health emer-
10 gency preparedness, including State edu-
11 cation agencies (as defined in section 8101
12 of the Elementary and Secondary Edu-
13 cation Act of 1965), State child care lead
14 agencies (designated under section 658D of
15 the Child Care and Development Block
16 Grant Act of 1990), and other relevant
17 State agencies”;

18 (C) in clause (xi), by striking “; and” and
19 inserting a semicolon;

20 (D) by redesignating clause (xii) as clause
21 (xiii); and

22 (E) by inserting after clause (xi) the fol-
23 lowing:

24 “(xii) a description of how the entity
25 will provide technical assistance to improve

3164

1 *public health preparedness and response, as*
2 *appropriate, to agencies or other entities*
3 *that operate facilities within the entity’s ju-*
4 *risdiction in which there is an increased*
5 *risk of infectious disease outbreaks in the*
6 *event of a public health emergency declared*
7 *under section 319, such as residential care*
8 *facilities, group homes, and other similar*
9 *settings; and”;*

10 *(2) by redesignating subparagraphs (D) through*
11 *(H) as subparagraphs (E) through (I), respectively;*
12 *and*

13 *(3) by inserting after subparagraph (C) the fol-*
14 *lowing:*

15 *“(D) an assurance that the entity will re-*
16 *quire relevant staff to complete relevant pre-*
17 *paredness and response trainings, including*
18 *trainings related to efficient and effective oper-*
19 *ation during an incident or event within an In-*
20 *cident Command System;”.*

21 *(b) APPLICABILITY.—The amendments made by sub-*
22 *section (a) shall not apply with respect to any cooperative*
23 *agreement entered into prior to the date of enactment of*
24 *this Act.*

3165

1 **SEC. 2112. SUPPORTING ACCESS TO MENTAL HEALTH AND**
2 **SUBSTANCE USE DISORDER SERVICES DUR-**
3 **ING PUBLIC HEALTH EMERGENCIES.**

4 (a) *AUTHORITIES.*—Section 501(d) of the Public
5 Health Service Act (42 U.S.C. 290aa(d)) is amended—

6 (1) by redesignating paragraphs (24) and (25)
7 as paragraphs (25) and (26), respectively; and

8 (2) by inserting after paragraph (23) the fol-
9 lowing:

10 “(24) support the continued access to, or avail-
11 ability of, mental health and substance use disorder
12 services during, or in response to, a public health
13 emergency declared under section 319, including in
14 consultation with, as appropriate, the Assistant Sec-
15 retary for Preparedness and Response, the Director of
16 the Centers for Disease Control and Prevention, and
17 the heads of other relevant agencies, in preparing for,
18 and responding to, a public health emergency;”.

19 (b) *STRATEGIC PLAN.*—Section 501(l)(4) of the Public
20 Health Service Act (42 U.S.C. 290aa(l)(4)) is amended—

21 (1) in subparagraph (E), by striking “and” at
22 the end;

23 (2) in subparagraph (F), by striking the period
24 and inserting “; and”; and

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

3166

1 “(G) *specify a strategy to support the con-*
2 *tinued access to, or availability of, mental health*
3 *and substance use disorder services, including to*
4 *at-risk individuals (as defined in section*
5 *2802(b)(4)), during, or in response to, public*
6 *health emergencies declared pursuant to section*
7 *319.”.*

8 (c) *BIENNIAL REPORT CONCERNING ACTIVITIES AND*
9 *PROGRESS.—Section 501(m) of the Public Health Service*
10 *Act (42 U.S.C. 290aa(m)) is amended—*

11 *(1) by redesignating paragraphs (4) through (7)*
12 *as paragraphs (5) through (8), respectively;*

13 *(2) by inserting after paragraph (3) the fol-*
14 *lowing:*

15 *“(4) a description of the Administration’s activi-*
16 *ties to support the continued provision of mental*
17 *health and substance use disorder services, as applica-*
18 *ble, in response to public health emergencies declared*
19 *pursuant to section 319;”;* and

20 *(3) in paragraph (5), as so redesignated—*

21 *(A) by redesignating subparagraphs (D)*
22 *and (E) as subparagraphs (E) and (F), respec-*
23 *tively; and*

24 *(B) by inserting after subparagraph (C) the*
25 *following:*

3167

1 “(D) relevant preparedness and response ac-
2 tivities;”.

3 (d) *ADVISORY COUNCILS.*—Not later than 1 year after
4 the date of enactment of this Act, the Assistant Secretary
5 for Mental Health and Substance Use shall issue a report
6 to the Committee on Health, Education, Labor, and Pen-
7 sions and the Committee on Appropriations of the Senate
8 and the Committee on Energy and Commerce and the Com-
9 mittee on Appropriations of the House of Representatives,
10 reflecting the feedback of the advisory councils for the Center
11 for Substance Abuse Treatment, the Center for Substance
12 Abuse Prevention, and the Center for Mental Health Serv-
13 ices, pursuant to section 502 of the Public Health Service
14 Act (42 U.S.C. 290aa–1), with recommendations to improve
15 the continued provision of mental health and substance use
16 disorder services during a public health emergency declared
17 under section 319 of such Act (42 U.S.C. 247d), and the
18 provision of such services as part of the public health and
19 medical response to such an emergency, consistent with title
20 XXVIII of such Act (42 U.S.C. 300hh et seq.), including
21 related to the capacity of the mental health and substance
22 use disorder workforce and flexibilities provided to awardees
23 of mental health and substance use disorder programs.

24 (e) *GAO REPORT.*—Not later than 3 years after the
25 date of enactment of this Act, the Comptroller General of

3168

1 *the United States shall submit to the Committee on Health,*
2 *Education, Labor, and Pensions of the Senate and the Com-*
3 *mittee on Energy and Commerce of the House of Represent-*
4 *atives a report on programs and activities of the Substance*
5 *Abuse and Mental Health Services Administration to sup-*
6 *port the provision of mental health and substance use dis-*
7 *order services and related activities during the COVID–19*
8 *pandemic, including the provision of such services as part*
9 *of the medical and public health response to such pandemic.*

10 *Such report shall—*

11 (1) *examine the role played by the advisory*
12 *councils described in section 502 of the Public Health*
13 *Service Act (42 U.S.C. 290aa–1) and the National*
14 *Mental Health and Substance Use Policy Laboratory*
15 *established under section 501A of such Act (42 U.S.C.*
16 *290aa–0) in providing technical assistance and rec-*
17 *ommendations to the Substance Abuse and Mental*
18 *Health Services Administration to support the re-*
19 *sponse of such agency to the public health emergency*
20 *declared under section 319 of the Public Health Serv-*
21 *ice Act (42 U.S.C. 247d) with respect to COVID–19;*

22 (2) *describe the manner in which existing*
23 *awardees of mental health and substance use disorder*
24 *programs provided and altered delivery of services*
25 *during such public health emergency, including infor-*

3169

1 *mation on the populations served by such awardees*
2 *and any barriers faced in delivering services; and*
3 *(3) describe activities of the Substance Abuse and*
4 *Mental Health Services Administration to support the*
5 *response to such public health emergency, including*
6 *through technical assistance, provision of services,*
7 *and any flexibilities provided to such existing award-*
8 *ees, and any barriers faced in implementing such ac-*
9 *tivities.*

10 **SEC. 2113. TRAUMA CARE REAUTHORIZATION.**

11 *(a) IN GENERAL.—Section 1201 of the Public Health*
12 *Service Act (42 U.S.C. 300d) is amended—*

13 *(1) in subsection (a)—*

14 *(A) in paragraph (3)—*

15 *(i) by inserting “analyze,” after “com-*
16 *pile,”; and*

17 *(ii) by inserting “and medically un-*
18 *derserved areas” before the semicolon;*

19 *(B) in paragraph (4), by adding “and”*
20 *after the semicolon;*

21 *(C) by striking paragraph (5); and*

22 *(D) by redesignating paragraph (6) as*
23 *paragraph (5);*

24 *(2) by redesignating subsection (b) as subsection*
25 *(c); and*

3170

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

3 “(b) *TRAUMA CARE READINESS AND COORDINA-*
4 *TION.—The Secretary, acting through the Assistant Sec-*
5 *retary for Preparedness and Response, shall support the ef-*
6 *forts of States and consortia of States to coordinate and*
7 *improve emergency medical services and trauma care dur-*
8 *ing a public health emergency declared by the Secretary*
9 *pursuant to section 319 or a major disaster or emergency*
10 *declared by the President under section 401 or 501, respec-*
11 *tively, of the Robert T. Stafford Disaster Relief and Emer-*
12 *gency Assistance Act. Such support may include—*

13 “(1) *developing, issuing, and updating guidance,*
14 *as appropriate, to support the coordinated medical*
15 *triage and evacuation to appropriate medical institu-*
16 *tions based on patient medical need, taking into ac-*
17 *count regionalized systems of care;*

18 “(2) *disseminating, as appropriate, information*
19 *on evidence-based or evidence-informed trauma care*
20 *practices, taking into consideration emergency med-*
21 *ical services and trauma care systems, including such*
22 *practices identified through activities conducted under*
23 *subsection (a) and which may include the identifica-*
24 *tion and dissemination of performance metrics, as*
25 *applicable and appropriate; and*

3171

1 “(3) other activities, as appropriate, to optimize
2 a coordinated and flexible approach to the emergency
3 response and medical surge capacity of hospitals,
4 other health care facilities, critical care, and emer-
5 gency medical systems.”.

6 (b) *GRANTS TO IMPROVE TRAUMA CARE IN RURAL*
7 *AREAS*.—Section 1202 of the Public Health Service Act (42
8 U.S.C. 300d–3) is amended—

9 (1) by amending the section heading to read as
10 follows: “**GRANTS TO IMPROVE TRAUMA CARE IN**
11 **RURAL AREAS**”;

12 (2) by amending subsections (a) and (b) to read
13 as follows:

14 “(a) *IN GENERAL*.—The Secretary shall award grants
15 to eligible entities for the purpose of carrying out research
16 and demonstration projects to support the improvement of
17 emergency medical services and trauma care in rural areas
18 through the development of innovative uses of technology,
19 training and education, transportation of seriously injured
20 patients for the purposes of receiving such emergency med-
21 ical services, access to prehospital care, evaluation of proto-
22 cols for the purposes of improvement of outcomes and dis-
23 semination of any related best practices, activities to facili-
24 tate clinical research, as applicable and appropriate, and

3172

1 *increasing communication and coordination with applica-*
2 *ble State or Tribal trauma systems.*

3 “(b) *ELIGIBLE ENTITIES.*—

4 “(1) *IN GENERAL.*—*To be eligible to receive a*
5 *grant under this section, an entity shall be a public*
6 *or private entity that provides trauma care in a*
7 *rural area.*

8 “(2) *PRIORITY.*—*In awarding grants under this*
9 *section, the Secretary shall give priority to eligible en-*
10 *tities that will provide services under the grant in*
11 *any rural area identified by a State under section*
12 *1214(d)(1).”; and*

13 *(3) by adding at the end the following:*

14 “(d) *REPORTS.*—*An entity that receives a grant under*
15 *this section shall submit to the Secretary such reports as*
16 *the Secretary may require to inform administration of the*
17 *program under this section.”.*

18 *(c) COMPETITIVE GRANTS FOR TRAUMA CENTERS.*—
19 *Section 1204 of the Public Health Service Act (42 U.S.C.*
20 *300d–6) is amended—*

21 *(1) by amending the section heading to read as*
22 *follows: “**COMPETITIVE GRANTS FOR TRAUMA***
23 ***CENTERS**”;*

24 *(2) in subsection (a)—*

3173

1 (A) by striking “that design, implement,
2 and evaluate” and inserting “to design, imple-
3 ment, and evaluate new or existing”;

4 (B) by striking “emergency care” and in-
5 serting “emergency medical”; and

6 (C) by inserting “, and improve access to
7 trauma care within such systems” before the pe-
8 riod;

9 (3) in subsection (b)(1), by striking subpara-
10 graphs (A) and (B) and inserting the following:

11 “(A) a State or consortia of States;

12 “(B) an Indian Tribe or Tribal organiza-
13 tion (as defined in section 4 of the Indian Self-
14 Determination and Education Assistance Act);

15 “(C) a consortium of level I, II, or III trau-
16 ma centers designated by applicable State or
17 local agencies within an applicable State or re-
18 gion, and, as applicable, other emergency services
19 providers; or

20 “(D) a consortium or partnership of non-
21 profit Indian Health Service, Indian Tribal, and
22 urban Indian trauma centers.”;

23 (4) in subsection (c)—

24 (A) in the matter preceding paragraph
25 (1)—

3174

1 (i) by striking “that proposes a pilot
2 project”;

3 (ii) by striking “an emergency medical
4 and trauma system that—” and inserting
5 “a new or existing emergency medical and
6 trauma system. Such eligible entity shall
7 use amounts awarded under this subsection
8 to carry out 2 or more of the following ac-
9 tivities.”;

10 (B) in paragraph (1) —

11 (i) by striking “coordinates” and in-
12 serting “Strengthening coordination and
13 communication”; and

14 (ii) by striking “an approach to emer-
15 gency medical and trauma system access
16 throughout the region, including 9–1–1
17 Public Safety Answering Points and emer-
18 gency medical dispatch;” and inserting
19 “approaches to improve situational aware-
20 ness and emergency medical and trauma
21 system access.”;

22 (C) in paragraph (2)—

23 (i) by striking “includes” and insert-
24 ing “Providing”;

3175

1 (ii) by inserting “support patient
2 movement to” after “region to”; and

3 (iii) by striking the semicolon and in-
4 serting a period;

5 (D) in paragraph (3)—

6 (i) by striking “allows for” and insert-
7 ing “Improving”; and

8 (ii) by striking “; and” and inserting
9 a period;

10 (E) in paragraph (4), by striking “includes
11 a consistent” and inserting “Supporting a con-
12 sistent”; and

13 (F) by adding at the end the following:

14 “(5) Establishing, implementing, and dissemi-
15 nating, or utilizing existing, as applicable, evidence-
16 based or evidence-informed practices across facilities
17 within such emergency medical and trauma system to
18 improve health outcomes, including such practices re-
19 lated to management of injuries, and the ability of
20 such facilities to surge.

21 “(6) Conducting activities to facilitate clinical
22 research, as applicable and appropriate.”;

23 (5) in subsection (d)(2)—

24 (A) in subparagraph (A)—

3176

1 *(i) in the matter preceding clause (i),*
2 *by striking “the proposed” and inserting*
3 *“the applicable emergency medical and*
4 *trauma system”;*

5 *(ii) in clause (i), by inserting “or*
6 *Tribal entity” after “equivalent State of-*
7 *fice”; and*

8 *(iii) in clause (vi), by striking “; and”*
9 *and inserting a semicolon;*

10 *(B) by redesignating subparagraph (B) as*
11 *subparagraph (C); and*

12 *(C) by inserting after subparagraph (A) the*
13 *following:*

14 *“(B) for eligible entities described in sub-*
15 *paragraph (C) or (D) of subsection (b)(1), a de-*
16 *scription of, and evidence of, coordination with*
17 *the applicable State Office of Emergency Medical*
18 *Services (or equivalent State Office) or applica-*
19 *ble such office for a Tribe or Tribal organization;*
20 *and”;*

21 *(6) in subsection (e), by adding at the end the*
22 *following:*

23 *“(3) EFFECTIVE DATE.—The matching require-*
24 *ment described in paragraph (1) shall take effect on*
25 *October 1, 2025.”;*

3177

1 (7) *in subsection (f), by striking “population in*
2 *a medically underserved area” and inserting “medi-*
3 *cally underserved population”;*

4 (8) *in subsection (g)—*

5 (A) *in the matter preceding paragraph (1),*
6 *by striking “described in”;*

7 (B) *in paragraph (2), by striking “the sys-*
8 *tem characteristics that contribute to” and in-*
9 *serting “opportunities for improvement, includ-*
10 *ing recommendations for how to improve”;*

11 (C) *by striking paragraph (4);*

12 (D) *by redesignating paragraphs (5) and*
13 *(6) as paragraphs (4) and (5), respectively;*

14 (E) *in paragraph (4), as so redesignated, by*
15 *striking “; and” and inserting a semicolon;*

16 (F) *in paragraph (5), as so redesignated, by*
17 *striking the period and inserting “; and”; and*

18 (G) *by adding at the end the following:*

19 “(6) *any evidence-based or evidence-informed*
20 *strategies developed or utilized pursuant to subsection*
21 *(c)(5).”;* *and*

22 (9) *by amending subsection (h) to read as fol-*
23 *lows:*

24 “(h) *DISSEMINATION OF FINDINGS.—Not later than 1*
25 *year after the completion of the final project under sub-*

3178

1 *section (a), the Secretary shall submit to the Committee on*
2 *Health, Education, Labor, and Pensions of the Senate and*
3 *the Committee on Energy and Commerce of the House of*
4 *Representatives a report describing the information con-*
5 *tained in each report submitted pursuant to subsection (g)*
6 *and any additional actions planned by the Secretary re-*
7 *lated to regionalized emergency care and trauma systems.”.*

8 *(d) PROGRAM FUNDING.—Section 1232(a) of the Pub-*
9 *lic Health Service Act (42 U.S.C. 300d–32(a)) is amended*
10 *by striking “2010 through 2014” and inserting “2023*
11 *through 2027”.*

12 **SEC. 2114. ASSESSMENT OF CONTAINMENT AND MITIGA-**
13 **TION OF INFECTIOUS DISEASES.**

14 *(a) GAO STUDY.—The Comptroller General of the*
15 *United States shall conduct a study that reviews a geo-*
16 *graphically diverse sample of States and territories that,*
17 *in response to the COVID–19 pandemic, implemented pre-*
18 *paredness and response plans that included isolation and*
19 *quarantine recommendations or requirements. Such study*
20 *shall include—*

21 *(1) a review of such State and territorial pre-*
22 *paredness and response plans in place during the*
23 *COVID–19 pandemic, an assessment of the extent to*
24 *which such plans facilitated or presented challenges to*
25 *State and territorial responses to such public health*

3179

1 *emergency, including response activities relating to*
2 *isolation and quarantine to prevent the spread of*
3 *COVID–19; and*

4 *(2) a description of the technical assistance pro-*
5 *vided by the Federal Government to help States and*
6 *territories facilitate such response activities during*
7 *responses to relevant public health emergencies de-*
8 *clared by the Secretary of Health and Human Serv-*
9 *ices pursuant to section 319 of the Public Health*
10 *Service Act, including the public health emergency*
11 *with respect to COVID–19, and a review of the degree*
12 *to which such State and territorial plans were imple-*
13 *mented and subsequently revised in response to the*
14 *COVID–19 pandemic to address any challenges.*

15 *(b) REPORT.—Not later than 18 months after the date*
16 *of enactment of this Act, the Comptroller General of the*
17 *United States shall submit a report on the study under sub-*
18 *section (a) to the Committee on Health, Education, Labor,*
19 *and Pensions of the Senate and the Committee on Energy*
20 *and Commerce of the House of Representatives.*

21 **SEC. 2115. CONSIDERATION OF UNIQUE CHALLENGES IN**
22 **NONCONTIGUOUS STATES AND TERRITORIES.**

23 *During any public health emergency declared under*
24 *section 319 of the Public Health Service Act (42 U.S.C.*
25 *247d), the Secretary of Health and Human Services shall*

3180

1 *conduct quarterly meetings or consultations, as applicable*
2 *or appropriate, with noncontiguous States and territories*
3 *with regard to addressing unique public health challenges*
4 *in such States and territories associated with such public*
5 *health emergency.*

6 ***Subtitle B—Improving Public***
7 ***Health Preparedness and Re-***
8 ***sponse Capacity***

9 ***CHAPTER 1—IMPROVING PUBLIC HEALTH***
10 ***EMERGENCY RESPONSES***

11 ***SEC. 2201. ADDRESSING FACTORS RELATED TO IMPROVING***
12 ***HEALTH OUTCOMES.***

13 *(a) IN GENERAL.—Part B of title III of the Public*
14 *Health Service Act (42 U.S.C. 243 et seq.) is amended—*

15 *(1) by inserting after section 317U the following:*

16 ***“SEC. 317V. ADDRESSING FACTORS RELATED TO IMPROV-***
17 ***ING HEALTH OUTCOMES.***

18 *“(a) IN GENERAL.—The Secretary may, as appro-*
19 *priate, award grants, contracts, or cooperative agreements*
20 *to eligible entities for the conduct of evidence-based or evi-*
21 *dence-informed projects, which may include the develop-*
22 *ment of networks to improve health outcomes by improving*
23 *the capacity of such entities to address factors that con-*
24 *tribute to negative health outcomes in communities.*

3181

1 “(b) *ELIGIBLE ENTITIES.*—*To be eligible to receive an*
2 *award under this section, an entity shall—*

3 “(1)(A) *be a State, local, or Tribal health de-*
4 *partment, community-based organization, Indian*
5 *Tribe or Tribal organization (as such terms are de-*
6 *finied in section 4 of the Indian Self-Determination*
7 *and Education Assistance Act), urban Indian organi-*
8 *zation (as defined in section 4 of the Indian Health*
9 *Care Improvement Act), or other public or private en-*
10 *tity, as the Secretary determines appropriate; or*

11 “(B) *be a consortia of entities described in sub-*
12 *paragraph (A) or a public-private partnership, in-*
13 *cluding a community partnership;*

14 “(2) *submit to the Secretary an application at*
15 *such time, in such manner, and containing such in-*
16 *formation as the Secretary shall require;*

17 “(3) *in the case of an entity other than a com-*
18 *munity-based organization, demonstrate a history of*
19 *successfully working with an established community-*
20 *based organization to address health outcomes; and*

21 “(4) *submit a plan to conduct activities de-*
22 *scribed in subsection (a) based on a community needs*
23 *assessment that takes into account community input.*

24 “(c) *USE OF FUNDS.*—*An entity described in sub-*
25 *section (b) shall use funds received under subsection (a), in*

3182

1 *consultation with State, local, and Tribal health depart-*
2 *ments, community-based organizations, entities serving*
3 *medically underserved communities, and other entities, as*
4 *applicable, for one or more of the following purposes:*

5 “(1) *Supporting the implementation, evaluation,*
6 *and dissemination of strategies, through evidence-in-*
7 *formed or evidence-based programs and through the*
8 *support and use of public health and health care pro-*
9 *essionals to address factors related to health out-*
10 *comes.*

11 “(2) *Establishing, maintaining, or improving,*
12 *in consultation with State, local, or Tribal health de-*
13 *partments, technology platforms or networks to sup-*
14 *port, in a manner that is consistent with applicable*
15 *Federal and State privacy law—*

16 “(A) *coordination among appropriate enti-*
17 *ties, and, as applicable and appropriate, activi-*
18 *ties to improve such coordination;*

19 “(B) *information sharing on health and re-*
20 *lated social services; and*

21 “(C) *technical assistance and related sup-*
22 *port for entities participating in the platforms*
23 *or networks.*

3183

1 “(3) *Implementing best practices for improving*
2 *health outcomes and reducing disease among under-*
3 *served populations.*

4 “(4) *Supporting consideration of factors related*
5 *to health outcomes in preparing for, and responding*
6 *to, public health emergencies, through outreach, edu-*
7 *cation, research, and other relevant activities.*

8 “(d) *BEST PRACTICES AND TECHNICAL ASSIST-*
9 *ANCE.—The Secretary, in consultation with the Director of*
10 *the Office of Minority Health, the National Coordinator for*
11 *Health Information Technology, and the Administrator of*
12 *the Administration for Community Living, may award*
13 *grants, contracts, and cooperative agreements to public or*
14 *nonprofit private entities, including minority serving insti-*
15 *tutions (defined, for purposes of this subsection, as institu-*
16 *tions and programs described in section 326(e)(1) of the*
17 *Higher Education Act of 1965 and institutions described*
18 *in section 371(a) of such Act of 1965), to—*

19 “(1) *identify or facilitate the development of best*
20 *practices to support improved health outcomes for un-*
21 *derserved populations;*

22 “(2) *provide technical assistance, training, and*
23 *evaluation assistance to award recipients under sub-*
24 *section (a);*

3184

1 “(3) disseminate best practices, including to
2 award recipients under subsection (a); and

3 “(4) leverage, establish, or operate regional cen-
4 ters to develop, evaluate, and disseminate effective
5 strategies on factors related to health outcomes, in-
6 cluding supporting research and training related to
7 such strategies.

8 “(e) AWARD PERIODS.—The Secretary shall issue
9 awards under this section for periods of not more than 5
10 years and may issue extensions of such award periods for
11 an additional period of up to 3 years.

12 “(f) REPORT.—Not later than September 30, 2026, the
13 Secretary shall submit to the Committee on Health, Edu-
14 cation, Labor, and Pensions of the Senate and the Com-
15 mittee on Energy and Commerce of the House of Represent-
16 atives a report that includes information on activities fund-
17 ed under this section. Such report shall include a descrip-
18 tion of—

19 “(1) changes in the capacity of public health en-
20 tities to address factors related to health outcomes in
21 communities, including any applicable platforms or
22 networks developed or utilized to coordinate health
23 and related social services and any changes in work-
24 force capacity or capabilities;

3185

1 “(2) *improvements in health outcomes and in re-*
2 *ducing health disparities in medically underserved*
3 *communities;*

4 “(3) *activities conducted to support consider-*
5 *ation of factors related to health outcomes in pre-*
6 *paring for, and responding to, public health emer-*
7 *gencies, through outreach, education, and other rel-*
8 *evant activities;*

9 “(4) *communities and populations served by re-*
10 *cipients of awards under subsection (a);*

11 “(5) *activities supported under subsection (e);*
12 *and*

13 “(6) *other relevant activities and outcomes, as*
14 *determined by the Secretary.*

15 “(g) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
16 *out this section, there are authorized to be appropriated*
17 *\$35,000,000 for each of fiscal years 2023 through 2027. Of*
18 *the amounts appropriated under this subsection for a fiscal*
19 *year, 5 percent shall be reserved for awards under sub-*
20 *section (a) to Indian Tribes and Tribal organizations (as*
21 *such terms are defined in section 4 of the Indian Self-Deter-*
22 *mination and Education Assistance Act), urban Indian or-*
23 *ganizations (as defined in section 4 of the Indian Health*
24 *Care Improvement Act), and Tribal health departments.”;*
25 *and*

3186

1 (2) *by striking section 330D (42 U.S.C. 254c–4).*

2 (b) *GAO STUDY AND REPORT.—Not later than 4 years*
3 *after the date of enactment of this Act, the Comptroller Gen-*
4 *eral of the United States shall submit to the Committee on*
5 *Health, Education, Labor, and Pensions of the Senate and*
6 *the Energy and Committee on Energy and Commerce of*
7 *the House of Representatives a report on the program au-*
8 *thorized under section 317V of the Public Health Service*
9 *Act, as added by subsection (a), including a review of the*
10 *outcomes and effectiveness of the program and coordination*
11 *with other programs in the Department of Health and*
12 *Human Services with similar goals to ensure that there was*
13 *no unnecessary duplication of efforts.*

14 **CHAPTER 2—IMPROVING STATE, LOCAL,**
15 **AND TRIBAL PUBLIC HEALTH DATA**

16 **SEC. 2211. MODERNIZING STATE, LOCAL, AND TRIBAL BIO-**
17 **SURVEILLANCE CAPABILITIES AND INFEC-**
18 **TIOUS DISEASE DATA.**

19 *Section 319D of the Public Health Service Act (42*
20 *U.S.C. 247d–4) is amended—*

21 (1) *in subsection (a)(3)—*

22 (A) *in the matter that precedes subpara-*
23 *graph (A), by striking “. Activities” and all that*
24 *follows through “include” and inserting “, by”;*
25 *and*

3187

1 *(B) in subparagraph (D), by inserting “,*
2 *infectious disease outbreaks,” after “bioter-*
3 *rorism”;*

4 *(2) in subsection (b)—*

5 *(A) in paragraph (1)—*

6 *(i) in subparagraph (A)—*

7 *(I) by striking “, and local” and*
8 *inserting “, local, and Tribal”; and*

9 *(II) by adding “and” after the*
10 *semicolon;*

11 *(ii) in subparagraph (B), by striking*
12 *“; and” and inserting “;”; and*

13 *(iii) by striking subparagraph (C);*
14 *and*

15 *(B) in paragraph (2)—*

16 *(i) by inserting “, deidentified” before*
17 *“information”; and*

18 *(ii) by adding at the end the following:*

19 *“The Secretary shall ensure that the activi-*
20 *ties carried out pursuant to the previous*
21 *sentence are conducted in a manner that*
22 *protects personal privacy, to the extent re-*
23 *quired by applicable Federal and State in-*
24 *formation privacy or security law, at a*
25 *minimum.”;*

3188

1 (3) *in subsection (c)—*

2 *(A) in paragraph (1)—*

3 *(i) by inserting “modernize,” after “es-*
4 *tablish,”;*

5 *(ii) by inserting “that is deidentified,*
6 *as applicable,” after “share data and infor-*
7 *mation”;*

8 *(iii) by inserting “, to the extent prac-*
9 *ticable” before the period of the second sen-*
10 *tence; and*

11 *(iv) by adding at the end the following:*
12 *“The Secretary shall ensure that the activi-*
13 *ties carried out pursuant to this paragraph*
14 *are conducted in a manner that protects*
15 *personal privacy, to the extent required by*
16 *applicable Federal and State information*
17 *privacy or security law, at a minimum.”;*

18 *(B) in paragraph (3)—*

19 *(i) in subparagraph (A)—*

20 *(I) in clause (iii), by adding*
21 *“and” after the semicolon;*

22 *(II) in clause (iv), by striking “;*
23 *and” and inserting a period; and*

24 *(III) by striking clause (v); and*

3189

1 (ii) in subparagraph (B), by inserting
2 “, and make recommendations to improve
3 the quality of data collected pursuant to
4 subparagraph (A) to ensure complete, accu-
5 rate, and timely sharing of such data, as
6 appropriate, across such elements as de-
7 scribed in subparagraph (A)” after “under
8 subparagraph (A)”;
9 (C) in paragraph (5)—
10 (i) in subparagraph (A)—
11 (I) in the matter preceding clause
12 (i), by striking “and operating” and
13 inserting “, operating, and updating,
14 as appropriate,”;
15 (II) in clause (iii)—
16 (aa) by inserting “that is
17 deidentified, as applicable,” after
18 “analyses”; and
19 (bb) by inserting “in accord-
20 ance with applicable Federal and
21 State privacy and security law”
22 before the semicolon at the end;
23 (III) in clause (iv), by striking
24 “and” at the end;

3190

1 (IV) in clause (v), by striking the
2 period and inserting “; and”; and

3 (V) by adding at the end the fol-
4 lowing:

5 “(vi) in collaboration with State, local,
6 and Tribal public health officials, integrate
7 and update applicable existing public health
8 data systems and networks of the Depart-
9 ment of Health and Human Services to re-
10 flect technological advancements, consistent
11 with section 2823, as applicable.”; and

12 (ii) in subparagraph (B)—

13 (I) in clause (i), by inserting
14 “and 180 days after the date of enact-
15 ment of the PREVENT Pandemics
16 Act,” after “Innovation Act of 2019,”;

17 (II) in clause (ii), by striking
18 “and other representatives as the Sec-
19 retary determines appropriate” and
20 inserting “experts in State-based pub-
21 lic health data systems; experts in
22 standards and implementation speci-
23 fications, including transaction stand-
24 ards; and experts in privacy and data
25 security”; and

† HR 2617 EAS2

3191

1 *(III) in clause (iii)—*

2 *(aa) in subclause (IV), by in-*
3 *serting “, including existing pub-*
4 *lic health data systems” before the*
5 *semicolon;*

6 *(bb) in subclause (V), by*
7 *striking “and” at the end;*

8 *(cc) in subclause (VI), by*
9 *striking the period and inserting*
10 *a semicolon; and*

11 *(dd) by adding at the end the*
12 *following:*

13 *“(VII) strategies to integrate lab-*
14 *oratory and public health data systems*
15 *and capabilities to support rapid and*
16 *accurate reporting of laboratory test*
17 *results and associated relevant data;*

18 *“(VIII) strategies to improve the*
19 *collection, reporting, and dissemina-*
20 *tion of relevant, aggregated,*
21 *deidentified demographic data to in-*
22 *form responses to public health emer-*
23 *gencies, including identification of at-*
24 *risk populations and to address poten-*
25 *tial health disparities; and*

3192

1 “(IX) strategies to improve the
2 electronic exchange of health informa-
3 tion, as appropriate, between State
4 and local health departments and
5 health care providers and facilities to
6 improve the detection of, and responses
7 to, potentially catastrophic infectious
8 disease outbreaks.”;

9 (D) in paragraph (6)(A)—

10 (i) in the matter preceding clause (i),
11 by inserting “and every 5 years thereafter,”
12 after “Innovation Act of 2019,”

13 (ii) in clause (iii)—

14 (I) in subclause (III), by striking
15 “and” at the end; and

16 (II) by adding at the end the fol-
17 lowing:

18 “(V) improve coordination and
19 collaboration, as appropriate, with
20 other Federal departments to improve
21 the capabilities of the network and re-
22 duce administrative burden on State,
23 local, and Tribal entities; and

24 “(VI) implement applicable les-
25 sons learned from recent public health

3193

1 *emergencies to address gaps in situa-*
2 *tional awareness and biosurveillance*
3 *capabilities;”;*

4 *(iii) in clause (iv), by striking “and”*
5 *at the end;*

6 *(iv) in clause (v), by striking the pe-*
7 *riod and inserting “, including a descrip-*
8 *tion of how such steps will further the goals*
9 *of the network, consistent with paragraph*
10 *(1); and”; and*

11 *(v) by adding at the end the following:*

12 *“(vi) identifies and demonstrates meas-*
13 *urable steps the Secretary will take to fur-*
14 *ther develop and integrate infectious disease*
15 *detection, support rapid, accurate, and se-*
16 *cure sharing of laboratory test results,*
17 *deidentified as appropriate, during a public*
18 *health emergency, and improve coordination*
19 *and collaboration with State, local, and*
20 *Tribal public health officials, clinical lab-*
21 *oratories, and other entities with expertise*
22 *in public health surveillance.”; and*

23 *(E) by adding at the end the following:*

24 *“(9) RULES OF CONSTRUCTION.—*

3194

1 “(A) *Nothing in this subsection shall be con-*
2 *strued to supplant, in whole or in part, State,*
3 *local, or Tribal activities or responsibilities re-*
4 *lated to public health surveillance.*

5 “(B) *Nothing in this subsection shall be*
6 *construed to alter the authority of the Secretary*
7 *with respect to the types of data the Secretary*
8 *may receive through systems supported or estab-*
9 *lished under this section.”;*

10 *(4) in subsection (d)—*

11 *(A) in paragraph (2)—*

12 *(i) in subparagraph (A)—*

13 *(I) by inserting “deidentified” be-*
14 *fore “data, information”; and*

15 *(II) by inserting “, in consulta-*
16 *tion with such State or consortium of*
17 *States” before the semicolon;*

18 *(ii) in subparagraph (C), by inserting*
19 *“, including any public-private partner-*
20 *ships or other partnerships entered into to*
21 *improve such capacity” before the semi-*
22 *colon; and*

23 *(B) by adding at the end the following:*

24 “(6) *NON-DUPLICATION OF EFFORT.—The Sec-*
25 *retary shall ensure that activities carried out under*

† **HR 2617 EAS2**

3195

1 *an award under this subsection do not unnecessarily*
2 *duplicate efforts of other agencies and offices within*
3 *the Department of Health and Human Services.”;*

4 *(5) by striking subsection (e);*

5 *(6) by redesignating subsections (f), (g), (h), (i),*
6 *and (j), as subsections (e), (f), (g), (h), and (i), re-*
7 *spectively;*

8 *(7) by striking subsection (h), as redesignated by*
9 *paragraph (6), and inserting the following:*

10 *“(h) AUTHORIZATION OF APPROPRIATIONS.—There*
11 *are authorized to be appropriated—*

12 *“(1) to carry out subsection (a), \$25,000,000 for*
13 *each of fiscal years 2022 and 2023; and*

14 *“(2) to carry out subsections (b), (c), and (d),*
15 *\$136,800,000 for each of fiscal years 2022 and 2023.”;*
16 *and*

17 *(8) by striking “tribal” each place it appears*
18 *and inserting “Tribal”.*

19 **SEC. 2212. GENOMIC SEQUENCING, ANALYTICS, AND PUBLIC**
20 **HEALTH SURVEILLANCE OF PATHOGENS.**

21 *(a) GUIDANCE SUPPORTING GENOMIC SEQUENCING OF*
22 *PATHOGENS COLLABORATION.—The Secretary of Health*
23 *and Human Services (referred to in this section as the “Sec-*
24 *retary”), in consultation with the heads of other Federal*
25 *departments or agencies, as appropriate, shall issue guid-*

3196

1 *ance to support collaboration relating to genomic sequenc-*
2 *ing of pathogens, including the use of new and innovative*
3 *approaches and technology for the detection, characteriza-*
4 *tion, and sequencing of pathogens, to improve public health*
5 *surveillance and preparedness and response activities, con-*
6 *sistent with section 2824 of the Public Health Service Act,*
7 *as added by subsection (b). Such guidance shall address the*
8 *secure sharing, for public health surveillance purposes, of*
9 *specimens of such pathogens, between appropriate entities*
10 *and public health authorities, consistent with the regula-*
11 *tions promulgated under section 264(c) of the Health Insur-*
12 *ance Portability and Accountability Act of 1996 (42 U.S.C.*
13 *1320d–2 note), as applicable, and in a manner that protects*
14 *personal privacy to the extent required by applicable pri-*
15 *vacy law, at a minimum, and the appropriate use of se-*
16 *quence data derived from such specimens.*

17 *(b) GENOMIC SEQUENCING PROGRAM.—Title XXVIII*
18 *of the Public Health Service Act (42 U.S.C. 300hh et seq.)*
19 *is amended by adding at the end the following:*

20 **“SEC. 2824. GENOMIC SEQUENCING, ANALYTICS, AND PUB-**
21 **LIC HEALTH SURVEILLANCE OF PATHOGENS**
22 **PROGRAM.**

23 *“(a) GENOMIC SEQUENCING, ANALYTICS, AND PUBLIC*
24 *HEALTH SURVEILLANCE OF PATHOGENS PROGRAM.—The*
25 *Secretary, acting through the Director of the Centers for*

3197

1 *Disease Control and Prevention and in consultation with*
2 *the Director of the National Institutes of Health and heads*
3 *of other departments and agencies, as appropriate, shall*
4 *strengthen and expand activities related to genomic se-*
5 *quencing of pathogens, including through new and innova-*
6 *tive approaches and technology for the detection, character-*
7 *ization, and sequencing of pathogens, analytics, and public*
8 *health surveillance, including—*

9 “(1) continuing and expanding activities, which
10 may include existing genomic sequencing activities
11 related to advanced molecular detection, to—

12 “(A) identify and respond to emerging in-
13 fectious disease threats; and

14 “(B) identify the potential use of genomic
15 sequencing technologies, advanced computing,
16 and other advanced technology to inform surveil-
17 lance activities and incorporate the use of such
18 technologies, as appropriate, into related activi-
19 ties;

20 “(2) providing technical assistance and guidance
21 to State, Tribal, local, and territorial public health
22 departments to increase the capacity of such depart-
23 ments to perform genomic sequencing of pathogens,
24 including recipients of funding under section 2821;

3198

1 “(3) *carrying out activities to enhance the capa-*
2 *bilities of the public health workforce with respect to*
3 *pathogen genomics, epidemiology, and bioinformatics,*
4 *including through training; and*

5 “(4) *continuing and expanding activities, as ap-*
6 *plicable, with public and private entities, including*
7 *relevant departments and agencies, laboratories, aca-*
8 *demic institutions, and industry.*

9 “(b) *PARTNERSHIPS.—For the purposes of carrying*
10 *out the activities described in subsection (a), the Secretary,*
11 *acting through the Director of the Centers for Disease Con-*
12 *trol and Prevention, may award grants, contracts, or coop-*
13 *erative agreements to entities, including academic and other*
14 *laboratories, with expertise in genomic sequencing for pub-*
15 *lic health purposes, including new and innovative ap-*
16 *proaches to, and related technology for, the detection, char-*
17 *acterization, and sequencing of pathogens.*

18 “(c) *CENTERS OF EXCELLENCE.—*

19 “(1) *IN GENERAL.—The Secretary shall, as ap-*
20 *propriate, award grants, contracts, or cooperative*
21 *agreements to public health agencies for the establish-*
22 *ment or operation of centers of excellence to promote*
23 *innovation in pathogen genomics and molecular epi-*
24 *demiology to improve the control of and response to*

1 *pathogens that may cause a public health emergency.*

2 *Such centers shall, as appropriate—*

3 *“(A) identify and evaluate the use of*
4 *genomics, or other related technologies that may*
5 *advance public health preparedness and re-*
6 *sponse;*

7 *“(B) improve the identification, develop-*
8 *ment, and use of tools for integrating and ana-*
9 *lyzing genomic and epidemiologic data;*

10 *“(C) assist with genomic surveillance of,*
11 *and response to, infectious diseases, including*
12 *analysis of pathogen genomic data;*

13 *“(D) conduct applied research to improve*
14 *public health surveillance of, and response to, in-*
15 *fectious diseases through innovation in pathogen*
16 *genomics and molecular epidemiology; and*

17 *“(E) develop and provide training mate-*
18 *rials for experts in the fields of genomics, micro-*
19 *biology, bioinformatics, epidemiology, and other*
20 *fields, as appropriate.*

21 *“(2) REQUIREMENTS.—To be eligible for an*
22 *award under paragraph (1), an entity shall submit to*
23 *the Secretary an application containing such infor-*
24 *mation as the Secretary may require, including a de-*
25 *scription of how the entity will partner, as applica-*

3200

1 *ble, with academic institutions or a consortium of*
2 *academic partners that have relevant expertise, such*
3 *as microbial genomics, molecular epidemiology, or the*
4 *application of bioinformatics or statistics.”.*

5 *(c) REPORT TO CONGRESS.—Not later than 90 days*
6 *after the date of enactment of the PREVENT Pandemics*
7 *Act, and 90 days following expenditure of all funds under*
8 *section 2402 of the American Rescue Plan Act of 2021 (Pub-*
9 *lic Law 117–2), the Director of the Centers for Disease Con-*
10 *trol and Prevention shall submit a report to the Committee*
11 *on Health, Education, Labor, and Pensions of the Senate*
12 *and the Committee on Energy and Commerce of the House*
13 *of Representatives outlining how funds awarded under such*
14 *section 2402 were expended as of the date of such report.*

15 **SEC. 2213. SUPPORTING STATE, LOCAL, AND TRIBAL PUBLIC**
16 **HEALTH DATA.**

17 *(a) DESIGNATION OF PUBLIC HEALTH DATA STAND-*
18 *ARDS.—Section 2823(a)(2) of the Public Health Service Act*
19 *(42 U.S.C. 300hh–33(a)(2)) is amended—*

20 *(1) by striking “In carrying out” and inserting*
21 *the following:*

22 *“(A) IN GENERAL.—In carrying out”; and*

23 *(2) by striking “shall, as appropriate and” and*
24 *inserting “shall, not later than 2 years after the date*
25 *of enactment of the PREVENT Pandemics Act,”; and*

3201

1 (3) *by adding at the end the following:*

2 “(B) *NO DUPLICATIVE EFFORTS.*—

3 “(i) *IN GENERAL.*—*In carrying out the*
4 *requirements of this paragraph, the Sec-*
5 *retary, in consultation with the Office of the*
6 *National Coordinator for Health Informa-*
7 *tion Technology, may use input gathered*
8 *(including input and recommendations*
9 *gathered from the Health Information Tech-*
10 *nology Advisory Committee), and materials*
11 *developed, prior to the date of enactment of*
12 *the PREVENT Pandemics Act.*

13 “(ii) *DESIGNATION OF STANDARDS.*—
14 *Consistent with sections 13111 and 13112 of*
15 *the HITECH Act, the data and technology*
16 *standards designated pursuant to this para-*
17 *graph shall align with the standards and*
18 *implementation specifications previously*
19 *adopted by the Secretary pursuant to sec-*
20 *tion 3004, as applicable.*

21 “(C) *PRIVACY AND SECURITY.*—*Nothing in*
22 *this paragraph shall be construed as modifying*
23 *applicable Federal or State information privacy*
24 *or security law.”.*

3202

1 (b) *STUDY ON LABORATORY INFORMATION STAND-*
2 *ARDS.*—

3 (1) *IN GENERAL.*—*Not later than 1 year after*
4 *the date of enactment of this Act, the Office of the Na-*
5 *tional Coordinator for Health Information Tech-*
6 *nology shall conduct a study to review the use of*
7 *standards for electronic ordering and reporting of lab-*
8 *oratory test results.*

9 (2) *AREAS OF CONCENTRATION.*—*In conducting*
10 *the study under paragraph (1), the Office of the Na-*
11 *tional Coordinator for Health Information Tech-*
12 *nology shall—*

13 (A) *determine the extent to which clinical*
14 *laboratories are using standards for electronic*
15 *ordering and reporting of laboratory test results;*

16 (B) *assess trends in laboratory compliance*
17 *with standards for ordering and reporting lab-*
18 *oratory test results and the effect of such trends*
19 *on the interoperability of laboratory data with*
20 *public health data systems;*

21 (C) *identify challenges related to collection*
22 *and reporting of demographic and other data ele-*
23 *ments with respect to laboratory test results;*

24 (D) *identify any challenges associated with*
25 *using or complying with standards and report-*

3203

1 *ing laboratory test results with data elements*
2 *identified in standards for electronic ordering*
3 *and reporting of such results; and*

4 *(E) review other relevant areas determined*
5 *appropriate by the Office of the National Coordi-*
6 *nator for Health Information Technology.*

7 *(3) REPORT.—Not later than 2 years after the*
8 *date of enactment of this Act, the Office of the Na-*
9 *tional Coordinator for Health Information Tech-*
10 *nology shall submit to the Committee on Health, Edu-*
11 *cation, Labor, and Pensions of the Senate and the*
12 *Committee on Energy and Commerce of the House of*
13 *Representatives a report concerning the findings of*
14 *the study conducted under paragraph (1).*

15 *(c) DATA USE AGREEMENTS.—*

16 *(1) INTERAGENCY DATA USE AGREEMENTS WITH-*
17 *IN THE DEPARTMENT OF HEALTH AND HUMAN SERV-*
18 *ICES FOR PUBLIC HEALTH EMERGENCIES.—*

19 *(A) IN GENERAL.—The Secretary of Health*
20 *and Human Services (referred to in this sub-*
21 *section as the “Secretary”) shall, as appropriate,*
22 *facilitate the development of, or updates to,*
23 *memoranda of understanding, data use agree-*
24 *ments, or other applicable interagency agree-*
25 *ments regarding appropriate access, exchange,*

3204

1 *and use of public health data between the Centers*
2 *for Disease Control and Prevention, the Office of*
3 *the Assistant Secretary for Preparedness and Re-*
4 *sponse, other relevant agencies or offices within*
5 *the Department of Health and Human Services,*
6 *and other relevant Federal agencies, in order to*
7 *prepare for, identify, monitor, and respond to*
8 *declared or potential public health emergencies.*

9 *(B) REQUIREMENTS.—In carrying out ac-*
10 *tivities pursuant to subparagraph (A), the Sec-*
11 *retary shall—*

12 *(i) ensure that the agreements and*
13 *memoranda of understanding described in*
14 *such subparagraph—*

15 *(I) address the methods of grant-*
16 *ing access to data held by one agency*
17 *or office with another to support the*
18 *respective missions of such agencies or*
19 *offices;*

20 *(II) consider minimum necessary*
21 *principles of data sharing for appro-*
22 *priate use;*

23 *(III) include appropriate privacy*
24 *and cybersecurity protections; and*

3205

1 (IV) are subject to regular up-
2 dates, as appropriate;

3 (ii) collaborate with the Centers for
4 Disease Control and Prevention, the Office
5 of the Assistant Secretary for Preparedness
6 and Response, the Office of the Chief Infor-
7 mation Officer, and, as appropriate, the Of-
8 fice of the National Coordinator for Health
9 Information Technology, and other entities
10 within the Department of Health and
11 Human Services; and

12 (iii) consider the terms and conditions
13 of any existing data use agreements with
14 other public or private entities and any
15 need for updates to such existing agree-
16 ments, consistent with paragraph (2).

17 (2) DATA USE AGREEMENTS WITH EXTERNAL EN-
18 TITIES.—The Secretary, acting through the Director
19 of the Centers for Disease Control and Prevention and
20 the Assistant Secretary for Preparedness and Re-
21 sponse, may update memoranda of understanding,
22 data use agreements, or other applicable agreements
23 and contracts to improve appropriate access, ex-
24 change, and use of public health data between the
25 Centers for Disease Control and Prevention and the

† HR 2617 EAS2

3206

1 *Office of the Assistant Secretary for Preparedness and*
2 *Response and external entities, including State, Trib-*
3 *al, and territorial health departments, laboratories,*
4 *hospitals and other health care providers, electronic*
5 *health records vendors, and other entities, as applica-*
6 *ble and appropriate, in order to prepare for, identify,*
7 *monitor, and respond to declared or potential public*
8 *health emergencies.*

9 (3) *REPORT.*—*Not later than 90 days after the*
10 *date of enactment of this Act, the Secretary shall re-*
11 *port to the Committee on Health, Education, Labor,*
12 *and Pensions of the Senate and the Committee on*
13 *Energy and Commerce of the House of Representa-*
14 *tives on the status of the agreements under this sub-*
15 *section.*

16 (d) *IMPROVING INFORMATION SHARING AND AVAIL-*
17 *ABILITY OF PUBLIC HEALTH DATA.*—*Part A of title III*
18 *of the Public Health Service Act (42 U.S.C. 241 et seq.)*
19 *is amended by adding at the end the following:*

20 **“SEC. 310B. IMPROVING STATE, LOCAL, AND TRIBAL INFOR-**
21 **MATION SHARING.**

22 “(a) *IN GENERAL.*—*The Secretary may, in consulta-*
23 *tion with State, local, and Tribal public health officials,*
24 *carry out activities to improve the availability of appro-*
25 *priate and applicable public health data related to commu-*

3207

1 *nicable diseases, and information sharing between, the Di-*
2 *rector of the Centers for Disease Control and Prevention,*
3 *the Assistant Secretary for Preparedness and Response, and*
4 *such State, local, and Tribal public health officials, which*
5 *may include such data from—*

6 “(1) *health care providers and facilities;*

7 “(2) *public health and clinical laboratories;*

8 “(3) *health information exchanges and health in-*
9 *formation networks; and*

10 “(4) *State, local, and Tribal health departments.*

11 “(b) *CONTENT, FORM, AND MANNER.—The Secretary*
12 *shall, consistent with the requirements of this section, work*
13 *with such officials and relevant stakeholders to provide in-*
14 *formation on the content, form, and manner in which such*
15 *data, deidentified as applicable, may most effectively sup-*
16 *port the ability of State, local, and Tribal health depart-*
17 *ments to respond to such communicable diseases, including*
18 *related to the collection and reporting of demographic and*
19 *other relevant data elements. Such form and manner re-*
20 *quirements shall align with the standards and implementa-*
21 *tion specifications adopted by the Secretary under section*
22 *3004, as applicable.*

23 “(c) *DECREASED BURDEN.—In facilitating the coordi-*
24 *nation of efforts under subsection (a), the Secretary shall*
25 *make reasonable efforts to limit reported public health data*

3208

1 *to the minimum necessary information needed to accom-*
2 *plish the intended public health purpose.*

3 “(d) *EXEMPTION OF CERTAIN PUBLIC HEALTH DATA*
4 *FROM DISCLOSURE.*—*The Secretary, acting through the Di-*
5 *rector of the Centers for Disease Control and Prevention,*
6 *may exempt from disclosure under section 552(b)(3) of title*
7 *5, United States Code, public health data that are gathered*
8 *under this section if—*

9 “(1) *an individual is identified through such*
10 *data; or*

11 “(2) *there is at least a very small risk, as deter-*
12 *mined by current scientific practices or statistical*
13 *methods, that some combination of the information,*
14 *the request, and other available data sources or the*
15 *application of technology could be used to deduce the*
16 *identity of an individual.”.*

17 “(e) *IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC*
18 *HEALTH DATA.*—

19 “(1) *IN GENERAL.*—*The Secretary of Health and*
20 *Human Services (referred to in this section as the*
21 *“Secretary”)* *shall award grants, contracts, or cooper-*
22 *ative agreements to eligible entities for purposes of*
23 *identifying, developing, or disseminating best prac-*
24 *tices in electronic health information and the use of*
25 *designated data standards and implementation speci-*

3209

1 *fications, including privacy standards, to improve the*
2 *quality and completeness of data, including demo-*
3 *graphic data used for public health purposes.*

4 (2) *ELIGIBLE ENTITIES.—To be eligible to re-*
5 *ceive an award under this subsection an entity*
6 *shall—*

7 (A) *be a health care provider, academic*
8 *medical center, community-based organization,*
9 *State, local governmental entity, Indian Tribe or*
10 *Tribal organization (as such terms are defined*
11 *in section 4 of the Indian Self Determination*
12 *and Education Assistance Act (25 U.S.C. 5304)),*
13 *urban Indian organization (as defined in section*
14 *4 of the Indian Health Care Improvement Act*
15 *(25 U.S.C. 1603)), or other appropriate public*
16 *or private nonprofit entity, or a consortia of any*
17 *such entities; and*

18 (B) *submit an application to the Secretary*
19 *at such time, in such manner, and containing*
20 *such information as the Secretary may require.*

21 (3) *ACTIVITIES.—Entities receiving awards*
22 *under this subsection shall use such award to develop*
23 *and test best practices for training health care pro-*
24 *viders to use standards and implementation specifica-*
25 *tions that assist in the capture, access, exchange, and*

3210

1 *use of electronic health information, deidentified as*
2 *applicable, such as demographic information, dis-*
3 *ability status, veteran status, and functional status.*

4 *Such activities shall include, at a minimum—*

5 *(A) improving, understanding, and using*
6 *data standards and implementation specifica-*
7 *tions;*

8 *(B) developing or identifying methods to*
9 *improve communication with patients in a*
10 *culturally- and linguistically-appropriate man-*
11 *ner, including to better capture information re-*
12 *lated to demographics of such individuals;*

13 *(C) developing methods for accurately cat-*
14 *egorizing and recording patient responses using*
15 *available data standards;*

16 *(D) educating providers regarding the util-*
17 *ity of such information for public health pur-*
18 *poses and the importance of accurate collection*
19 *and recording of such data; and*

20 *(E) providing information regarding how*
21 *data will be deidentified if used for such public*
22 *health purposes, as applicable and appropriate.*

23 *(4) REPORTING.—*

24 *(A) REPORTING BY AWARD RECIPIENTS.—*

25 *Each recipient of an award under this subsection*

3211

1 *shall submit to the Secretary a report on the re-*
2 *sults of best practices identified, developed, or*
3 *disseminated through such award.*

4 *(B) REPORT TO CONGRESS.—Not later than*
5 *1 year after the completion of the program under*
6 *this subsection, the Secretary shall submit a re-*
7 *port to Congress on the success of best practices*
8 *developed under such program, opportunities for*
9 *further dissemination of such best practices, and*
10 *recommendations for improving the capture, ac-*
11 *cess, exchange, and use of information to im-*
12 *prove public health and reduce health dispari-*
13 *ties.*

14 *(5) NON-DUPLICATION OF EFFORTS.—The Sec-*
15 *retary shall ensure that the activities and programs*
16 *carried out under this subsection are free of unneces-*
17 *sary duplication of effort.*

18 *(f) RULES OF CONSTRUCTION.—Nothing in this sec-*
19 *tion shall be construed to—*

20 *(1) supplant, in whole or in part, State, local,*
21 *or Tribal activities or responsibilities related to pub-*
22 *lic health surveillance, as applicable;*

23 *(2) alter the authority of the Secretary with re-*
24 *spect to the types of data the Secretary may receive*

3212

1 *through systems supported or established in this sec-*
2 *tion or other laws; or*

3 *(3) modify applicable Federal or State informa-*
4 *tion privacy or security law.*

5 **SEC. 2214. EPIDEMIC FORECASTING AND OUTBREAK ANA-**
6 **LYTICS.**

7 *Title XXVIII of the Public Health Service Act (42*
8 *U.S.C. 300hh et seq.), as amended by section 2212, is fur-*
9 *ther amended by adding at the end the following:*

10 **“SEC. 2825. EPIDEMIC FORECASTING AND OUTBREAK ANA-**
11 **LYTICS.**

12 *“(a) IN GENERAL.—The Secretary, acting through the*
13 *Director of the Centers for Disease Control and Prevention,*
14 *shall continue activities related to the development of infec-*
15 *tious disease outbreak analysis capabilities to enhance the*
16 *prediction, modeling, and forecasting of potential public*
17 *health emergencies and other infectious disease outbreaks,*
18 *which may include activities to support preparedness for,*
19 *and response to, such emergencies and outbreaks. In car-*
20 *rying out this subsection, the Secretary shall identify strate-*
21 *gies to include and leverage, as appropriate, the capabilities*
22 *to public and private entities, which may include con-*
23 *ducting such activities through collaborative partnerships*
24 *with public and private entities, including academic insti-*

3213

1 *tutions, and other Federal agencies, consistent with section*
2 *319D, as applicable.*

3 “(b) *CONSIDERATIONS.*—*In carrying out subsection*
4 *(a), the Secretary, acting through the Director of the Centers*
5 *for Disease Control and Prevention, may consider public*
6 *health data and, as appropriate, other data sources related*
7 *to preparedness for, or response to, public health emer-*
8 *gencies and infectious disease outbreaks.*

9 “(c) *ANNUAL REPORTS.*—*Not later than 1 year after*
10 *the date of enactment of this section, and annually there-*
11 *after for each of the subsequent 4 years, the Secretary shall*
12 *prepare and submit a report, to the Committee on Health,*
13 *Education, Labor, and Pensions of the Senate and the Com-*
14 *mittee on Energy and Commerce of the House of Represent-*
15 *atives, regarding an update on progress on activities con-*
16 *ducted under this section to develop infectious disease out-*
17 *break analysis capabilities and any additional information*
18 *relevant to such efforts.”.*

19 **SEC. 2215. PUBLIC HEALTH DATA TRANSPARENCY.**

20 (a) *REPORT.*—*Not later than 1 year after the date of*
21 *enactment of this Act, the Secretary of Health and Human*
22 *Services shall issue a report assessing practices, objectives,*
23 *and associated progress and challenges in achieving such*
24 *objectives, of the Centers of Disease Control and Prevention*
25 *with respect to the collection and dissemination of public*

3214

1 *health data related to a public health emergency declared*
2 *under section 319 of the Public Health Service Act (42*
3 *U.S.C. 247d) or a potential public health emergency.*

4 (b) *PLAN.—Not later than 180 days following the*
5 *issuance of the report pursuant to paragraph (1), the Direc-*
6 *tor of the Centers for Disease Control and Prevention shall*
7 *submit to the Committee on Health, Education, Labor, and*
8 *Pensions of the Senate and the Committee on Energy and*
9 *Commerce of the House of Representatives a plan that shall*
10 *include—*

11 (1) *steps to improve the timely reporting and*
12 *dissemination of deidentified public health data re-*
13 *lated to a public health emergency declared under sec-*
14 *tion 319 of the Public Health Service Act (42 U.S.C.*
15 *247d) or a potential public health emergency that is*
16 *collected by the Centers for Disease Control and Pre-*
17 *vention, including any associated barriers;*

18 (2) *recommendations to Congress regarding gaps*
19 *in such practices and objectives described in sub-*
20 *section (a); and*

21 (3) *considerations regarding the requirements*
22 *and limitations of data use agreements for such pur-*
23 *poses, as applicable, and any efforts undertaken to*
24 *address those requirements and limitations.*

3215

1 **SEC. 2216. GAO REPORT ON PUBLIC HEALTH PREPARED-**
2 **NESS, RESPONSE, AND RECOVERY DATA CA-**
3 **PABILITIES.**

4 (a) *STUDY.*—*The Comptroller General of the United*
5 *States (referred to in this section as the “Comptroller Gen-*
6 *eral”)* shall conduct a study on the efforts of the Department
7 *of Health and Human Services to ensure that public health*
8 *preparedness, response, and recovery data capabilities re-*
9 *lated to pandemic and other biological threats are not un-*
10 *necessarily duplicative, overlapping, or fragmented. Such*
11 *study shall include—*

12 (1) *a comprehensive list of all public health pre-*
13 *paredness, response, and recovery data collection, such*
14 *as incidence and prevalence of disease tracking, hos-*
15 *pitalizations, critical care capacity, and testing pro-*
16 *grams, at the Department of Health and Human*
17 *Services, as identified by the department and its com-*
18 *ponent agencies;*

19 (2) *an analysis of any duplication, overlap, or*
20 *fragmentation of the programs identified in para-*
21 *graph (1);*

22 (3) *identification of any efforts of the Depart-*
23 *ment of Health and Human Services to reduce unnec-*
24 *essary duplication and improve coordination, effi-*
25 *ciency, and effectiveness of such programs and any*
26 *associated challenges;*

† **HR 2617 EAS2**

3216

1 (4) *any practices that threaten individual pri-*
2 *vacy and recommendations to improve the protection*
3 *of individual, identifiable data; and*

4 (5) *a description of the funding and other re-*
5 *sources dedicated to the operation of each such pro-*
6 *gram identified in paragraph (1).*

7 (b) *REPORTING.—*

8 (1) *IN GENERAL.—Based on the study conducted*
9 *under subsection (a), the Comptroller General shall—*

10 (A) *not later than 6 months after the date*
11 *of enactment of this Act, provide a briefing to the*
12 *Committee on Health, Education, Labor, and*
13 *Pensions of the Senate and the Committee on*
14 *Energy and Commerce of the House of Rep-*
15 *resentatives; and*

16 (B) *not later than 18 months after the date*
17 *of enactment of this Act, submit to the Com-*
18 *mittee on Health, Education, Labor, and Pen-*
19 *sions of the Senate and the Committee on En-*
20 *ergy and Commerce of the House of Representa-*
21 *tives a complete report on such study.*

22 (2) *RECOMMENDATIONS.—The report under*
23 *paragraph (1)(B) shall include recommendations, as*
24 *appropriate, with respect to public health prepared-*

3217

1 *ness, response, and recovery data programs at the De-*
2 *partment of Health and Human Services, to—*

3 *(A) streamline data collection and reduce*
4 *fragmentation and address any associated chal-*
5 *lenges;*

6 *(B) reduce duplication in such programs;*
7 *and*

8 *(C) improve information-sharing across*
9 *programs.*

10 **CHAPTER 3—REVITALIZING THE PUBLIC**
11 **HEALTH WORKFORCE**

12 **SEC. 2221. IMPROVING RECRUITMENT AND RETENTION OF**
13 **THE FRONTLINE PUBLIC HEALTH WORK-**
14 **FORCE.**

15 *(a) IN GENERAL.—Section 776 of the Public Health*
16 *Service Act (42 U.S.C. 295f–1) is amended—*

17 *(1) in subsection (a)—*

18 *(A) by striking “supply of” and inserting*
19 *“supply of, and encourage recruitment and re-*
20 *tention of,”; and*

21 *(B) by striking “Federal,”;*

22 *(2) in subsection (b)—*

23 *(A) by amending paragraph (1)(A) to read*
24 *as follows:*

3218

1 “(1)(A)(i) be accepted for enrollment, or be en-
2 rolled, as a student in an accredited institution of
3 higher education or school of public health in the final
4 semester (or equivalent) of a program leading to a
5 certificate or degree, including a master’s or doctoral
6 degree, in public health, epidemiology, laboratory
7 sciences, data systems, data science, data analytics,
8 informatics, statistics, or another subject matter re-
9 lated to public health; and

10 “(ii) be employed by, or have accepted employ-
11 ment with, a State, local, or Tribal public health
12 agency, or a related training fellowship at such State,
13 local, or Tribal public health agency, as recognized by
14 the Secretary, to commence upon graduation; or”;
15 and

16 (B) in paragraph (1)(B)—

17 (i) in clause (i)—

18 (I) by striking “accredited edu-
19 cational institution in a State or terri-
20 tory” and inserting “accredited insti-
21 tution of higher education or school of
22 public health”; and

23 (II) by striking “a public health
24 or health professions degree or certifi-
25 cate” and inserting “a certificate or

3219

1 *degree, including a master's or doctoral*
2 *degree, in public health, epidemiology,*
3 *laboratory sciences, data systems, data*
4 *science, data analytics, informatics,*
5 *statistics, or another subject matter re-*
6 *lated to public health"; and*

7 *(ii) in clause (ii)—*

8 *(I) by striking "Federal,"; and*

9 *(II) by striking "fellowship," and*
10 *inserting "fellowship at such State,*
11 *local, or Tribal public health agency,";*

12 *(3) in subsection (c)(2)—*

13 *(A) by striking "Federal,"; and*

14 *(B) by striking "equal to the greater of—"*
15 *and all that follows through the end of subpara-*
16 *graph (B) and inserting "of at least 3 consec-*
17 *utive years;";*

18 *(4) in subsection (d)—*

19 *(A) by amending paragraph (1) to read as*
20 *follows:*

21 *"(1) IN GENERAL.—A loan repayment provided*
22 *for an individual under a written contract under the*
23 *Program shall consist of payment, in accordance with*
24 *paragraph (2), for the individual toward the out-*
25 *standing principal and interest on education loans*

3220

1 *incurred by the individual in the pursuit of the rel-*
2 *evant degree or certificate described in subsection*
3 *(b)(1) in accordance with the terms of the contract.”;*
4 *and*

5 *(B) in paragraph (2)—*

6 *(i) by striking “For each year” and in-*
7 *serting the following:*

8 *“(A) IN GENERAL.—For each year”;*

9 *(ii) by striking “\$35,000” and insert-*
10 *ing “\$50,000”;*

11 *(iii) by striking “\$105,000” and in-*
12 *serting “\$150,000”; and*

13 *(iv) by adding at the end the following:*

14 *“(B) CONSIDERATIONS.—The Secretary*
15 *may take action in making awards under this*
16 *section to ensure that—*

17 *“(i) an appropriate proportion of con-*
18 *tracts are awarded to individuals who are*
19 *eligible to participate in the program pur-*
20 *suant to subsection (b)(1)(A); and*

21 *“(ii) contracts awarded under this sec-*
22 *tion are equitably distributed among—*

23 *“(I) the geographical regions of*
24 *the United States;*

3221

1 “(II) local, State, and Tribal pub-
2 lic health departments; and

3 “(III) such public health depart-
4 ments under subclause (II) serving
5 rural and urban areas.”;

6 (5) in subsection (e), by striking “receiving a de-
7 gree or certificate from a health professions or other
8 related school” and inserting “with a contract to serve
9 under subsection (c)”;

10 (6) in subsection (f), by adding at the end the
11 following: “In the event that a participant fails to ei-
12 ther begin or complete the obligated service require-
13 ment of the loan repayment contract under this sec-
14 tion, the Secretary may waive or suspend either the
15 unfulfilled service or the assessed damages as provided
16 for under section 338E(d), as appropriate.”;

17 (7) by redesignating subsection (g) as subsection
18 (i);

19 (8) by inserting after subsection (f) the following:
20 “(g) *ELIGIBLE LOANS.*—The loans eligible for repay-
21 ment under this section are each of the following:

22 “(1) Any loan for education or training for em-
23 ployment by a health department.

24 “(2) Any loan under part E of title VIII (relat-
25 ing to nursing student loans).

3222

1 “(3) *Any Federal Direct Stafford Loan, Federal*
2 *Direct PLUS Loan, Federal Direct Unsubsidized*
3 *Stafford Loan, or Federal Direct Consolidation Loan*
4 *(as such terms are used in section 455 of the Higher*
5 *Education Act of 1965).*

6 “(4) *Any Federal Perkins Loan under part E of*
7 *title I of the Higher Education Act of 1965.*

8 “(5) *Any other Federal loan, as the Secretary de-*
9 *termines appropriate.*

10 “(h) *PILOT PROGRAM.—*

11 “(1) *IN GENERAL.—The Secretary shall, as ap-*
12 *propriate, establish a pilot program, to be known as*
13 *the Bio-Preparedness Workforce Pilot Program, to*
14 *provide for loan repayment for health professionals*
15 *with expertise in infectious diseases and emergency*
16 *preparedness and response activities to ensure an ade-*
17 *quate supply of such professionals. Such program*
18 *shall be administered consistent with the requirements*
19 *of this section, except that, to be eligible to participate*
20 *in the pilot program, an individual shall—*

21 “(A)(i) *be accepted for enrollment, or be en-*
22 *rolled, as a student in an accredited institution*
23 *of higher education in the final semester (or*
24 *equivalent) of a program leading to a health pro-*

3223

1 *fessions degree or certificate program relevant to*
2 *such program; or*

3 *“(ii) have graduated, during the preceding*
4 *10-year period, from an accredited institution of*
5 *higher education with a health professions degree*
6 *or certificate program relevant to such program;*
7 *and*

8 *“(B) be employed by, or have accepted em-*
9 *ployment with—*

10 *“(i) a Federal health care facility;*

11 *“(ii) a nonprofit health care facility*
12 *that is located in a health professional*
13 *shortage area (as defined in section 332), a*
14 *frontier health professional shortage area*
15 *(as defined in section 799B), or a medically*
16 *underserved community (as defined in sec-*
17 *tion 799B);*

18 *“(iii) an entity receiving assistance*
19 *under title XXVI for the provision of clin-*
20 *ical services;*

21 *“(iv) a health program, or a facility,*
22 *operated by an Indian Tribe or Tribal or-*
23 *ganization (as those terms are defined in*
24 *section 4 of the Indian Self-Determination*
25 *and Education Assistance Act) or by an*

3224

1 *urban Indian organization (as defined in*
2 *section 4 of the Indian Health Care Im-*
3 *provement Act); or*

4 *“(v) another relevant entity determined*
5 *appropriate by the Secretary, as a health*
6 *professional with expertise in infectious dis-*
7 *eases or emergency preparedness and re-*
8 *sponse.*

9 *“(2) NON-DUPLICATION OF EFFORT.—The Sec-*
10 *retary shall ensure that the pilot program established*
11 *under paragraph (1) does not unnecessarily duplicate*
12 *the National Health Service Corps Loan Repayment*
13 *Program, or any other loan repayment program oper-*
14 *ated by the Department of Health and Human Serv-*
15 *ices.*

16 *“(3) EVALUATION AND REPORT TO CONGRESS.—*
17 *“(A) IN GENERAL.—The Secretary shall*
18 *evaluate the pilot program at the conclusion of*
19 *the first cycle of recipients funded by the pilot*
20 *program.*

21 *“(B) REPORT.—*

22 *“(i) IN GENERAL.—The Secretary shall*
23 *submit to the Committee on Health, Edu-*
24 *cation, Labor, and Pensions of the Senate*
25 *and the Committee on Energy and Com-*

3225

1 *merce of the House of Representatives a re-*
2 *port on the evaluation under subparagraph*
3 *(A). The report shall include, at a min-*
4 *imum, outcomes information from the pilot*
5 *program, including any impact on recruit-*
6 *ment and retention of health professionals*
7 *with expertise in infectious diseases and*
8 *emergency preparedness and response ac-*
9 *tivities.*

10 “(ii) *RECOMMENDATION.—The report*
11 *under this subparagraph shall include a*
12 *recommendation by the Secretary as to*
13 *whether the pilot program under this sub-*
14 *section should be extended.”;*

15 (9) *in subsection (i), as so redesignated, by strik-*
16 *ing “\$195,000,000 for fiscal year 2010, and such*
17 *sums as may be necessary for each of fiscal years*
18 *2011 through 2015” and inserting “\$100,000,000 for*
19 *each of fiscal years 2023 through 2025”; and*

20 (10) *by striking “tribal” each place such term*
21 *appears and inserting “Tribal”.*

22 (b) *GAO STUDY ON PUBLIC HEALTH WORKFORCE.—*
23 *Not later than 2 years after the date of enactment of this*
24 *Act, the Comptroller General of the United States shall—*

3226

1 (1) *conduct an evaluation of what is known*
2 *about the public health workforce in the United*
3 *States, which shall address—*

4 (A) *existing gaps in the Federal, State,*
5 *local, Tribal, and territorial public health work-*
6 *force, including positions that may be required*
7 *to prepare for, and respond to, a public health*
8 *emergency such as COVID–19;*

9 (B) *challenges associated with the hiring,*
10 *recruitment, and retention of the Federal, State,*
11 *local, Tribal, and territorial public health work-*
12 *force; and*

13 (C) *Federal efforts to improve hiring, re-*
14 *cruitment, and retention of the public health*
15 *workforce; and*

16 (2) *submit to the Committee on Health, Edu-*
17 *cation, Labor, and Pensions of the Senate and the*
18 *Committee on Energy and Commerce of the House of*
19 *Representatives a report on such review.*

20 **SEC. 2222. AWARDS TO SUPPORT COMMUNITY HEALTH**
21 **WORKERS AND COMMUNITY HEALTH.**

22 (a) *IN GENERAL.—Section 399V of the Public Health*
23 *Service Act (42 U.S.C. 280g–11) is amended—*

3227

1 (1) *by amending the section heading to read as*
2 *follows: “AWARDS TO SUPPORT COMMUNITY*
3 *HEALTH WORKERS AND COMMUNITY HEALTH”;*

4 (2) *by amending subsection (a) to read as fol-*
5 *lows:*

6 “(a) *IN GENERAL.—The Secretary shall award grants,*
7 *contracts, or cooperative agreements to eligible entities to*
8 *promote positive health behaviors and outcomes for popu-*
9 *lations in medically underserved communities by leveraging*
10 *community health workers, including by addressing ongo-*
11 *ing and longer-term community health needs, and by build-*
12 *ing the capacity of the community health worker workforce.*
13 *Such grants, contracts, and cooperative agreements shall be*
14 *awarded in alignment and coordination with existing fund-*
15 *ing arrangements supporting community health workers.”;*

16 (3) *in subsection (b)—*

17 (A) *in the matter preceding paragraph*

18 (1)—

19 (i) *by striking “Grants awarded” and*
20 *inserting “Subject to any requirements for*
21 *the scope of licensure, registration, or cer-*
22 *tification of a community health worker*
23 *under applicable State law, grants, con-*
24 *tracts, and cooperative agreements award-*
25 *ed”;* *and*

3228

1 (ii) by striking “support community
2 health workers”;

3 (B) by redesignating paragraphs (3)
4 through (5) as paragraphs (4) through (6), re-
5 spectively;

6 (C) by striking paragraphs (1) and (2) and
7 inserting the following:

8 “(1) recruit, hire, train, and retain community
9 health workers that reflect the needs of the commu-
10 nity;

11 “(2) support community health workers in pro-
12 viding education and outreach, in a community set-
13 ting, regarding—

14 “(A) health conditions prevalent in—

15 “(i) medically underserved commu-
16 nities (as defined in section 799B), particu-
17 larly racial and ethnic minority popu-
18 lations; and

19 “(ii) other such at-risk populations or
20 geographic areas that may require addi-
21 tional support during public health emer-
22 gencies, which may include counties identi-
23 fied by the Secretary using applicable meas-
24 ures developed by the Centers for Disease

3229

1 *Control and Prevention or other Federal*
2 *agencies; and*

3 *“(B) addressing health disparities, includ-*
4 *ing by—*

5 *“(i) promoting awareness of services*
6 *and resources to increase access to health*
7 *care, mental health and substance use dis-*
8 *order services, child services, technology,*
9 *housing services, educational services, nutri-*
10 *tion services, employment services, and*
11 *other services; and*

12 *“(ii) assisting in conducting indi-*
13 *vidual and community needs assessments;*

14 *“(3) educate community members, including re-*
15 *garding effective strategies to promote healthy behav-*
16 *iors;”;*

17 *(D) in paragraph (4), as so redesignated, by*
18 *striking “to educate” and inserting “educate”;*

19 *(E) in paragraph (5), as so redesignated—*

20 *(i) by striking “to identify” and in-*
21 *serting “identify”;*

22 *(ii) by striking “healthcare agencies”*
23 *and inserting “health care agencies”; and*

24 *(iii) by striking “healthcare services*
25 *and to eliminate duplicative care; or” and*

3230

1 *inserting “health care services and to*
2 *streamline care, including serving as a liai-*
3 *son between communities and health care*
4 *agencies; and”;* and
5 *(F) in paragraph (6), as so redesignated—*
6 *(i) by striking “to educate, guide, and*
7 *provide” and inserting “support community*
8 *health workers in educating, guiding, or*
9 *providing”;* and
10 *(ii) by striking “maternal health and*
11 *prenatal care” and inserting “chronic dis-*
12 *eases, maternal health, prenatal, and*
13 *postpartum care in order to improve mater-*
14 *nal and infant health outcomes”;*
15 *(4) in subsection (c), by striking “Each eligible*
16 *entity” and all that follows through “accompanied*
17 *by” and inserting “To be eligible to receive an award*
18 *under subsection (a), an entity shall prepare and sub-*
19 *mit to the Secretary an application at such time, in*
20 *such manner, and containing”;*
21 *(5) in subsection (d)—*
22 *(A) in the matter preceding paragraph (1),*
23 *by striking “awarding grants” and inserting*
24 *“making awards”;*

3231

1 (B) by amending paragraph (1) to read as
2 follows:

3 “(1) propose to serve—

4 “(A) areas with populations that have a
5 high rate of chronic disease, infant mortality, or
6 maternal morbidity and mortality;

7 “(B) low-income populations, including
8 medically underserved populations (as defined in
9 section 330(b)(3));

10 “(C) populations residing in health profes-
11 sional shortage areas (as defined in section
12 332(a));

13 “(D) populations residing in maternity
14 care health professional target areas identified
15 under section 332(k); or

16 “(E) rural or traditionally underserved
17 populations, including racial and ethnic minor-
18 ity populations or low-income populations;”;

19 (C) in paragraph (2), by striking “; and”
20 and inserting “, including rural populations and
21 racial and ethnic minority populations;”;

22 (D) in paragraph (3), by striking “with
23 community health workers.” and inserting “and
24 established relationships with community health

3232

1 *workers in the communities expected to be served*
2 *by the program;” and*

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

4 *“(4) develop a plan for providing services to the*
5 *extent practicable, in the language and cultural con-*
6 *text most appropriate to individuals expected to be*
7 *served by the program; and*

8 *“(5) propose to use evidence-informed or evi-*
9 *dence-based practices, as applicable and appro-*
10 *priate.”;*

11 *(6) in subsection (e)—*

12 *(A) by striking “community health worker*
13 *programs” and inserting “eligible entities”; and*

14 *(B) by striking “and one-stop delivery sys-*
15 *tems under section 121(e)” and inserting “,*
16 *health professions schools, minority-serving insti-*
17 *tutions (defined, for purposes of this subsection,*
18 *as institutions and programs described in section*
19 *326(e)(1) of the Higher Education Act of 1965*
20 *and institutions described in section 371(a) of*
21 *such Act), area health education centers under*
22 *section 751 of this Act, and one-stop delivery sys-*
23 *tems under section 121”;*

24 *(7) by striking subsections (f), (g), (h), (i), and*
25 *(j) and inserting the following:*

3233

1 “(f) *TECHNICAL ASSISTANCE.*—*The Secretary may*
2 *provide to eligible entities that receive awards under sub-*
3 *section (a) technical assistance with respect to planning,*
4 *development, and operation of community health worker*
5 *programs authorized or supported under this section.*

6 “(g) *DISSEMINATION OF BEST PRACTICES.*—*Not later*
7 *than 4 years after the date of enactment of the PREVENT*
8 *Pandemics Act, the Secretary shall, based on activities car-*
9 *ried out under this section and in consultation with rel-*
10 *evant stakeholders, identify and disseminate evidence-based*
11 *or evidence-informed practices regarding recruitment and*
12 *retention of community health workers and paraprofes-*
13 *sionals to address ongoing public health and community*
14 *health needs, and to prepare for, and respond to, future*
15 *public health emergencies.*

16 “(h) *REPORT TO CONGRESS.*—*Not later than 4 years*
17 *after the date of enactment of the PREVENT Pandemics*
18 *Act, the Secretary shall submit to the Committee on Health,*
19 *Education, Labor, and Pensions and the Committee on Ap-*
20 *propriations of the Senate and the Committee on Energy*
21 *and Commerce and the Committee on Appropriations of the*
22 *House of Representatives a report concerning the effective-*
23 *ness of the program under this section in addressing ongo-*
24 *ing public health and community health needs. Such report*
25 *shall include recommendations regarding any improve-*

3234

1 *ments to such program, including recommendations for how*
2 *to improve recruitment, training, and retention of the com-*
3 *munity health workforce.*

4 “(i) *AUTHORIZATION OF APPROPRIATIONS.—For pur-*
5 *poses of carrying out this section, there are authorized to*
6 *be appropriated \$50,000,000 for each of fiscal years 2023*
7 *through 2027.”;*

8 (8) *by redesignating subsection (k) as subsection*
9 *(j); and*

10 (9) *in subsection (j), as so redesignated—*

11 (A) *by striking paragraphs (1), (2), and*
12 *(4);*

13 (B) *by redesignating paragraph (3) as*
14 *paragraph (1);*

15 (C) *in paragraph (1), as so redesignated—*

16 (i) *by striking “entity (including a*
17 *State or public subdivision of a State” and*
18 *inserting “entity, including a State or po-*
19 *litical subdivision of a State, an Indian*
20 *Tribe or Tribal organization, an urban In-*
21 *Indian organization, a community-based or-*
22 *ganization”;* and

23 (ii) *by striking “as defined in section*
24 *1861(aa) of the Social Security Act))” and*
25 *inserting “(as defined in section*

3235

1 1861(aa)(4) of the Social Security Act”;

2 and

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

4 “(2) INDIAN TRIBE; TRIBAL ORGANIZATION.—The
5 terms ‘Indian Tribe’ and ‘Tribal organization’ have
6 the meanings given the terms ‘Indian tribe’ and ‘trib-
7 al organization’, respectively, in section 4 of the In-
8 dian Self-Determination and Education Assistance
9 Act.

10 “(3) URBAN INDIAN ORGANIZATION.—The term
11 ‘urban Indian organization’ has the meaning given
12 such term in section 4 of the Indian Health Care Im-
13 provement Act.”.

14 (b) GAO STUDY AND REPORT.—Not later than 1 year
15 after the date of submission of the report under subsection
16 (h) of section 399V of the Public Health Service Act (42
17 U.S.C. 280g–11), as amended by subsection (a), the Comp-
18 troller General of the United States shall submit to the Com-
19 mittee on Health, Education, Labor, and Pensions of the
20 Senate and the Committee on Energy and Commerce of the
21 House of Representatives a report on the program author-
22 ized under such section 399V, including a review of the ef-
23 forts of the Secretary of Health and Human Services to co-
24 ordinate such program with applicable programs of the
25 Health Resources and Services Administration to ensure

3236

1 *there is no unnecessary duplication of efforts among such*
2 *programs, and identification of any areas of duplication.*

3 **SEC. 2223. IMPROVING PUBLIC HEALTH EMERGENCY RE-**
4 **SPONSE CAPACITY.**

5 *(a) CERTAIN APPOINTMENTS TO SUPPORT PUBLIC*
6 *HEALTH EMERGENCY RESPONSES.—Section 319 of the*
7 *Public Health Service Act (42 U.S.C. 247d) is amended by*
8 *adding at the end the following:*

9 *“(g) CERTAIN APPOINTMENTS TO SUPPORT PUBLIC*
10 *HEALTH EMERGENCY RESPONSES.—*

11 *“(1) IN GENERAL.—In order to support the ini-*
12 *tial response to a public health emergency declared by*
13 *the Secretary under this section, the Secretary may,*
14 *subject to paragraph (2) and without regard to sec-*
15 *tions 3309 through 3318 of title 5, United States*
16 *Code, appoint individuals directly to positions in the*
17 *Department of Health and Human Services for which*
18 *the Secretary has provided public notice in order to—*

19 *“(A) address a critical hiring need directly*
20 *related to responding to a public health emer-*
21 *gency declared by the Secretary under this sec-*
22 *tion; or*

23 *“(B) address a severe shortage of candidates*
24 *that impacts the operational capacity of the De-*
25 *partment of Health and Human Services to re-*

3237

1 *spond in the event of a public health emergency*
2 *declared by the Secretary under this section.*

3 “(2) *NUMBER OF APPOINTMENTS.—Each fiscal*
4 *year in which the Secretary makes a determination of*
5 *a public health emergency under subsection (a) (not*
6 *including a renewal), the Secretary may directly ap-*
7 *point not more than—*

8 “(A) *400 individuals under paragraph*
9 *(1)(A); and*

10 “(B) *100 individuals under paragraph*
11 *(1)(B).*

12 “(3) *COMPENSATION.—The annual rate of basic*
13 *pay of an individual appointed under this subsection*
14 *shall be determined in accordance with chapter 51*
15 *and subchapter III of chapter 53 of title 5, United*
16 *States Code.*

17 “(4) *REPORTING.—The Secretary shall establish*
18 *and maintain records regarding the use of the author-*
19 *ity under this subsection, including—*

20 “(A) *the number of positions filled through*
21 *such authority;*

22 “(B) *the types of appointments of such posi-*
23 *tions;*

24 “(C) *the titles, occupational series, and*
25 *grades of such positions;*

3238

1 “(D) the number of positions publicly no-
2 ticed to be filled under such authority;

3 “(E) the number of qualified applicants
4 who apply for such positions;

5 “(F) the qualification criteria for such posi-
6 tions; and

7 “(G) the demographic information of indi-
8 viduals appointed to such positions.

9 “(5) NOTIFICATION TO CONGRESS.—In the event
10 the Secretary, within a single fiscal year, directly ap-
11 points more than 50 percent of the individuals allow-
12 able under either subparagraph (A) or (B) of para-
13 graph (2), the Secretary shall, not later than 15 days
14 after the date of such action, notify the Committee on
15 Health, Education, Labor, and Pensions of the Senate
16 and the Committee on Energy and Commerce of the
17 House of Representatives. Such notification shall, in
18 a manner that protects personal privacy, to the extent
19 required by applicable Federal and State privacy
20 law, at a minimum, include—

21 “(A) information on each such appointment
22 within such fiscal year;

23 “(B) a description of how each such posi-
24 tion relates to the requirements of subparagraph
25 (A) or (B) of paragraph (1); and

† HR 2617 EAS2

3239

1 “(C) *the additional number of personnel, if*
2 *any, the Secretary anticipates to be necessary to*
3 *adequately support a response to a public health*
4 *emergency declared under this section using the*
5 *authorities described in paragraph (1) within*
6 *such fiscal year.*

7 “(6) *REPORTS TO CONGRESS.—Not later than*
8 *September 30, 2023, and annually thereafter for each*
9 *fiscal year in which the authority under this sub-*
10 *section is used, the Secretary shall submit to the Com-*
11 *mittee on Health, Education, Labor, and Pensions of*
12 *the Senate and the Committee on Energy and Com-*
13 *merce of the House of Representatives a report de-*
14 *scribing the total number of appointments filled*
15 *under this subsection within the fiscal year and a de-*
16 *scription of how the positions relate to the require-*
17 *ments of subparagraph (A) or (B) of paragraph (1).*

18 “(7) *SUNSET.—The authority under this sub-*
19 *section shall expire on September 30, 2028.”.*

20 “(b) *GAO REPORT.—Not later than 1 year after the*
21 *issuance of the initial report under subsection (g)(6) of sec-*
22 *tion 319 of the Public Health Service Act (42 U.S.C. 247d),*
23 *as added by subsection (a), and again 180 days after the*
24 *date on which the authority provided under section 319(g)*
25 *of such Act expires pursuant to paragraph (7) of such sec-*

3240

1 *tion, the Comptroller General of the United States shall sub-*
2 *mit to the Committee on Health, Education, Labor, and*
3 *Pensions of the Senate and the Committee on Energy and*
4 *Commerce of the House of Representatives a report on the*
5 *use of the authority provided under such section. Such re-*
6 *port shall, in a manner that protects personal privacy, at*
7 *a minimum, include information on—*

8 *(1) the number of positions publicly noticed and*
9 *filled under the authority of each of subparagraphs*
10 *(A) and (B) of such section 319(g)(1);*

11 *(2) the occupational series, grades, and types of*
12 *appointments of such positions;*

13 *(3) how such positions related to addressing a*
14 *need or shortage described in subparagraph (A) or*
15 *(B) of such section;*

16 *(4) how the Secretary of Health and Human*
17 *Services made appointment decisions under each of*
18 *subparagraphs (A) and (B) of such section;*

19 *(5) sources used to identify candidates for filling*
20 *such positions;*

21 *(6) the number of individuals appointed under*
22 *each such subparagraph;*

23 *(7) aggregated demographic information related*
24 *to individuals appointed under each such subpara-*
25 *graph; and*

3241

1 (8) *any challenges, limitations, or gaps related to*
2 *the use of the authority under each such subpara-*
3 *graph and any related recommendations to address*
4 *such challenges, limitations, or gaps.*

5 **SEC. 2224. INCREASING EDUCATIONAL OPPORTUNITIES**
6 **FOR ALLIED HEALTH PROFESSIONS.**

7 *Section 755(b) of the Public Health Service Act (42*
8 *U.S.C. 294e(b)) is amended by adding at the end the fol-*
9 *lowing:*

10 “(4) *Increasing educational opportunities in*
11 *physical therapy, occupational therapy, respiratory*
12 *therapy, audiology, and speech-language pathology*
13 *professions, which may include offering scholarships*
14 *or stipends and carrying out other activities to im-*
15 *prove retention, for individuals from disadvantaged*
16 *backgrounds or individuals who are underrepresented*
17 *in such professions.”.*

18 **SEC. 2225. PUBLIC HEALTH SERVICE CORPS ANNUAL AND**
19 **SICK LEAVE.**

20 (a) *IN GENERAL.*—*Section 219 of the Public Health*
21 *Service Act (42 U.S.C. 210–1) is amended—*

22 (1) *in subsection (a)—*

23 (A) *by striking “Reserve Corps” and insert-*
24 *ing “Ready Reserve Corps”; and*

3242

1 (B) by striking “: Provided, That such regu-
2 lations shall not authorize annual leave to be ac-
3 cumulated in excess of sixty days”;

4 (2) by inserting after subsection (a) the fol-
5 lowing:

6 “(b) The regulations described in subsection (a) may
7 authorize accumulated annual leave of not more than 120
8 days for any commissioned officer of the Regular Corps or
9 officer of the Ready Reserve Corps on active duty.”; and
10 (3) by redesignating subsection (d) as subsection
11 (c).

12 (b) *APPLICATION.*—The amendments made by sub-
13 section (a) shall apply with respect to accumulated annual
14 leave (as defined in section 219 of the Public Health Service
15 Act (42 U.S.C. 210–1)) that a commissioned officer of the
16 Regular Corps or officer of the Ready Reserve Corps on ac-
17 tive duty would, but for the regulations described in such
18 section, lose at the end of fiscal year 2022 or a subsequent
19 fiscal year.

3243

1 **SEC. 2226. LEADERSHIP EXCHANGE PILOT FOR PUBLIC**
2 **HEALTH AND MEDICAL PREPAREDNESS AND**
3 **RESPONSE POSITIONS AT THE DEPARTMENT**
4 **OF HEALTH AND HUMAN SERVICES.**

5 *Title XXVIII of the Public Health Service Act (42*
6 *U.S.C. 300hh et seq.), as amended by section 2214, is fur-*
7 *ther amended by adding at the end the following:*

8 **“SEC. 2826. LEADERSHIP EXCHANGE PILOT FOR PUBLIC**
9 **HEALTH AND MEDICAL PREPAREDNESS AND**
10 **RESPONSE POSITIONS AT THE DEPARTMENT**
11 **OF HEALTH AND HUMAN SERVICES.**

12 *“(a) IN GENERAL.—The Secretary may, not later than*
13 *1 year after the date of enactment of the PREVENT*
14 *Pandemics Act, establish a voluntary program to provide*
15 *additional training to individuals in eligible positions, as*
16 *described in subsection (c), to support the continuous profes-*
17 *sional development of such individuals.*

18 *“(b) CRITERIA.—*

19 *“(1) DURATION.—The program under subsection*
20 *(a) shall provide for fellowships, details, or other rel-*
21 *evant placements with Federal agencies or depart-*
22 *ments, or State or local health departments, pursuant*
23 *to the guidance issued under paragraph (2), for a*
24 *maximum period of 2 years.*

25 *“(2) GUIDANCE.—The Secretary shall issue guid-*
26 *ance establishing criteria for identifying placements*

3244

1 *that demonstrate ongoing sufficient mastery of knowl-*
2 *edge, skills, and abilities to satisfy the field experience*
3 *criteria under the program established under sub-*
4 *section (a), including assignments and experiences*
5 *that develop public health and medical preparedness*
6 *and response expertise.*

7 “(c) *ELIGIBLE POSITION.*—For purposes of subsection
8 *(a), the term ‘eligible position’ means any position at the*
9 *Department of Health and Human Services at or above*
10 *grade GS–13 of the General Schedule, or the equivalent, for*
11 *which not less than 50 percent of the time of such position*
12 *is spent on activities related to public health preparedness*
13 *or response.*

14 “(d) *PILOT PERIOD AND FINAL REPORT.*—The pilot
15 *program authorized under this section shall not exceed 5*
16 *years. Not later than 90 days after the end of the program,*
17 *the Secretary shall issue a report to the Committee on*
18 *Health, Education, Labor, and Pensions of the Senate and*
19 *the Committee on Energy and Commerce of the House of*
20 *Representatives that includes—*

21 “(1) *the number of individuals who participated*
22 *in such pilot, as applicable;*

23 “(2) *a description of the professional growth ex-*
24 *perience in which individuals participated; and*

3245

1 “(3) an assessment of the outcomes of such pro-
2 gram, including a recommendation on whether such
3 program should be continued.”.

4 **SEC. 2227. CONTINUING EDUCATIONAL SUPPORT FOR**
5 **HEALTH PROFESSIONALS SERVING IN RURAL**
6 **AND UNDERSERVED COMMUNITIES.**

7 Section 752 of the Public Health Service Act (42
8 U.S.C. 294b) is amended—

9 (1) in the section heading, by inserting “**RURAL**
10 **AND**” after “**SERVING IN**”;

11 (2) in subsection (a)—

12 (A) by striking “shall make grants to, and
13 enter into contracts with, eligible entities” and
14 inserting “, as appropriate, shall make grants to,
15 and enter into contracts with, eligible entities to
16 support access to accredited continuing medical
17 education for primary care physicians and
18 health care providers at community health cen-
19 ters or rural health clinics to improve and in-
20 crease access to care for patients in rural and
21 medically underserved areas. Such grants or con-
22 tracts may be used”;

23 (B) by striking “faculty members” and in-
24 serting “health care providers”; and

3246

1 (C) by inserting “increase primary care
2 physician and health care provider knowledge,”
3 after “practice environment,”;

4 (3) in subsection (b), by inserting “, such as a
5 community health center or rural health clinic” before
6 the period;

7 (4) in subsection (c), by striking “by require.”
8 and inserting the following: “may require, includ-
9 ing—

10 “(1) a description of how participation in ac-
11 tivities funded under this section will help improve
12 access to, and quality of, health care services and
13 training needs of primary care physicians and health
14 care providers; and

15 “(2) a plan for providing peer-to-peer training,
16 as appropriate.”;

17 (5) by amending subsection (d) to read as fol-
18 lows:

19 “(d) *USE OF FUNDS.*—

20 “(1) *IN GENERAL.*—An eligible entity shall use
21 amounts awarded under a grant or contract under
22 this section to provide innovative supportive activities
23 to enhance education for primary care physicians
24 and health care providers described in subsection (a)
25 through distance learning, continuing educational ac-

3247

1 *tivities, collaborative conferences, and electronic and*
2 *telelearning activities, with priority for primary care*
3 *providers who are seeking additional education in*
4 *specialty fields such as infectious disease, endocri-*
5 *nology, pediatrics, mental health and substance use*
6 *disorders, pain management, geriatrics, and other*
7 *areas, as appropriate, in order to—*

8 *“(A) improve retention of primary care*
9 *physicians and health care providers and in-*
10 *crease access to specialty health care services for*
11 *patients; and*

12 *“(B) support access to the integration of*
13 *specialty care through existing service delivery*
14 *locations and care across settings.*

15 *“(2) CLARIFICATION.—Entities may use*
16 *amounts awarded under a grant or contract under*
17 *this section for continuing educational activities that*
18 *include a clinical training component, including in-*
19 *person patient care, in the respective community*
20 *health center or rural health clinic, with the primary*
21 *care physician or health care provider at such site*
22 *and the clinical specialist from whom such additional*
23 *training is being provided.”;*

24 *(6) by redesignating subsection (e) as subsection*
25 *(g);*

3248

1 (7) *by inserting after subsection (d) the fol-*
2 *lowing:*

3 “(e) *ADMINISTRATIVE EXPENSES.—An entity that re-*
4 *vives a grant or contract under this section shall use not*
5 *more than 5 percent of the amounts received under the*
6 *grant or contract under this section for administrative ex-*
7 *penses.*

8 “(f) *NON-DUPLICATION OF EFFORT.—The Secretary*
9 *shall ensure that activities under this section do not unnec-*
10 *essarily duplicate efforts of other programs overseen by the*
11 *Health Resources and Services Administration, including*
12 *activities described in section 330N.”; and*

13 (8) *in subsection (g), as so redesignated, by strik-*
14 *ing “the fiscal years 2010 through 2014, and such*
15 *sums as may be necessary for each subsequent fiscal*
16 *year” and inserting “fiscal years 2023 through 2025”.*

17 **CHAPTER 4—ENHANCING PUBLIC HEALTH**
18 **PREPAREDNESS AND RESPONSE**

19 **SEC. 2231. CENTERS FOR PUBLIC HEALTH PREPAREDNESS**
20 **AND RESPONSE.**

21 (a) *IN GENERAL.—Section 319F of the Public Health*
22 *Service Act (42 U.S.C. 247d–6) is amended—*

23 (1) *by striking subsection (d) and inserting the*
24 *following:*

3249

1 “(d) *CENTERS FOR PUBLIC HEALTH PREPAREDNESS*
2 *AND RESPONSE.*—

3 “(1) *IN GENERAL.*—*The Secretary, acting*
4 *through the Director of the Centers for Disease Con-*
5 *trol and Prevention, may award grants, contracts, or*
6 *cooperative agreements to institutions of higher edu-*
7 *cation, including accredited schools of public health,*
8 *or other nonprofit private entities to establish or*
9 *maintain a network of Centers for Public Health Pre-*
10 *paredness and Response (referred to in this subsection*
11 *as ‘Centers’).*

12 “(2) *ELIGIBILITY.*—*To be eligible to receive an*
13 *award under this subsection, an entity shall submit*
14 *to the Secretary an application containing such in-*
15 *formation as the Secretary may require, including a*
16 *description of how the entity will—*

17 “(A) *coordinate relevant activities with ap-*
18 *plicable State, local, and Tribal health depart-*
19 *ments and officials, health care facilities, and*
20 *health care coalitions to improve public health*
21 *preparedness and response, as informed by the*
22 *public health preparedness and response needs of*
23 *the community, or communities, involved;*

24 “(B) *prioritize efforts to implement evi-*
25 *dence-informed or evidence-based practices to im-*

3250

1 *prove public health preparedness and response,*
2 *including by helping to reduce the transmission*
3 *of emerging infectious diseases; and*

4 “(C) *use funds awarded under this sub-*
5 *section, including by carrying out any activities*
6 *described in paragraph (3).*

7 “(3) *USE OF FUNDS.—The Centers established or*
8 *maintained under this subsection shall use funds*
9 *awarded under this subsection to carry out activities*
10 *to advance public health preparedness and response*
11 *capabilities, which may include—*

12 “(A) *identifying, translating, and dissemi-*
13 *nating promising research findings or strategies*
14 *into evidence-informed or evidence-based prac-*
15 *tices to inform preparedness for, and responses*
16 *to, chemical, biological, radiological, or nuclear*
17 *threats, including emerging infectious diseases,*
18 *and other public health emergencies, which may*
19 *include conducting research related to public*
20 *health preparedness and response systems;*

21 “(B) *improving awareness of such evidence-*
22 *informed or evidence-based practices and other*
23 *relevant scientific or public health information*
24 *among health care professionals, public health*
25 *professionals, other stakeholders, and the public,*

3251

1 *including through the development, evaluation,*
2 *and dissemination of trainings and training*
3 *materials, consistent with section 2802(b)(2), as*
4 *applicable and appropriate, and with consider-*
5 *ation given to existing training materials, to*
6 *support preparedness for, and responses to, such*
7 *threats;*

8 “(C) *utilizing and expanding relevant tech-*
9 *nological and analytical capabilities to inform*
10 *public health and medical preparedness and re-*
11 *sponse efforts;*

12 “(D) *expanding activities, including*
13 *through public-private partnerships, related to*
14 *public health preparedness and response, includ-*
15 *ing participation in drills and exercises and*
16 *training public health experts, as appropriate;*
17 *and*

18 “(E) *providing technical assistance and ex-*
19 *pertise that relies on evidence-based practices, as*
20 *applicable, related to responses to public health*
21 *emergencies, as appropriate, to State, local, and*
22 *Tribal health departments and other entities*
23 *pursuant to paragraph (2)(A).*

24 “(4) *DISTRIBUTION OF AWARDS.—In awarding*
25 *grants, contracts, or cooperative agreements under*

3252

1 *this subsection, the Secretary shall support not fewer*
2 *than 10 Centers, subject to the availability of appro-*
3 *priations, and ensure that such awards are equitably*
4 *distributed among the geographical regions of the*
5 *United States.”; and*

6 *(2) in subsection (f)(1)(C), by striking “, of*
7 *which \$5,000,000 shall be used to carry out para-*
8 *graphs (3) through (5) of such subsection”.*

9 ***(b) REPEAL.***—*Section 319G of the Public Health Serv-*
10 *ice Act (42 U.S.C. 247d–7) is repealed.*

11 **SEC. 2232. VACCINE DISTRIBUTION PLANS.**

12 *Section 319A of the Public Health Service Act (42*
13 *U.S.C. 247d–1) is amended—*

14 *(1) in subsection (a)—*

15 *(A) by inserting “, or other federally pur-*
16 *chased vaccine to address another pandemic” be-*
17 *fore the period at the end of the first sentence;*
18 *and*

19 *(B) by inserting “or other pandemic” before*
20 *the period at the end of the second sentence; and*

21 *(2) in subsection (d), by inserting “or other*
22 *pandemics” after “influenza pandemics”.*

3253

1 **SEC. 2233. COORDINATION AND COLLABORATION REGARD-**
2 **ING BLOOD SUPPLY.**

3 *The Secretary of Health and Human Services, or the*
4 *Secretary's designee, shall—*

5 *(1) ensure coordination and collaboration be-*
6 *tween relevant Federal departments and agencies re-*
7 *lated to the safety and availability of the blood sup-*
8 *ply, including—*

9 *(A) the Department of Health and Human*
10 *Services, including the Office of the Assistant*
11 *Secretary for Health, the Centers for Disease*
12 *Control and Prevention, the Food and Drug Ad-*
13 *ministration, the Office of the Assistant Sec-*
14 *retary for Preparedness and Response, the Na-*
15 *tional Institutes of Health, the Centers for Medi-*
16 *care & Medicaid Services, and the Health Re-*
17 *sources and Services Administration;*

18 *(B) the Department of Defense; and*

19 *(C) the Department of Veterans Affairs; and*

20 *(2) consult and communicate with private stake-*
21 *holders, including blood collection establishments,*
22 *health care providers, accreditation organizations, re-*
23 *searchers, and patients, regarding issues related to the*
24 *safety and availability of the blood supply.*

3254

1 **SEC. 2234. SUPPORTING LABORATORY CAPACITY AND**
2 **INTERNATIONAL COLLABORATION TO AD-**
3 **DRESS ANTIMICROBIAL RESISTANCE.**

4 *Section 319E of the Public Health Service Act (42*
5 *U.S.C. 247d–5) is amended—*

6 *(1) by redesignating subsections (k), (l), and (m)*
7 *as subsections (m), (n), and (o), respectively; and*

8 *(2) by inserting after subsection (j), the fol-*
9 *lowing:*

10 *“(k) NETWORK OF ANTIBIOTIC RESISTANCE REGIONAL*
11 *LABORATORIES.—*

12 *“(1) IN GENERAL.—The Secretary, acting*
13 *through the Director of the Centers for Disease Con-*
14 *trol and Prevention, shall, as appropriate, maintain*
15 *a network of antibiotic resistance laboratory sites to*
16 *ensure the maintenance of appropriate capabilities,*
17 *within existing laboratory capacity maintained or*
18 *supported by the Centers for Disease Control and Pre-*
19 *vention, to—*

20 *“(A) identify and monitor the emergence*
21 *and changes in the patterns of antimicrobial-re-*
22 *sistant pathogens;*

23 *“(B) detect, identify, confirm, and isolate*
24 *such resistant pathogens, including, as appro-*
25 *priate, performing such activities upon the re-*
26 *quest of another laboratory and providing re-*

3255

1 *lated technical assistance, and, as applicable,*
2 *support efforts to respond to local or regional*
3 *outbreaks of such resistant pathogens; and*

4 *“(C) perform activities to support the diag-*
5 *nosis of such resistant pathogens and determine*
6 *the susceptibility of relevant pathogen samples to*
7 *applicable treatments.*

8 *“(2) GEOGRAPHIC DISTRIBUTION.—The Sec-*
9 *retary shall ensure that such capacity and capabili-*
10 *ties are appropriately distributed among the geo-*
11 *graphical regions of the United States.*

12 *“(3) PARTNERSHIPS AND NONDUPLICATION OF*
13 *CURRENT DOMESTIC CAPACITY.—Activities supported*
14 *under this subsection may be based in an academic*
15 *center, a State health department, or other facility*
16 *operated by a public or private entity that carries out*
17 *relevant laboratory or public health surveillance ac-*
18 *tivities.*

19 *“(l) INTERNATIONAL COLLABORATION.—*

20 *“(1) IN GENERAL.—The Secretary, in coordina-*
21 *tion with heads of other relevant Federal departments*
22 *and agencies, shall support activities related to ad-*
23 *dressing antimicrobial resistance internationally, in-*
24 *cluding by—*

3256

1 “(A) supporting basic, translational, epide-
2 miological, and clinical research related to anti-
3 microbial-resistant pathogens, including such
4 pathogens that have not yet been detected in the
5 United States, and improving related public
6 health surveillance systems, and laboratory and
7 other response capacity; and

8 “(B) providing technical assistance related
9 to antimicrobial resistant infection and control
10 activities.

11 “(2) AWARDS.—In carrying out paragraph (1),
12 the Secretary may award grants, contracts, or cooper-
13 ative agreements to public and private entities, in-
14 cluding nongovernmental organizations, with applica-
15 ble expertise, for purposes of supporting new and in-
16 novative approaches to the prevention, detection, and
17 mitigation of antimicrobial-resistant pathogens.”.

18 **SEC. 2235. ONE HEALTH FRAMEWORK.**

19 (a) ONE HEALTH FRAMEWORK.—The Secretary of
20 Health and Human Services (referred to in this section as
21 the “Secretary”), acting through the Director of the Centers
22 for Disease Control and Prevention, shall develop, or update
23 as appropriate, in coordination with other Federal depart-
24 ments and agencies, as appropriate, a One Health frame-

3257

1 *work to address zoonotic diseases and advance public health*
2 *preparedness.*

3 (b) *ONE HEALTH COORDINATION.*—*The Secretary,*
4 *acting through the Director of the Centers for Disease Con-*
5 *trol and Prevention, shall coordinate with the Secretary of*
6 *Agriculture and the Secretary of the Interior to develop a*
7 *One Health coordination mechanism at the Federal level*
8 *to strengthen One Health collaboration related to preven-*
9 *tion, detection, control, and response for zoonotic diseases*
10 *and related One Health work across the Federal Govern-*
11 *ment.*

12 (c) *REPORTING.*—*Not later than 1 year after the date*
13 *of enactment of this Act, the Secretary shall submit to the*
14 *Committee on Health, Education, Labor, and Pensions of*
15 *the Senate and the Committee on Energy and Commerce*
16 *of the House of Representatives a report providing an up-*
17 *date on the activities under subsections (a) and (b).*

18 **SEC. 2236. SUPPORTING CHILDREN DURING PUBLIC**
19 **HEALTH EMERGENCIES.**

20 *Section 2811A of the Public Health Service Act (42*
21 *U.S.C. 300hh–10b) is amended—*

22 (1) *in subsection (b)—*

23 (A) *in paragraph (2)—*

24 (i) *by striking “and behavioral” and*
25 *inserting “, behavioral, developmental”; and*

3258

- 1 (ii) by striking “; and” and inserting
2 a semicolon;
- 3 (B) in paragraph (3), by striking the period
4 and inserting “; and”; and
- 5 (C) by adding at the end the following:
6 “(4) provide advice and consultation with re-
7 spect to continuity of care and education for all chil-
8 dren and supporting parents and caregivers during
9 all-hazards emergencies.”;
- 10 (2) in subsection (d)(2)—
- 11 (A) in subparagraph (C), by striking “care;
12 and” and inserting “care;”;
- 13 (B) by redesignating subparagraph (D) as
14 subparagraph (E);
- 15 (C) by inserting after subparagraph (C) the
16 following:
17 “(D) at least 4 non-Federal members rep-
18 resenting child care settings, State or local edu-
19 cational agencies, individuals with expertise in
20 children with disabilities, and parents; and”;
21 and
- 22 (D) in subparagraph (E), as so redesign-
23 ated—
- 24 (i) by striking clause (ii); and

3259

1 (ii) by redesignating clauses (iii) and
2 (iv) as clauses (ii) and (iii), respectively.

3 ***Subtitle C—Accelerating Research***
4 ***and Countermeasure Discovery***
5 ***CHAPTER 1—FOSTERING RESEARCH AND***
6 ***DEVELOPMENT AND IMPROVING CO-***
7 ***ORDINATION***

8 ***SEC. 2301. RESEARCH CENTERS FOR PATHOGENS OF PAN-***
9 ***DEMIC CONCERN.***

10 *Subpart 6 of part C of title IV of the Public Health*
11 *Service Act is amended by inserting after section 447C (42*
12 *U.S.C. 285f–4) the following:*

13 ***“SEC. 447D. RESEARCH CENTERS FOR PATHOGENS OF PAN-***
14 ***DEMIC CONCERN.***

15 ***“(a) IN GENERAL.—****The Director of the Institute, in*
16 *collaboration, as appropriate, with the directors of applica-*
17 *ble institutes, centers, and divisions of the National Insti-*
18 *tutes of Health, the Assistant Secretary for Preparedness*
19 *and Response, and the Director of the Biomedical Advanced*
20 *Research and Development Authority, shall establish or con-*
21 *tinue a multidisciplinary research program to advance the*
22 *discovery and preclinical development of medical products*
23 *for priority virus families and other viral pathogens with*
24 *a significant potential to cause a pandemic, through sup-*
25 *port for research centers.*

3260

1 “(b) *USES OF FUNDS.*—*The Director of the Institute*
2 *shall award funding through grants, contracts, or coopera-*
3 *tive agreements to public or private entities to provide sup-*
4 *port for research centers described in subsection (a) for the*
5 *purpose of—*

6 “(1) *conducting basic research through pre-*
7 *clinical development of new medical products or tech-*
8 *nologies, including platform technologies, to address*
9 *pathogens of pandemic concern;*

10 “(2) *identifying potential targets for therapeutic*
11 *candidates, including antivirals, to treat such patho-*
12 *gens;*

13 “(3) *identifying existing medical products with*
14 *the potential to address such pathogens, including*
15 *candidates that could be used in outpatient settings;*
16 *and*

17 “(4) *carrying out or supporting other research*
18 *related to medical products to address such pathogens,*
19 *as determined appropriate by the Director.*

20 “(c) *COORDINATION.*—*The Director of the Institute*
21 *shall, as appropriate, provide for the coordination of activi-*
22 *ties among the centers described in subsection (a), including*
23 *through—*

3261

1 “(1) *facilitating the exchange of information and*
2 *regular communication among the centers, as appro-*
3 *priate; and*

4 “(2) *requiring the periodic preparation and sub-*
5 *mission to the Director of reports on the activities of*
6 *each center.*

7 “(d) *PRIORITY.—In awarding funding through grants,*
8 *contracts, or cooperative agreements under subsection (a),*
9 *the Director of the Institute shall, as appropriate, give pri-*
10 *ority to applicants with existing frameworks and partner-*
11 *ships, as applicable, to support the advancement of such*
12 *research.*

13 “(e) *COLLABORATION.—The Director of the Institute*
14 *shall—*

15 “(1) *collaborate with the heads of other appro-*
16 *priate Federal departments, agencies, and offices with*
17 *respect to the identification of additional priority*
18 *virus families and other viral pathogens with a sig-*
19 *nificant potential to cause a pandemic; and*

20 “(2) *collaborate with the Director of the Bio-*
21 *medical Advanced Research and Development Author-*
22 *ity with respect to the research conducted by centers*
23 *described in subsection (a), including, as appropriate,*
24 *providing any updates on the research advancements*
25 *made by such centers, identifying any advanced re-*

3262

1 *search and development needs for such counter-*
2 *measures, consistent with section 319L(a)(6), and*
3 *taking into consideration existing manufacturing ca-*
4 *capacity and future capacity needs for such medical*
5 *products or technologies, including platform tech-*
6 *nologies, supported by the centers described in sub-*
7 *section (a).*

8 “(f) *SUPPLEMENT, NOT SUPPLANT.*—Any support re-
9 *ceived by a center described in subsection (a) under this*
10 *section shall be used to supplement, and not supplant, other*
11 *public or private support for activities authorized to be sup-*
12 *ported.”.*

13 **SEC. 2302. IMPROVING MEDICAL COUNTERMEASURE RE-**
14 **SEARCH COORDINATION.**

15 *Section 402(b) in the Public Health Service Act (42*
16 *U.S.C. 282(b)) is amended—*

17 *(1) in paragraph (24), by striking “and” at the*
18 *end;*

19 *(2) in paragraph (25), by striking the period*
20 *and inserting a semicolon; and*

21 *(3) by inserting after paragraph (25) the fol-*
22 *lowing:*

23 *“(26) shall consult with the Assistant Secretary*
24 *for Preparedness and Response, the Director of the*
25 *Biomedical Advanced Research and Development Au-*

3263

1 *thority, the Director of the Centers for Disease Control*
2 *and Prevention, and the heads of other Federal agen-*
3 *cies and offices, as appropriate, regarding research*
4 *needs to advance medical countermeasures to diag-*
5 *nose, mitigate, prevent, or treat harm from any bio-*
6 *logical agent or toxin, including emerging infectious*
7 *diseases, chemical, radiological, or nuclear agent that*
8 *may cause a public health emergency or other re-*
9 *search needs related to emerging public health*
10 *threats;”.*

11 **SEC. 2303. ACCESSING SPECIMEN SAMPLES AND DIAG-**
12 **NOSTIC TESTS.**

13 *(a) IMPROVING RESEARCH AND DEVELOPMENT OF*
14 *MEDICAL COUNTERMEASURES FOR NOVEL PATHOGENS.—*

15 *(1) SAMPLE ACCESS.—Not later than 1 year*
16 *after the date of enactment of this Act, the Secretary*
17 *of Health and Human Services (referred to in this*
18 *subsection as the “Secretary”) shall make publicly*
19 *available policies and procedures related to public*
20 *and private entities accessing specimens of, or speci-*
21 *mens containing, pathogens or suitable surrogates for,*
22 *or alternatives to, such pathogens as the Secretary de-*
23 *termines appropriate to support public health pre-*
24 *paredness and response activities or biomedical re-*
25 *search for purposes of the development and validation,*

3264

1 *as applicable, of medical products to address emerg-*
2 *ing infectious diseases and for use to otherwise re-*
3 *spond to emerging infectious diseases. Such policies*
4 *and procedures shall take into account, as appro-*
5 *priate, any applicable existing Federal resources.*

6 (2) *GUIDANCE.—The Secretary shall issue guid-*
7 *ance regarding the procedures for carrying out para-*
8 *graph (1), including—*

9 (A) *the method for requesting such samples;*

10 (B) *considerations for sample availability*
11 *and use of suitable surrogates or alternatives to*
12 *such pathogens, as appropriate, including appli-*
13 *cable safeguard and security measures; and*

14 (C) *information required to be provided in*
15 *order to receive such samples or suitable surro-*
16 *gates or alternatives.*

17 (b) *EARLIER DEVELOPMENT OF DIAGNOSTIC TESTS.—*
18 *Title III of the Public Health Service Act is amended by*
19 *inserting after section 319A (42 U.S.C. 247d–1) the fol-*
20 *lowing:*

21 **“SEC. 319B. EARLIER DEVELOPMENT OF DIAGNOSTIC**
22 **TESTS.**

23 *“The Secretary may contract with public and private*
24 *entities, as appropriate, to increase capacity in the rapid*
25 *development, validation, manufacture, and dissemination*

3265

1 *of diagnostic tests, as appropriate, to State, local, and Trib-*
2 *al health departments and other appropriate entities for*
3 *immediate public health response activities to address an*
4 *emerging infectious disease with respect to which a public*
5 *health emergency is declared under section 319, or that has*
6 *significant potential to cause such a public health emer-*
7 *gency.”.*

8 **SEC. 2304. NATIONAL ACADEMIES OF SCIENCES, ENGINEER-**
9 **ING, AND MEDICINE STUDY ON NATURAL IM-**
10 **MUNITY IN RELATION TO THE COVID-19 PAN-**
11 **DEMIC.**

12 (a) *IN GENERAL.*—Not later than 45 days after the
13 date of enactment of this Act, the Secretary of Health and
14 Human Services shall seek to enter into a contract with
15 the National Academies of Sciences, Engineering, and Med-
16 icine (referred to in this section as the “National Acad-
17 emies”) to conduct a study related to the current scientific
18 evidence on the durability of immunity to COVID-19.

19 (b) *INCLUSIONS.*—The study pursuant to the contract
20 under subsection (a) shall include—

21 (1) *an assessment of scientific evidence related to*
22 *the durability of immunity resulting from SARS-*
23 *CoV-2 infection, COVID-19 vaccination, or both, in-*
24 *cluding any differences between population groups;*

3266

1 (2) *an assessment of the extent to which the Fed-*
2 *eral Government makes publicly available the sci-*
3 *entific evidence used by relevant Federal departments*
4 *and agencies to inform public health recommenda-*
5 *tions related to immunity resulting from SARS-CoV-*
6 *2 infection and COVID-19 vaccination; and*

7 (3) *a summary of scientific studies and evidence*
8 *related to SARS-CoV-2 infection-acquired immunity*
9 *from a sample of other countries or multilateral orga-*
10 *nizations.*

11 (c) *REPORT.—Not later than 18 months after the date*
12 *of enactment of this Act, the National Academies shall sub-*
13 *mit to the Committee on Health, Education, Labor, and*
14 *Pensions of the Senate and the Committee on Energy and*
15 *Commerce of the House of Representatives a report on the*
16 *study pursuant to subsection (a).*

17 **CHAPTER 2—IMPROVING BIOSAFETY AND**
18 **BIOSECURITY**

19 **SEC. 2311. IMPROVING CONTROL AND OVERSIGHT OF SE-**
20 **LECT BIOLOGICAL AGENTS AND TOXINS.**

21 *Section 351A of the Public Health Service Act (42*
22 *U.S.C. 262a) is amended—*

23 (1) *in subsection (b)(1), by amending subpara-*
24 *graph (A) to read as follows:*

3267

1 “(A) proper training, including with re-
2 spect to notification requirements under this sec-
3 tion, of—

4 “(i) individuals who are involved in
5 the handling and use of such agents and
6 toxins, including appropriate skills to han-
7 dle such agents and toxins;

8 “(ii) individuals whose responsibilities
9 routinely place them in close proximity to
10 laboratory facilities in which such agents
11 and toxins are being transferred, possessed,
12 or used; and

13 “(iii) individuals who perform admin-
14 istrative or oversight functions of the facil-
15 ity related to the transfer, possession, or use
16 of such agents and toxins on behalf of reg-
17 istered persons;”;

18 (2) in subsection (e)(1), by striking “(including
19 the risk of use in domestic or international ter-
20 rorism)” and inserting “(including risks posed by the
21 release, theft, or loss of such agent or toxin, or use in
22 domestic or international terrorism)”;

23 (3) in subsection (k)—

24 (A) by redesignating paragraphs (1) and
25 (2) as paragraphs (2) and (3), respectively;

3268

1 (B) by inserting before paragraph (2), as so
2 redesignated, the following:

3 “(1) *NOTIFICATION WITH RESPECT TO FEDERAL*
4 *FACILITIES.*—*In the event of the release, loss, or theft*
5 *of an agent or toxin listed by the Secretary pursuant*
6 *to subsection (a)(1), or by the Secretary of Agri-*
7 *culture pursuant to section 212(a)(1) of the Agricul-*
8 *tural Bioterrorism Protection Act of 2002, from or*
9 *within a laboratory facility owned or operated by the*
10 *Department of Health and Human Services, or other*
11 *Federal laboratory facility subject to the requirements*
12 *of this section, the Secretary, in a manner that does*
13 *not compromise national security, shall—*

14 “(A) *not later than 72 hours after such*
15 *event is reported to the Secretary, notify the*
16 *Committee on Health, Education, Labor, and*
17 *Pensions of the Senate and the Committee on*
18 *Energy and Commerce of the House of Rep-*
19 *resentatives of such event, including—*

20 “(i) *the Federal laboratory facility in*
21 *which such release, loss, or theft occurred;*
22 *and*

23 “(ii) *the circumstances of such release,*
24 *loss, or theft; and*

3269

1 “(B) not later than 14 days after such noti-
2 fication, update such Committees on—

3 “(i) any actions taken or planned by
4 the Secretary to mitigate any potential
5 threat such release, loss, or theft may pose
6 to public health and safety; and

7 “(ii) any actions taken or planned by
8 the Secretary to review the circumstances of
9 such release, loss, or theft, and prevent simi-
10 lar events.”; and

11 (C) by amending paragraph (2), as so re-
12 designated, to read as follows:

13 “(2) ANNUAL REPORT.—The Secretary shall sub-
14 mit to the Committee on Health, Education, Labor,
15 and Pensions of the Senate and the Committee on
16 Energy and Commerce of the House of Representa-
17 tives on an annual basis a report—

18 “(A) summarizing the number and nature
19 of notifications received under subsection (e)(8)
20 (relating to theft or loss) and subsection (j) (re-
21 lating to releases), during the preceding fiscal
22 year;

23 “(B) describing actions taken by the Sec-
24 retary to address such incidents, such as any
25 corrective action plans required and steps taken

3270

1 to promote adherence to, and compliance with,
2 safety and security best practices, standards, and
3 regulations; and

4 “(C) describing any gaps, challenges, or
5 limitations with respect to ensuring that such
6 safety and security practices are consistently ap-
7 plied and adhered to, and actions taken to ad-
8 dress such gaps, challenges, or limitations.”; and

9 (4) in subsection (m), by striking “fiscal years
10 2002 through 2007” and inserting “fiscal years 2023
11 through 2027”.

12 **SEC. 2312. STRATEGY FOR FEDERAL HIGH-CONTAINMENT**
13 **LABORATORIES.**

14 (a) *STRATEGY FOR FEDERAL HIGH-CONTAINMENT*
15 *LABORATORIES.*—Not later than 1 year after the date of
16 enactment of this Act, the Director of the Office of Science
17 and Technology Policy, in consultation with relevant Fed-
18 eral departments and agencies, shall establish a strategy for
19 the management, maintenance, and oversight of federally-
20 owned laboratory facilities operating at Biosafety Level 3
21 or 4, including equivalent classification levels and facilities
22 with Biosafety Level 4 capabilities. Such strategy shall in-
23 clude—

24 (1) a description of the roles and responsibilities
25 of relevant Federal departments and agencies with re-

3271

1 *spect to the management, maintenance, and oversight*
2 *of Biosafety Level 3 or 4 laboratory facilities;*

3 *(2) an assessment of the needs of the Federal*
4 *Government with respect to Biosafety Level 3 or 4*
5 *laboratory facilities;*

6 *(3) a summary of existing federally-owned Bio-*
7 *safety Level 3 or 4 laboratory facility capacity;*

8 *(4) a summary of other Biosafety Level 3 or 4*
9 *laboratory facility capacity established through Fed-*
10 *eral funds;*

11 *(5) a description of how the capacity described*
12 *in paragraphs (3) and (4) addresses the needs of the*
13 *Federal Government, including—*

14 *(A) how relevant Federal departments and*
15 *agencies coordinate to provide access to appro-*
16 *priate laboratory facilities to reduce unnecessary*
17 *duplication; and*

18 *(B) any gaps in such capacity related to*
19 *such needs;*

20 *(6) a summary of plans that are in place for the*
21 *maintenance of such capacity within each relevant*
22 *Federal department or agency, as applicable and ap-*
23 *propriate, including processes for determining wheth-*
24 *er to maintain or expand such capacity, and a de-*
25 *scription of how the Federal Government will address*

† **HR 2617 EAS2**

3272

1 *rapid changes in the need for such capacity within*
2 *each relevant Federal department or agency during a*
3 *public health emergency; and*

4 (7) *a description of how the heads of relevant*
5 *Federal departments and agencies will coordinate to*
6 *ensure appropriate oversight of federally-owned lab-*
7 *oratory facility capacity and leverage such capacity*
8 *within each relevant Federal department, as appro-*
9 *priate, to fulfill the needs of each Federal department*
10 *and agency in order to reduce unnecessary duplica-*
11 *tion and improve collaboration within the Federal*
12 *Government.*

13 (b) *CLARIFICATION.—The strategy under subsection*
14 (a) *shall not be construed to supersede the authorities of*
15 *each relevant Federal department or agency with respect*
16 *to the management, maintenance, and oversight of the Fed-*
17 *erally-owned laboratory facilities operated by any such*
18 *Federal department or agency.*

19 **SEC. 2313. NATIONAL SCIENCE ADVISORY BOARD FOR BIO-**
20 **SECURITY.**

21 (a) *IN GENERAL.—Part A of title IV of the Public*
22 *Health Service Act (42 U.S.C. 281 et seq.) is amended by*
23 *adding at the end the following:*

3273

1 **“SEC. 4040. NATIONAL SCIENCE ADVISORY BOARD FOR BIO-**
2 **SECURITY.**

3 “(a) *ESTABLISHMENT.*—*The Secretary, acting through*
4 *the Director of NIH, shall establish an advisory committee,*
5 *to be known as the ‘National Science Advisory Board for*
6 *Biosecurity’ (referred to in this section as the ‘Board’).*

7 “(b) *DUTIES.*—

8 “(1) *IN GENERAL.*—*The National Science Advi-*
9 *sory Board for Biosecurity referred to in section 205*
10 *of the Pandemic and All-Hazards Preparedness Act*
11 *(Public Law 109–417) (referred to in this section as*
12 *the ‘Board’) shall provide technical advice, guidance,*
13 *or recommendations, to relevant Federal departments*
14 *and agencies related to biosafety and biosecurity over-*
15 *sight of biomedical research, including—*

16 “(A) *oversight of federally-conducted or fed-*
17 *erally-supported dual use biomedical research,*
18 *such as the review of policies or frameworks used*
19 *to assess and appropriately manage safety and*
20 *security risks associated with such research, tak-*
21 *ing into consideration national security con-*
22 *cerns, the potential benefits of such research, con-*
23 *siderations related to the research community,*
24 *transparency, and public availability of infor-*
25 *mation, and international research collaboration;*
26 *and*

† HR 2617 EAS2

3274

1 “(B) continuing to carry out the activities
2 required under section 205 of the Pandemic and
3 All-Hazards Preparedness Act (Public Law 109–
4 417).

5 “(c) CONSIDERATIONS.—In carrying out the duties
6 under subsection (b), the Board may consider strategies to
7 improve the safety and security of biomedical research, in-
8 cluding through—

9 “(1) leveraging or using new technologies and
10 scientific advancements to reduce safety and security
11 risks associated with such research and improve con-
12 tainment of pathogens; and

13 “(2) outreach to, and education and training of,
14 researchers, laboratory personnel, and other appro-
15 priate individuals with respect to safety and security
16 risks associated with such research and mitigation of
17 such risks.

18 “(d) MEMBERSHIP.—The Board shall be composed of
19 the following:

20 “(1) Non-voting, ex officio members, including
21 the following:

22 “(A) At least one representative of each of
23 the following:

24 “(i) The Department of Health and
25 Human Services.

3275

1 “(ii) *The Department of Defense.*

2 “(iii) *The Department of Agriculture.*

3 “(iv) *The Department of Homeland Se-*
4 *curity.*

5 “(v) *The Department of Energy.*

6 “(vi) *The Department of State.*

7 “(vii) *The Office of Science and Tech-*
8 *nology Policy.*

9 “(viii) *The Office of the Director of*
10 *National Intelligence.*

11 “(B) *Representatives of such other Federal*
12 *departments or agencies as the Secretary deter-*
13 *mines appropriate to carry out the requirements*
14 *of this section.*

15 “(2) *Individuals, appointed by the Secretary,*
16 *with expertise in biology, infectious diseases, public*
17 *health, ethics, national security, and other fields, as*
18 *the Secretary determines appropriate, who shall serve*
19 *as voting members.”.*

20 (b) *ORDERLY TRANSITION.—The Secretary of Health*
21 *and Human Services shall take such steps as are necessary*
22 *to provide for the orderly transition to the authority of the*
23 *National Science Advisory Board for Biosecurity estab-*
24 *lished under section 404O of the Public Health Service Act,*
25 *as added by subsection (a), from any authority of the Board*

3276

1 *described in section 205 of the Pandemic and All-Hazards*
2 *Preparedness Act (Public Law 109–417), as in effect on the*
3 *day before the date of enactment of this Act.*

4 (c) *APPLICATION.—The requirements under section*
5 *404O of the Public Health Service Act, as added by sub-*
6 *section (a), related to the mission, activities, or functions*
7 *of the National Science Advisory Board for Biosecurity*
8 *shall not apply until the completion of any work under-*
9 *taken by such Board before the date of enactment of this*
10 *Act.*

11 **SEC. 2314. RESEARCH TO IMPROVE BIOSAFETY.**

12 (a) *IN GENERAL.—The Secretary of Health and*
13 *Human Services (referred to in this section as the “Sec-*
14 *retary”)* shall, as appropriate, conduct or support research
15 *to improve the safe conduct of biomedical research activities*
16 *involving pathogens of pandemic potential or biological*
17 *agents or toxins listed pursuant to section 351A(a)(1) of*
18 *the Public Health Service Act (42 U.S.C. 262a(a)(1)).*

19 (b) *REPORT.—Not later than 5 years after the date*
20 *of enactment of this Act, the Secretary shall prepare and*
21 *submit a report to the Committee on Health, Education,*
22 *Labor, and Pensions of the Senate and the Committee on*
23 *Energy and Commerce of the House of Representatives re-*
24 *garding an overview of any research conducted or supported*
25 *under this section, any relevant findings, and steps the Sec-*

3277

1 *retary is taking to disseminate any such findings to support*
2 *the reduction of risks associated with biomedical research*
3 *involving pathogens of pandemic potential or biological*
4 *agents or toxins listed pursuant to section 351A(a)(1) of*
5 *the Public Health Service Act (42 U.S.C. 262a(a)(1)).*

6 **SEC. 2315. FEDERALLY-FUNDED RESEARCH WITH EN-**
7 **HANCED PATHOGENS OF PANDEMIC POTEN-**
8 **TIAL.**

9 *(a) REVIEW AND OVERSIGHT OF ENHANCED PATHO-*
10 *GENS OF PANDEMIC POTENTIAL.—*

11 *(1) IN GENERAL.—The Director of the Office of*
12 *Science and Technology Policy (referred to in this sec-*
13 *tion as the “Director”), in consultation with the*
14 *heads of relevant Federal departments and agencies,*
15 *shall—*

16 *(A) not later than 1 year after the date of*
17 *enactment of this Act—*

18 *(i) continue or conduct a review of ex-*
19 *isting Federal policies related to research*
20 *proposed for Federal funding that may be*
21 *reasonably anticipated to involve the cre-*
22 *ation, transfer, or use of enhanced patho-*
23 *gens of pandemic potential; and*

24 *(ii) establish or update a Federal pol-*
25 *icy for the consistent review and oversight*

3278

1 of such proposed research that appro-
2 priately considers the risks associated with,
3 and potential benefits of, such research; and
4 (B) not less than every 4 years thereafter,
5 review and update such policy, as necessary and
6 appropriate, to ensure that such policy fully ac-
7 counts for relevant research that may be reason-
8 ably anticipated to involve the creation, transfer,
9 or use of enhanced pathogens of pandemic poten-
10 tial, takes into consideration the benefits of such
11 research, and supports the mitigation of related
12 risks.

13 (2) *REQUIREMENTS.*—The policy established
14 pursuant to paragraph (1) shall include—

15 (A) a clear scope to support the consistent
16 identification of research proposals subject to
17 such policy by relevant Federal departments and
18 agencies;

19 (B) a framework for such reviews that ac-
20 counts for safety, security, and ethical consider-
21 ations related to the creation, transfer, or use of
22 enhanced pathogens of pandemic potential;

23 (C) measures to enhance the transparency
24 and public availability of information related to
25 such research activities in a manner that does

3279

1 *not compromise national security, the safety and*
2 *security of such research activities, or any iden-*
3 *tifiable, sensitive information of relevant indi-*
4 *viduals; and*

5 *(D) consistent procedures across relevant*
6 *Federal department and agencies to ensure*
7 *that—*

8 *(i) proposed research that has been de-*
9 *termined to have scientific and technical*
10 *merit and may be subject to such policy is*
11 *identified and referred for review;*

12 *(ii) subjected research activities con-*
13 *ducted under an award, including activities*
14 *undertaken by any subrecipients of such*
15 *award, are monitored regularly throughout*
16 *the project period to ensure compliance with*
17 *such policy and the terms and conditions of*
18 *such award; and*

19 *(iii) in the event that federally-funded*
20 *research activities not subject to such policy*
21 *produce unanticipated results related to the*
22 *creation, transfer, or use of enhanced patho-*
23 *gens of pandemic potential, such research*
24 *activities are identified and appropriately*
25 *reviewed under such policy.*

† **HR 2617 EAS2**

3280

1 (3) *CLARIFICATION.—Reviews required pursuant*
2 *to this section shall be in addition to any applicable*
3 *requirements for research project applications re-*
4 *quired under the Public Health Service Act, including*
5 *reviews required under section 492 of such Act (42*
6 *U.S.C. 289a), as applicable, or other applicable laws.*

7 (b) *IMPLEMENTATION.—*

8 (1) *IN GENERAL.—The Director shall direct all*
9 *heads of relevant Federal departments and agencies to*
10 *update, modernize, or promulgate applicable imple-*
11 *menting guidance to implement the requirements of*
12 *this section.*

13 (2) *UPDATES.—Consistent with the requirements*
14 *under subsection (a)(1)(B), the Director shall require*
15 *all heads of relevant Federal departments and agen-*
16 *cies to update such policies consistent with any*
17 *changes to the policy established pursuant to sub-*
18 *section (a)(1).*

19 (c) *LIMITATIONS ON COUNTRIES OF CONCERN CON-*
20 *DUCTING CERTAIN RESEARCH.—*

21 (1) *IN GENERAL.—Beginning not later than 60*
22 *days after the date of the enactment of this Act, the*
23 *Secretary of Health and Human Services shall not*
24 *fund research conducted by a foreign entity at a facil-*
25 *ity located in a country of concern, in the estimation*

3281

1 *of the Director of National Intelligence or the head of*
2 *another relevant Federal department or agency, as*
3 *appropriate, in consultation with the Secretary of*
4 *Health and Human Services, involving pathogens of*
5 *pandemic potential or biological agents or toxins list-*
6 *ed pursuant to section 351A(a)(1) of the Public*
7 *Health Service Act (42 U.S.C. 262a(a)(1)).*

8 (2) *CONDITIONS FOR LIFTING OR SUSPENDING*
9 *PROHIBITION.—The Secretary of Health and Human*
10 *Services may lift or suspend the prohibition of fund-*
11 *ing under paragraph (1)—*

12 (A) *only after the review required under*
13 *subsection (a)(1)(A)(i) is complete; and*

14 (B) *only if the Secretary notifies Congress*
15 *not less than 15 days before such prohibition is*
16 *lifted or suspended.*

17 **CHAPTER 3—PREVENTING UNDUE FOR-**
18 **EIGN INFLUENCE IN BIOMEDICAL RE-**
19 **SEARCH**

20 **SEC. 2321. FOREIGN TALENT RECRUITMENT PROGRAMS.**

21 (a) *INTRAMURAL RESEARCH.—*

22 (1) *IN GENERAL.—Not later than 60 days after*
23 *the date of enactment of this Act, the Secretary of*
24 *Health and Human Services (referred to in this chap-*
25 *ter as the “Secretary”) shall prohibit personnel of the*

3282

1 *National Institutes of Health engaged in intramural*
2 *research from participation in foreign talent recruit-*
3 *ment programs.*

4 (2) *EXEMPTION.*—*Paragraph (1) shall not apply*
5 *to participation in international conferences or other*
6 *international exchanges, partnerships, or programs,*
7 *for which such participation has been approved by*
8 *the National Institutes of Health. In such cir-*
9 *cumstances, the National Institutes of Health shall*
10 *ensure appropriate training is provided to the partic-*
11 *ipant on how to respond to overtures from individuals*
12 *associated with foreign talent recruitment programs.*

13 (b) *EXTRAMURAL RESEARCH.*—*The Secretary shall re-*
14 *quire disclosure of participation in foreign talent recruit-*
15 *ment programs, including the provision of copies of all*
16 *grants, contracts, or other agreements related to such pro-*
17 *grams, and other supporting documentation related to such*
18 *programs, as a condition of receipt of Federal extramural*
19 *biomedical research funding awarded through the Depart-*
20 *ment of Health and Human Services.*

21 (c) *CONSISTENCY.*—*The Secretary shall ensure that the*
22 *policies developed, updated, or issued pursuant to sub-*
23 *sections (a) and (b) are, to the greatest extent practicable,*
24 *consistent with the requirements of subtitle D of title VI*

3283

1 *of division B of Public Law 117–167 (42 U.S.C. 19231 et*
2 *seq.) related to foreign talent recruitment programs.*

3 **SEC. 2322. SECURING IDENTIFIABLE, SENSITIVE INFORMA-**
4 **TION AND ADDRESSING OTHER NATIONAL SE-**
5 **CURITY RISKS RELATED TO RESEARCH.**

6 (a) *IN GENERAL.—The Secretary of Health and*
7 *Human Services, in consultation with the Director of Na-*
8 *tional Intelligence, the Secretary of State, the Secretary of*
9 *Defense, and other national security experts, as appro-*
10 *priate, shall ensure that biomedical research conducted or*
11 *supported by the National Institutes of Health and other*
12 *relevant agencies and offices within the Department of*
13 *Health and Human Services is conducted or supported in*
14 *a manner that appropriately considers national security*
15 *risks, including national security implications related to re-*
16 *search involving the sequencing of human genomic informa-*
17 *tion, and collection, analysis, or storage of identifiable, sen-*
18 *sitive information, as defined in section 301(d)(4) of the*
19 *Public Health Service Act (42 U.S.C. 241(d)(4)), and the*
20 *potential misuse of such data. Not later than 2 years after*
21 *the date of enactment of this Act, the Secretary shall ensure*
22 *that the National Institutes of Health and other relevant*
23 *agencies and offices within the Department of Health and*
24 *Human Services, in consultation with the heads of agencies*
25 *and national security experts, including the Office of the*

3284

1 *National Security within the Department of Health and*
2 *Human Services—*

3 (1) *develop a comprehensive framework and poli-*
4 *cies for assessing and managing such national secu-*
5 *rity risks that includes, or review and update, as ap-*
6 *propriate, the current (as of the date of review) such*
7 *framework and policies to include—*

8 (A) *criteria for how and when to conduct*
9 *risk assessments for projects that may have na-*
10 *tional security implications;*

11 (B) *security controls and training for re-*
12 *searchers or entities, including peer reviewers,*
13 *that manage or have access to such data that*
14 *may present national security risks; and*

15 (C) *methods to incorporate risk mitigation*
16 *in the process for funding such projects that may*
17 *have national security implications and monitor*
18 *associated research activities following issuance*
19 *of an award, including changes in the terms and*
20 *conditions related to the use of such funds, as ap-*
21 *propriate;*

22 (2) *not later than 1 year after the framework*
23 *and policies are developed or reviewed and updated,*
24 *as applicable, under paragraph (1), develop and im-*
25 *plement controls to ensure that—*

† HR 2617 EAS2

3285

1 (A) researchers or entities involved in
2 projects reviewed under the framework and rel-
3 evant policies, including such projects that man-
4 age or have access to sensitive, identifiable infor-
5 mation, have complied with the requirements of
6 paragraph (1) and ongoing requirements with
7 such paragraph;

8 (B) consideration of funding for projects
9 that may have national security implications
10 takes into account the extent to which the coun-
11 try in which the proposed research will be con-
12 ducted or supported poses a risk to the integrity
13 of the United States biomedical research enter-
14 prise; and

15 (C) data access committees reviewing data
16 access requests for projects that may have na-
17 tional security risks, as appropriate, include
18 members with expertise in current and emerging
19 national security threats, in order to make ap-
20 propriate decisions, including related to access to
21 such identifiable, sensitive information; and

22 (3) not later than 2 years after the framework
23 and relevant policies are developed or reviewed and
24 updated, as applicable, under paragraph (1), update
25 data access and sharing policies related to human

3286

1 *genomic data, as applicable, based on current and*
2 *emerging national security threats.*

3 **(b) CONGRESSIONAL BRIEFING.**—*Not later than 1 year*
4 *after the date of enactment of this Act, the Secretary shall*
5 *provide a briefing to the Committee on Health, Education,*
6 *Labor, and Pensions and the Select Committee on Intel-*
7 *ligence of the Senate and the Committee on Energy and*
8 *Commerce and the Permanent Select Committee on Intel-*
9 *ligence of the House of Representatives on the activities re-*
10 *quired under subsection (a).*

11 **SEC. 2323. DUTIES OF THE DIRECTOR.**

12 *Section 402(b) in the Public Health Service Act (42*
13 *U.S.C. 282(b)), as amended by section 2302, is further*
14 *amended by inserting after paragraph (26) (as added by*
15 *section 2302) the following:*

16 “(27) *shall consult with the Director of the Office*
17 *of National Security within the Department of Health*
18 *and Human Services, the Assistant Secretary for Pre-*
19 *paredness and Response, the Director of National In-*
20 *telligence, the Director of the Federal Bureau of Inves-*
21 *tigation, and the heads of other appropriate agencies*
22 *on a regular basis, regarding biomedical research con-*
23 *ducted or supported by the National Institutes of*
24 *Health that may affect or be affected by matters of*
25 *national security;*

3287

1 “(28) shall ensure that recipients of awards from
2 the National Institutes of Health, and, as appropriate
3 and practicable, entities collaborating with such re-
4 cipients, have in place and are adhering to appro-
5 priate technology practices and policies for the secu-
6 rity of identifiable, sensitive information, including
7 information collected, stored, managed, or analyzed
8 by domestic and non-domestic entities; and

9 “(29) shall ensure that recipients of awards from
10 the National Institutes of Health are in compliance
11 with the terms and conditions of such award, which
12 may include activities to support awareness of, and
13 compliance with, such terms and conditions by any
14 subrecipients of the award.”.

15 **SEC. 2324. PROTECTING AMERICA’S BIOMEDICAL RESEARCH**
16 **ENTERPRISE.**

17 (a) *IN GENERAL.*—The Secretary, in consultation with
18 the Assistant to the President for National Security Affairs,
19 the Director of National Intelligence, the Director of the
20 Federal Bureau of Investigation, and the heads of other rel-
21 evant departments and agencies, and in consultation with
22 research institutions and research advocacy organizations
23 or other relevant experts, as appropriate, shall—

24 (1) identify ways to improve the protection of
25 intellectual property and other proprietary informa-

3288

1 *tion, as well as identifiable, sensitive information of*
2 *participants in biomedical research and development,*
3 *from national security risks and other applicable*
4 *threats, including the identification of gaps in poli-*
5 *cies and procedures in such areas related to bio-*
6 *medical research and development supported by the*
7 *Department of Health and Human Services, and*
8 *make recommendations to institutions of higher edu-*
9 *cation or other entities that have traditionally re-*
10 *ceived Federal funding for biomedical research to pro-*
11 *tect such information;*

12 *(2) identify or develop strategies to prevent,*
13 *mitigate, and address national security risks and*
14 *threats in biomedical research and development sup-*
15 *ported by the Federal Government, including such*
16 *threats associated with foreign talent programs, by*
17 *countries seeking to exploit United States technology*
18 *and other proprietary information as it relates to*
19 *such biomedical research and development, and make*
20 *recommendations for additional policies and proce-*
21 *dures to protect such information;*

22 *(3) identify national security risks and potential*
23 *misuse of proprietary information, and identifiable,*
24 *sensitive information of biomedical research partici-*
25 *pants and other applicable risks, including with re-*

3289

1 *spect to peer review, and make recommendations for*
2 *additional policies and procedures to protect such in-*
3 *formation;*

4 *(4) develop a framework to identify areas of bio-*
5 *medical research and development supported by the*
6 *Federal Government that are emerging areas of inter-*
7 *est for state actors and would compromise national*
8 *security if they were to be subjected to undue foreign*
9 *influence; and*

10 *(5) regularly review recommendations or policies*
11 *developed under this section and make additional rec-*
12 *ommendations or updates, as appropriate.*

13 *(b) REPORT TO PRESIDENT AND TO CONGRESS.—Not*
14 *later than 1 year after the date of enactment of this Act,*
15 *the Secretary shall prepare and submit, in a manner that*
16 *does not compromise national security, to the President and*
17 *the Committee on Health, Education, Labor, and Pensions*
18 *and the Select Committee on Intelligence of the Senate, the*
19 *Committee on Energy and Commerce and the Permanent*
20 *Select Committee on Intelligence of the House of Represent-*
21 *atives, and other congressional committees as appropriate,*
22 *a report on the findings and recommendations pursuant to*
23 *subsection (a).*

3290

1 **SEC. 2325. GAO STUDY.**

2 (a) *IN GENERAL.*—*The Comptroller General of the*
3 *United States (referred to in this section as the “Comp-*
4 *troller General”)* shall conduct a study to assess the extent
5 *to which the Department of Health and Human Services*
6 *(referred to in this section as the “Department”)* utilizes
7 *or provides funding to entities that utilize such funds for*
8 *human genomic sequencing services or genetic services (as*
9 *such term is defined in section 201(6) of the Genetic Infor-*
10 *mation Nondiscrimination Act of 2008 (42 U.S.C.*
11 *2000ff(6))) provided by entities, or subsidiaries of such enti-*
12 *ties, organized under the laws of a country or countries of*
13 *concern, in the estimation of the Director of National Intel-*
14 *ligence or the head of another Federal department or agen-*
15 *cy, as appropriate.*

16 (b) *CONSIDERATIONS.*—*In carrying out the study*
17 *under this section, the Comptroller General shall—*

18 (1) *consider—*

19 (A) *the extent to which the country or coun-*
20 *tries of concern could obtain human genomic in-*
21 *formation of citizens and residents of the United*
22 *States from such entities that sequence, analyze,*
23 *collect, or store human genomic information and*
24 *which the Director of National Intelligence or the*
25 *head of another Federal department or agency*
26 *reasonably anticipates may use such information*

3291

1 *in a manner inconsistent with the national secu-*
2 *rity interests of the United States;*

3 *(B) whether the Department or recipient of*
4 *such funds from the Department sought to pro-*
5 *vide funding to, or to use, domestic entities with*
6 *no such ties to the country or countries of con-*
7 *cern for such purposes and any barriers to the*
8 *use of domestic entities; and*

9 *(C) whether data use agreements, data secu-*
10 *rity measures, and other such measures taken by*
11 *the Department or recipient of such funds from*
12 *the Department are sufficient to protect the iden-*
13 *tifiable, sensitive information of the people of the*
14 *United States and the national security interests*
15 *of the United States; and*

16 *(2) make recommendations to address any*
17 *vulnerabilities to the United States national security*
18 *identified, as appropriate.*

19 *(c) ESTIMATION.—In conducting the study under this*
20 *section, the Comptroller General may, as appropriate and*
21 *necessary to complete such study, investigate specific in-*
22 *stances of such utilization of genetic sequencing services or*
23 *genetic services, as described in subsection (a), to produce*
24 *estimates of the potential prevalence of such utilization*
25 *among entities in receipt of Departmental funds.*

3292

1 (d) *REPORT.*—Not later than 2 years after the date
2 of enactment of this Act, the Comptroller General shall sub-
3 mit a report on the study under this section, in a manner
4 that does not compromise national security, to the Com-
5 mittee on Health, Education, Labor, and Pensions and the
6 Select Committee on Intelligence of the Senate, and the
7 Committee on Energy and Commerce and the Permanent
8 Select Committee on Intelligence of the House of Represent-
9 atives. The report shall be submitted in unclassified form,
10 to the extent practicable, but may include a classified
11 annex.

12 **SEC. 2326. REPORT ON PROGRESS TO ADDRESS UNDUE**
13 **FOREIGN INFLUENCE.**

14 Not later than 1 year after the date of enactment of
15 this Act and annually thereafter, the Secretary shall pre-
16 pare and submit to the Committee on Health, Education,
17 Labor, and Pensions of the Senate and the Committee on
18 Energy and Commerce in the House of Representatives, in
19 a manner that does not compromise national security, a
20 report on actions taken by the Secretary—

21 (1) to address cases of noncompliance with dis-
22 closure requirements or research misconduct related to
23 foreign influence, including—

24 (A) the number of potential noncompliance
25 cases investigated by the National Institutes of

3293

1 *Health or reported to the National Institutes of*
2 *Health by a research institution, including relat-*
3 *ing to undisclosed research support, undisclosed*
4 *conflicts of interest or other conflicts of commit-*
5 *ment, and peer review violations;*

6 *(B) the number of cases referred to the Of-*
7 *fice of Inspector General of the Department of*
8 *Health and Human Services, the Office of Na-*
9 *tional Security of the Department of Health and*
10 *Human Services, the Federal Bureau of Inves-*
11 *tigation, or other law enforcement agencies;*

12 *(C) a description of enforcement actions*
13 *taken for noncompliance related to undue foreign*
14 *influence; and*

15 *(D) any other relevant information; and*

16 *(2) to prevent, address, and mitigate instances of*
17 *noncompliance with disclosure requirements or re-*
18 *search misconduct related to foreign influence.*

19 **CHAPTER 4—ADVANCED RESEARCH**
20 **PROJECTS AGENCY—HEALTH**

21 **SEC. 2331. ADVANCED RESEARCH PROJECTS AGENCY—**
22 **HEALTH.**

23 *(a) IN GENERAL.—Title IV of the Public Health Serv-*
24 *ice Act is amended by adding at the end the following:*

3294

1 **“PART J—ADVANCED RESEARCH PROJECTS**2 **AGENCY–HEALTH.**3 **“SEC. 499A. ADVANCED RESEARCH PROJECTS AGENCY–**4 **HEALTH.**5 “(a) *ESTABLISHMENT.*—

6 “(1) *IN GENERAL.*—*There is established within*
7 *the National Institutes of Health the Advanced Re-*
8 *search Projects Agency–Health (referred to in this sec-*
9 *tion as ‘ARPA–H’). Not later than 180 days after the*
10 *date of enactment of this section, the Secretary shall*
11 *transfer all functions, personnel, missions, activities,*
12 *authorities, and funds of the Advanced Research*
13 *Projects Agency for Health as in existence on the date*
14 *of enactment of this section, to ARPA–H established*
15 *by the preceding sentence.*

16 “(2) *ORGANIZATION.*—

17 “(A) *IN GENERAL.*—*There shall be within*
18 *ARPA–H—*

19 “(i) *an Office of the Director;*20 “(ii) *not more than 8 program offices;*21 *and*

22 “(iii) *such special project offices as the*
23 *Director may establish.*

24 “(B) *REQUIREMENT.*—*Not fewer than two-*
25 *thirds of the program offices of ARPA–H shall be*
26 *exclusively dedicated to supporting research and*

† **HR 2617 EAS2**

3295

1 *development activities, consistent with the goals*
2 *and functions described in subsection (b).*

3 “(C) *NOTIFICATION.—The Director shall*
4 *submit a notification to the Committee on*
5 *Health, Education, Labor, and Pensions and the*
6 *Committee on Appropriations of the Senate and*
7 *the Committee on Energy and Commerce and the*
8 *Committee on Appropriations of the House of*
9 *Representatives if the Director determines that*
10 *additional program offices are required to carry*
11 *out this section.*

12 “(3) *EXEMPTION FROM CERTAIN POLICIES OF*
13 *NIH.—*

14 “(A) *IN GENERAL.—Except as otherwise*
15 *provided for in this section, and subject to sub-*
16 *paragraph (B), in establishing ARPA–H pursu-*
17 *ant to paragraph (1), the Secretary may exempt*
18 *ARPA–H from policies and requirements of the*
19 *National Institutes of Health that are in effect*
20 *on the day before the date of enactment of this*
21 *section as necessary and appropriate to ensure*
22 *ARPA–H can most effectively achieve the goals*
23 *described in subsection (b)(1).*

24 “(B) *NOTICE.—Not later than 90 days after*
25 *the date of enactment of this section, the Sec-*

3296

1 *retary shall publish a notice in the Federal Reg-*
2 *ister describing the specific policies and require-*
3 *ments of the National Institutes of Health from*
4 *which the Secretary intends to exempt ARPA–H,*
5 *including a rationale for such exemptions.*

6 “(b) *GOALS AND FUNCTIONS.*—

7 “(1) *GOALS.*—*The goals of ARPA–H shall be*
8 *to—*

9 “(A) *foster the development of novel, break-*
10 *through, and broadly applicable capabilities and*
11 *technologies to accelerate transformative innova-*
12 *tion in biomedical science and medicine in a*
13 *manner that cannot be readily accomplished*
14 *through traditional Federal biomedical research*
15 *and development programs or commercial activ-*
16 *ity;*

17 “(B) *revolutionize the detection, diagnosis,*
18 *mitigation, prevention, treatment, and cure of*
19 *diseases and health conditions by overcoming*
20 *long-term and significant technological and sci-*
21 *entific barriers to developing transformative*
22 *health technologies;*

23 “(C) *promote high-risk, high-reward inno-*
24 *vation to enable the advancement of trans-*
25 *formative health technologies; and*

3297

1 “(D) contribute to ensuring the United
2 States—

3 “(i) pursues initiatives that aim to
4 maintain global leadership in science and
5 innovation; and

6 “(ii) improves the health and wellbeing
7 of its citizens by supporting the advance-
8 ment of biomedical science and innovation.

9 “(2) *FUNCTIONS.—ARPA-H shall achieve the*
10 *goals specified in paragraph (1) by addressing spe-*
11 *cific scientific or technical questions by involving*
12 *high-impact transformative, translational, applied,*
13 *and advanced research in relevant areas of science, by*
14 *supporting—*

15 “(A) discovery, identification, and pro-
16 motion of revolutionary advancements in science;

17 “(B) translation of scientific discoveries
18 into transformative health technologies with po-
19 tential application for biomedical science and
20 medicine;

21 “(C) creation of platform capabilities that
22 draw on multiple disciplines;

23 “(D) delivery of proofs of concept that dem-
24 onstrate meaningful advances with potential
25 clinical application;

3298

1 “(E) development of new capabilities and
2 methods to identify potential targets and techno-
3 logical strategies for early disease detection and
4 intervention, such as advanced computational
5 tools and predictive models; and

6 “(F) acceleration of transformational health
7 technological advances in areas with limited
8 technical certainty.

9 “(c) DIRECTOR.—

10 “(1) IN GENERAL.—The President shall appoint
11 a director of ARPA–H (in this section referred to as
12 the ‘Director’).

13 “(2) QUALIFICATIONS.—The Director shall be an
14 individual who, by reason of professional background
15 and experience—

16 “(A) is especially qualified to advise the
17 Secretary on, and manage—

18 “(i) research and development pro-
19 grams; and

20 “(ii) large-scale, high-risk initiatives
21 with respect to health research and tech-
22 nology development across multiple sectors,
23 including identifying and supporting poten-
24 tially transformative health technologies;
25 and

3299

1 “(B) has a demonstrated ability to identify
2 and develop partnerships to address strategic
3 needs in meeting the goals described in sub-
4 section (b)(1).

5 “(3) *REPORTING.*—The Director shall report to
6 the Secretary of Health and Human Services.

7 “(4) *DUTIES.*—The duties of the Director shall
8 include the following:

9 “(A) Establish strategic goals, objectives,
10 and priorities for ARPA–H to advance the goals
11 described in subsection (b)(1).

12 “(B) Approve the projects and programs of
13 ARPA–H and restructure, expand, or terminate
14 any project or program within ARPA–H that is
15 not achieving its goals.

16 “(C) Develop funding criteria and assess the
17 success of programs through the establishment of
18 technical milestones.

19 “(D) Request that applications for funding
20 disclose current and previous research and devel-
21 opment efforts related to such applications, as
22 appropriate, and identify any challenges associ-
23 ated with such efforts, including any scientific or
24 technical barriers encountered in the course of

3300

1 *such efforts or challenges in securing sources of*
2 *funding, as applicable.*

3 “(E) *Coordinate with the heads of relevant*
4 *Federal departments and agencies to facilitate*
5 *sharing of data and information, as applicable*
6 *and appropriate, and ensure that research sup-*
7 *ported by ARPA–H is informed by and supple-*
8 *ments, not supplants, the activities of such de-*
9 *partments and agencies and is free of unneces-*
10 *sary duplication of effort.*

11 “(F) *Ensure ARPA–H does not provide*
12 *funding for a project unless the program man-*
13 *ager determines that the project aligns with the*
14 *goals described in subsection (b)(1).*

15 “(G) *Prioritize investments based on consid-*
16 *erations such as—*

17 “(i) *scientific opportunity and poten-*
18 *tial impact, especially in areas that fit*
19 *within the strategies and operating prac-*
20 *tices of ARPA–H and require public-private*
21 *partnerships to effectively advance research*
22 *and development activities; and*

23 “(ii) *the potential applications that an*
24 *innovation may have to address areas of*
25 *currently unmet need in medicine and*

† **HR 2617 EAS2**

3301

1 *health, including health disparities and the*
2 *potential to prevent progression to serious*
3 *disease.*

4 “(H) *Encourage strategic collaboration and*
5 *partnerships with a broad range of entities,*
6 *which may include institutions of higher edu-*
7 *cation, minority-serving institutions (defined,*
8 *for the purposes of this section, as institutions*
9 *and programs described in section 326(e)(1) of*
10 *the Higher Education Act of 1965 and institu-*
11 *tions described in section 371(a) of such Act), in-*
12 *dustry, nonprofit organizations, Federally fund-*
13 *ed research and development centers, or consortia*
14 *of such entities.*

15 “(5) *TERM.—Notwithstanding section 405(a)(2),*
16 *the Director—*

17 “(A) *shall be appointed for a 4-year term;*
18 *and*

19 “(B) *may be reappointed for 1 consecutive*
20 *4-year term.*

21 “(6) *AUTONOMY OF AGENCY REGARDING REC-*
22 *OMMENDATIONS AND TESTIMONY.—No office or agency*
23 *of the United States shall have authority to require*
24 *the Director to submit legislative recommendations, or*
25 *testimony or comments on legislation, to any officer*

3302

1 *or agency of the United States for approval, com-*
2 *ments, or review prior to the submission of such rec-*
3 *ommendations, testimony or comments to Congress, if*
4 *such recommendations, testimony, or comments to*
5 *Congress include a statement indicating that the*
6 *views expressed therein are those of the Director and*
7 *do not necessarily reflect the views of the President or*
8 *another Federal department, agency, or office.*

9 “(7) *DEPUTY DIRECTOR.*—*The Director shall ap-*
10 *point a Deputy Director to serve as the principal as-*
11 *stant to the Director.*

12 “(8) *NONAPPLICATION OF CERTAIN PROVISION.*—
13 *The restrictions contained in section 202 of the De-*
14 *partments of Labor, Health and Human Services,*
15 *and Education, and Related Agencies Appropriations*
16 *Act, 1993 (Public Law 102–394; 42 U.S.C. 238f note)*
17 *related to consultants and individual scientists ap-*
18 *pointed for limited periods of time shall not apply to*
19 *the Director appointed under this subsection.*

20 “(d) *APPLICATION OF CERTAIN FLEXIBILITIES.*—*The*
21 *flexibilities provided to the National Institutes of Health*
22 *under section 301(g) shall apply to ARPA–H with respect*
23 *to the functions described in subsection (b)(2).*

24 “(e) *PROTECTION OF INFORMATION.*—

3303

1 “(1) *NO AUTHORIZATION FOR DISCLOSURE.—*
2 *Nothing in this section shall be construed as author-*
3 *izing the Director to disclose any information that is*
4 *a trade secret or other privileged or confidential infor-*
5 *mation subject to section 552(b)(4) of title 5, United*
6 *States Code, or section 1905 of title 18, United States*
7 *Code.*

8 “(2) *REPORTING.—If there have been requests*
9 *under section 522 of title 5, United States Code, or*
10 *the Secretary has used such authority to withhold in-*
11 *formation within the preceding year, not later than*
12 *1 year after the date of enactment of this section, and*
13 *annually thereafter, the Director shall report to the*
14 *Committee on Health, Education, Labor, and Pen-*
15 *sions of the Senate and the Committee on Energy and*
16 *Commerce of the House of Representatives on—*

17 “(A) *the number of instances in which the*
18 *Secretary has used the authority under this sub-*
19 *section to withhold information from disclosure;*
20 *and*

21 “(B) *the nature of any request under section*
22 *552 of title 5, United States Code, or section*
23 *1905 of title 18, United States Code, that was*
24 *denied using such authority.*

3304

1 “(3) *CLARIFICATION.—The protections for trade*
2 *secrets or other privileged or confidential information*
3 *described in paragraph (1) shall not be construed to*
4 *limit the availability or disclosure of information*
5 *necessary to inform and facilitate the evaluation re-*
6 *quired under subsection (k)(2). Any such information*
7 *made available to members of the National Academies*
8 *of Sciences, Engineering, and Medicine (referred to in*
9 *this section as the ‘National Academies’)* *for such*
10 *evaluation shall be kept confidential by such members*
11 *and shall not be used for any purposes other than in-*
12 *forming and facilitating the evaluation required*
13 *under subsection (k)(2).*

14 “(f) *COOPERATION WITH THE FOOD AND DRUG AD-*
15 *MINISTRATION.—*

16 “(1) *IN GENERAL.—In order to facilitate the en-*
17 *hanced collaboration and communication with respect*
18 *to the most current priorities of ARPA–H, the Food*
19 *and Drug Administration may meet with ARPA–H*
20 *and any other Federal partners at appropriate inter-*
21 *vals to discuss the development status, and actions*
22 *that may be taken to facilitate the development, of*
23 *medical products and projects that are the highest*
24 *priorities to ARPA–H.*

3305

1 “(2) *REIMBURSEMENT.*—Utilizing interagency
2 *agreements or other appropriate resource allocation*
3 *mechanisms available, the Director shall reimburse,*
4 *using funds made available to ARPA–H, the Food*
5 *and Drug Administration, as appropriate, for activi-*
6 *ties identified by the Commissioner of Food and*
7 *Drugs and the Director as being conducted by the*
8 *Food and Drug Administration under the authority*
9 *of this subsection.*

10 “(g) *AWARDS.*—

11 “(1) *IN GENERAL.*—In carrying out this section,
12 *the Director may—*

13 “(A) *award grants and cooperative agree-*
14 *ments, which shall include requirements to pub-*
15 *licly report indirect facilities and administrative*
16 *costs, broken out by fixed capital costs, adminis-*
17 *trative overhead, and labor costs;*

18 “(B) *award contracts, which may include*
19 *multi-year contracts subject to section 3903 of*
20 *title 41, United States Code;*

21 “(C) *award cash prizes, utilizing the au-*
22 *thorities and processes established under section*
23 *24 of the Stevenson-Wydler Technology Innova-*
24 *tion Act of 1980; and*

3306

1 “(D) enter into other transactions, as de-
2 fined by section 319L(a)(3), subject to paragraph
3 (2).

4 “(2) *LIMITATIONS ON ENTERING INTO OTHER*
5 *TRANSACTIONS.—*

6 “(A) *USE OF COMPETITIVE PROCEDURES.—*
7 *To the maximum extent practicable, competitive*
8 *procedures shall be used when entering into other*
9 *transactions under this section.*

10 “(B) *WRITTEN DETERMINATION RE-*
11 *QUIRED.—The authority of paragraph (1)(D)*
12 *may be exercised for a project if the program*
13 *manager—*

14 “(i) submits a request to the Director
15 for each individual use of such authority be-
16 fore conducting or supporting a program,
17 including an explanation of why the use of
18 such authority is essential to promoting the
19 success of the project;

20 “(ii) receives approval for the use of
21 such authority from the Director; and

22 “(iii) for each year in which the pro-
23 gram manager has used such authority in
24 accordance with this paragraph, submits a

3307

1 *report to the Director on the activities of the*
2 *program related to such project.*

3 “(3) *EXEMPTIONS FROM CERTAIN REQUIRE-*
4 *MENTS.—Research funded by ARPA–H shall not be*
5 *subject to the requirements of section 406(a)(3)(A)(ii)*
6 *or section 492.*

7 “(h) *FACILITIES AUTHORITY.—*

8 “(1) *IN GENERAL.—The Director is authorized,*
9 *for administrative purposes, to—*

10 “(A) *acquire (by purchase, lease, condemna-*
11 *tion or otherwise), construct, improve, repair,*
12 *operate, and maintain such real and personal*
13 *property as are necessary to carry out this sec-*
14 *tion; and*

15 “(B) *lease an interest in property for not*
16 *more than 20 years, notwithstanding section*
17 *1341(a)(1) of title 31, United States Code.*

18 “(2) *LOCATIONS.—*

19 “(A) *IN GENERAL.—ARPA–H, including its*
20 *headquarters, shall not be located on any part of*
21 *the existing National Institutes of Health cam-*
22 *puses.*

23 “(B) *NUMBER OF LOCATIONS.—ARPA–H*
24 *shall have offices or facilities in not less than 3*
25 *geographic areas.*

3308

1 “(C) *CONSIDERATIONS.*—*In determining the*
2 *location of each office or facility, the Director*
3 *shall make a fair and open consideration of—*

4 “(i) *the characteristics of the intended*
5 *location; and*

6 “(ii) *the extent to which such location*
7 *will facilitate advancement of the goals and*
8 *functions specified in subsection (b).*

9 “(i) *PERSONNEL.*—

10 “(1) *IN GENERAL.*—*The Director may—*

11 “(A) *appoint and remove scientific, engi-*
12 *neering, medical, and professional personnel,*
13 *which may include temporary or term-limited*
14 *appointments as determined by the Director to*
15 *fulfill the mission of ARPA-H, without regard to*
16 *any provision in title 5, United States Code,*
17 *governing appointments and removals under the*
18 *civil service laws;*

19 “(B) *notwithstanding any other provision*
20 *of law, including any requirement with respect*
21 *to General Schedule pay rates under subchapter*
22 *III of chapter 53 of title 5, United States Code,*
23 *fix the base pay compensation of such personnel*
24 *at a rate to be determined by the Director, up*
25 *to the amount of annual compensation (exclud-*

3309

1 *ing expenses) specified in section 102 of title 3,*
2 *United States Code; and*

3 *“(C) contract with private recruiting firms*
4 *for assistance in identifying highly qualified*
5 *candidates for technical positions needed to*
6 *carry out this section.*

7 *“(2) SUPPORT STAFF.—The Director may use*
8 *authorities in existence on the date of enactment of*
9 *this section that are provided to the Secretary to hire*
10 *administrative, financial, clerical, and other staff*
11 *necessary to carry out functions that support the*
12 *goals and functions described in subsection (b).*

13 *“(3) NUMBER OF PERSONNEL.—The Director*
14 *may appoint not more than 210 personnel under this*
15 *section. The Director shall submit a notification to*
16 *the Committee on Health, Education, Labor, and*
17 *Pensions and the Committee on Appropriations of the*
18 *Senate and the Committee on Energy and Commerce*
19 *and the Committee on Appropriations of the House of*
20 *Representatives if the Director determines that addi-*
21 *tional personnel are required to carry out this section.*

22 *“(4) CLARIFICATION ON PREVIOUS POSITIONS.—*
23 *“(A) IN GENERAL.—Except as provided in*
24 *subparagraph (B), the Director shall ensure that*
25 *the personnel who are appointed to staff or sup-*

3310

1 *port ARPA–H are individuals who, at the time*
2 *of appointment and for 3 years prior to such ap-*
3 *pointment, were not employed by the National*
4 *Institutes of Health. The Director may grant an*
5 *exemption only for individuals who are uniquely*
6 *qualified, by way of professional background and*
7 *expertise, to advance the goals and functions*
8 *specified in subsection (b).*

9 *“(B) NONAPPLICATION OF PROVISION.—The*
10 *restriction provided under subparagraph (A)*
11 *shall not apply to any individuals who are em-*
12 *ployed by ARPA–H on the date of enactment of*
13 *this section.*

14 *“(5) ADDITIONAL CONSIDERATIONS.—In ap-*
15 *pointing personnel under this subsection, the Direc-*
16 *tor—*

17 *“(A) may contract with private entities for*
18 *the purposes of recruitment services;*

19 *“(B) shall make efforts to recruit a diverse*
20 *workforce, including individuals underrep-*
21 *resented in science, engineering, and medicine,*
22 *including racial and ethnic minorities, provided*
23 *such efforts do not conflict with applicable Fed-*
24 *eral civil rights law, and individuals with a va-*

3311

1 *riety of professional experiences or backgrounds;*
2 *and*

3 “(C) *shall recruit program managers with*
4 *demonstrated expertise in a wide range of sci-*
5 *entific disciplines and management skills.*

6 “(6) *USE OF INTERGOVERNMENTAL PERSONNEL*
7 *ACT.—To the extent needed to carry out the authori-*
8 *ties under paragraph (1) and the goals and functions*
9 *specified in subsection (b), the Director may utilize*
10 *hiring authorities under sections 3371 through 3376*
11 *of title 5, United States Code.*

12 “(7) *AUTHORITY TO ACCEPT FEDERAL*
13 *DETAILEES.—The Director may accept officers or em-*
14 *ployees of the United States or members of the uni-*
15 *formed service on a detail from an element of the Fed-*
16 *eral Government, on a reimbursable or a nonreim-*
17 *bursable basis, as jointly agreed to by the heads of the*
18 *receiving and detailing elements, for a period not to*
19 *exceed 3 years.*

20 “(j) *PROGRAM MANAGERS.—*

21 “(1) *IN GENERAL.—The Director shall appoint*
22 *program managers for 3-year terms (and may re-*
23 *appoint such program managers for 1 additional con-*
24 *secutive 3-year term) for the programs carried out by*
25 *ARPA–H.*

3312

1 “(2) *DUTIES.*—A program manager shall—

2 “(A) establish, in consultation with the Di-
3 rector, research and development goals for pro-
4 grams, including timelines and milestones, and
5 make such goals available to the public;

6 “(B) manage applications and proposals,
7 through the appropriate officials, for making
8 awards as described in subsection (g) for activi-
9 ties consistent with the goals and functions de-
10 scribed in subsection (b);

11 “(C) issue funding opportunity announce-
12 ments, using uniform administrative processes,
13 as appropriate;

14 “(D) select, on the basis of merit, each of the
15 projects to be supported under a program carried
16 out by ARPA-H, and taking into consider-
17 ation—

18 “(i) the scientific, technical merit, and
19 novelty of the proposed project;

20 “(ii) the ability of the applicant to
21 successfully carry out the proposed project;

22 “(iii) the potential future commercial
23 applications of the project proposed by the
24 applicant, including whether such applica-
25 tions may have the potential to address

† HR 2617 EAS2

3313

1 *areas of currently unmet need within bio-*
2 *medicine and improve health outcomes;*

3 *“(iv) the degree to which the proposed*
4 *project has the potential to transform bio-*
5 *medicine and addresses a scientific or tech-*
6 *nical question pursuant to subsection (b);*

7 *“(v) the potential for the project to take*
8 *an interdisciplinary approach; and*

9 *“(vi) such other criteria as established*
10 *by the Director;*

11 *“(E) provide project oversight and manage-*
12 *ment of strategic initiatives to advance the pro-*
13 *gram, including by conducting project reviews*
14 *not later than 18 months after the date of fund-*
15 *ing awards to identify and monitor progress of*
16 *milestones with respect to each project and prior*
17 *to disbursement of additional funds;*

18 *“(F) provide recommendations to the Direc-*
19 *tor with respect to advancing the goals and func-*
20 *tions specified in subsection (b);*

21 *“(G) encourage research collaborations and*
22 *cultivate opportunities for the application or uti-*
23 *lization of successful projects, including through*
24 *identifying and supporting applicable public-*

3314

1 *private partnerships or partnerships between or*
2 *among award recipients;*

3 “(H) *provide recommendations to the Direc-*
4 *tor to establish, expand, restructure, or terminate*
5 *partnerships or projects; and*

6 “(I) *communicate and collaborate with*
7 *leaders and experts within the health care and*
8 *biomedical research and development fields, in-*
9 *cluding from both the public and private sectors*
10 *and, as necessary, through the convening of*
11 *workshops and meetings, to identify research and*
12 *development gaps and opportunities and solicit*
13 *stakeholder input on programs and goals.*

14 “(k) *REPORTS AND EVALUATION.—*

15 “(1) *ANNUAL REPORT.—*

16 “(A) *IN GENERAL.—Beginning not later*
17 *than 1 year after the date of enactment of this*
18 *section, as part of the annual budget request sub-*
19 *mitted for each fiscal year, the Director shall*
20 *submit a report on the actions undertaken, and*
21 *the results generated, by ARPA–H, including—*

22 “(i) *a description of projects supported*
23 *by ARPA–H in the previous fiscal year and*
24 *whether such projects are meeting the goals*

3315

1 *developed by the Director pursuant to sub-*
2 *section (c)(4)(A);*

3 “(ii) *a description of projects termi-*
4 *nated in the previous fiscal year, and the*
5 *reason for such termination;*

6 “(iii) *a description of planned pro-*
7 *grams starting in the next fiscal year, pend-*
8 *ing the availability of funding;*

9 “(iv) *activities conducted in coordina-*
10 *tion with other Federal departments and*
11 *agencies;*

12 “(v) *a description of any successes*
13 *with, or barriers to, coordinating with other*
14 *Federal departments and agencies to achieve*
15 *the goals and functions under subsection*
16 *(b);*

17 “(vi) *aggregated demographic informa-*
18 *tion, if available, of direct recipients and*
19 *performers in funded projects and of the*
20 *ARPA–H workforce (consistent with the re-*
21 *porting requirements under paragraph (3));*
22 *and*

23 “(vii) *a summary of award recipient*
24 *compliance with section 2321 of the PRE-*
25 *VENT Pandemics Act.*

† HR 2617 EAS2

3316

1 “(B) *SUBMISSION TO CONGRESS.*—*The re-*
2 *port under subparagraph (A) shall be submitted*
3 *to—*

4 “(i) *the Committee on Energy and*
5 *Commerce and the Committee on Appro-*
6 *priations of the House of Representatives;*
7 *and*

8 “(ii) *the Committee on Health, Edu-*
9 *cation, Labor, and Pensions and the Com-*
10 *mittee on Appropriations of the Senate.*

11 “(2) *EVALUATION.*—

12 “(A) *IN GENERAL.*—*Not later than 5 years*
13 *after the date of the enactment of this section, the*
14 *Director shall seek to enter into an agreement*
15 *with the National Academies under which the*
16 *National Academies conducts an evaluation of*
17 *whether ARPA–H is meeting the goals and func-*
18 *tions specified in subsection (b).*

19 “(B) *SUBMISSION OF RESULTS.*—*The agree-*
20 *ment entered into under subparagraph (A) shall*
21 *require the National Academies to submit the*
22 *evaluation conducted under such agreement to*
23 *the Director, the Committee on Health, Edu-*
24 *cation, Labor, and Pensions of the Senate, and*
25 *the Committee on Energy and Commerce of the*

3317

1 *House of Representatives, and make the report*
2 *publicly available.*

3 “(3) *REPORTING RELATED TO ARPA-H PER-*
4 *SONNEL.—*

5 “(A) *IN GENERAL.—The Director shall es-*
6 *tablish and maintain records regarding the use*
7 *of the authority under subsection (i)(1)(A), in-*
8 *cluding—*

9 “(i) *the number of positions filled*
10 *through such authority;*

11 “(ii) *the types of appointments of such*
12 *positions;*

13 “(iii) *the titles, occupational series,*
14 *and grades of such positions;*

15 “(iv) *the number of positions publicly*
16 *noticed to be filled under such authority;*

17 “(v) *the number of qualified applicants*
18 *who apply for such positions;*

19 “(vi) *the qualification criteria for such*
20 *positions; and*

21 “(vii) *the demographic information of*
22 *individuals appointed to such positions.*

23 “(B) *REPORTS TO CONGRESS.—Not later*
24 *than 2 years after the date of enactment of this*
25 *section, and annually thereafter for each fiscal*

3318

1 *year in which such authority is used, the Direc-*
2 *tor shall submit to the Committee on Health,*
3 *Education, Labor, and Pensions of the Senate*
4 *and the Committee on Energy and Commerce of*
5 *the House of Representatives a report describing*
6 *the total number of appointments filled under*
7 *subsection (i) within the fiscal year and how the*
8 *positions relate to the goals and functions of*
9 *ARPA–H.*

10 “(C) GAO REPORT.—Not later than 2 years
11 after the date of enactment of this section, the
12 Comptroller General of the United States shall
13 submit to the Committee on Health, Education,
14 Labor, and Pensions of the Senate and the Com-
15 mittee on Energy and Commerce of the House of
16 Representatives a report on the use of the author-
17 ity provided under subsection (i)(1)(A). Such re-
18 port shall, in a manner that protects personal
19 privacy, to the extent required by applicable
20 Federal and State privacy law, at a minimum,
21 include information on—

22 “(i) the number of positions publicly
23 noticed and filled under the authority under
24 subsection (i);

† HR 2617 EAS2

3319

1 “(ii) *the occupational series, grades,*
2 *and types of appointments of such posi-*
3 *tions;*

4 “(iii) *how such positions related to ad-*
5 *vancing the goals and functions of ARPA–*
6 *H;*

7 “(iv) *how the Director made appoint-*
8 *ment decisions under subsection (i);*

9 “(v) *a summary of sources used to*
10 *identify candidates for filling such posi-*
11 *tions, as applicable;*

12 “(vi) *the number of individuals ap-*
13 *pointed;*

14 “(vii) *aggregated demographic infor-*
15 *mation related to individuals appointed;*
16 *and*

17 “(viii) *any challenges, limitations, or*
18 *gaps related to the use of the authority*
19 *under subsection (i) and any related rec-*
20 *ommendations to address such challenges,*
21 *limitations, or gaps.*

22 “(l) *STRATEGIC PLAN.—Not later than 1 year after*
23 *the date of the enactment of this section, and every 3 years*
24 *thereafter, the Director shall provide to the Committee on*
25 *Health, Education, Labor, and Pensions and the Committee*

3320

1 *on Appropriations of the Senate and the Committee on En-*
2 *ergy and Commerce and the Committee on Appropriations*
3 *of the House of Representatives a strategic plan describing*
4 *how ARPA–H will carry out investments each fiscal year*
5 *in the following 3-year period. The requirements regarding*
6 *individual institute and center strategic plans under sec-*
7 *tion 402(m), including paragraph (3) of such subsection,*
8 *shall not apply to ARPA–H.*

9 “(m) *INDEPENDENT REVIEW.*—Not later than 1 year
10 *after the date of the enactment of this section, and every*
11 *4 years thereafter, the Comptroller General of the United*
12 *States shall conduct, and submit to the Committee on*
13 *Health, Education, Labor, and Pensions of the Senate and*
14 *the Committee on Energy and Commerce of the House of*
15 *Representatives, an independent review of the biomedical*
16 *research and development portfolio of the Department of*
17 *Health and Human Services, including ARPA–H, the Na-*
18 *tional Institutes of Health, the Food and Drug Administra-*
19 *tion, and the Biomedical Advanced Research and Develop-*
20 *ment Authority—*

21 “(1) *to assess the degree of any potential dupli-*
22 *cation of existing Federal programs and projects; and*
23 “(2) *to make any recommendations regarding*
24 *any potential reorganization, consolidation, or termi-*
25 *nation of such programs and projects.*

3321

1 “(n) *PRIORITIZATION.*—

2 “(1) *IN GENERAL.*—*The Director shall—*

3 “(A) *prioritize awarding grants, coopera-*
4 *tive agreements, contracts, prizes, and other*
5 *transaction awards to entities that will conduct*
6 *funded work in the United States;*

7 “(B) *as appropriate and practicable, en-*
8 *courage nondomestic recipients of any grants, co-*
9 *operative agreements, contracts, prizes, and other*
10 *transactions under this section to collaborate*
11 *with a domestic entity;*

12 “(C) *not make awards under this section to*
13 *nondomestic entities organized under the laws of*
14 *a covered foreign country (as defined in section*
15 *119C of the National Security Act of 1947 (50*
16 *U.S.C. 3059)); and*

17 “(D) *in accordance with the requirements of*
18 *chapter 33 of title 41, United States Code, and*
19 *the Federal Acquisition Regulation, not make*
20 *awards under this section to entities that have*
21 *more than 3 ongoing concurrent awards under*
22 *this section.*

23 “(2) *CLARIFICATION.*—*In making an award*
24 *under this section, the Director may waive the re-*
25 *quirements of subparagraphs (A), (B), and (D) of*

† HR 2617 EAS2

3322

1 *paragraph (1) if such requirements cannot reasonably*
2 *be met, and the proposed project has the potential to*
3 *advance the goals described in subsection (b)(1). The*
4 *Director shall provide notice to Congress not later*
5 *than 30 days after waiving such requirements.*

6 “(o) *ADDITIONAL CONSULTATION.*—*In carrying out*
7 *this section, the Director may consult with—*

8 “(1) *the President’s Council of Advisors on*
9 *Science and Technology;*

10 “(2) *representatives of professional or scientific*
11 *organizations, including academia and industry, with*
12 *expertise in specific technologies under consideration*
13 *or development by ARPA–H;*

14 “(3) *an existing advisory committee providing*
15 *advice to the Secretary or the head of any operating*
16 *or staff division of the Department;*

17 “(4) *the advisory committee established under*
18 *subsection (p); and*

19 “(5) *any other entity the Director may deem ap-*
20 *propriate.*

21 “(p) *ADVISORY COMMITTEE.*—

22 “(1) *IN GENERAL.*—*There is established an*
23 *ARPA–H Interagency Advisory Committee (referred*
24 *to in this subsection as the ‘Advisory Committee’) to*
25 *coordinate efforts and provide advice and assistance*

3323

1 on specific program or project tasks and the overall
2 direction of ARPA–H.

3 “(2) *MEMBERS.*—*The Advisory Committee estab-*
4 *lished under paragraph (1) shall consist of the heads*
5 *of the following agencies or their designees:*

6 “(A) *The National Institutes of Health.*

7 “(B) *The Centers for Disease Control and*
8 *Prevention.*

9 “(C) *The Food and Drug Administration.*

10 “(D) *The Office of the Assistant Secretary*
11 *for Preparedness and Response.*

12 “(E) *The Office of the Assistant Secretary of*
13 *Health.*

14 “(F) *The Defense Advanced Research*
15 *Projects Agency.*

16 “(G) *The Office of Science of the Depart-*
17 *ment of Energy.*

18 “(H) *The National Science Foundation.*

19 “(I) *Any other agency or office with subject*
20 *matter expertise that the Director of ARPA–H*
21 *determines appropriate to advance programs or*
22 *projects under this section.*

23 “(3) *NONAPPLICABILITY OF FACA.*—*The Federal*
24 *Advisory Committee Act (5 U.S.C. App.) shall not*
25 *apply to the Advisory Committee.*

3324

1 “(4) *ADVISORY NATURE.*—*The functions of the*
2 *Advisory Committee shall be advisory in nature, and*
3 *nothing in this subsection shall be construed as grant-*
4 *ing such Committee authority over the activities au-*
5 *thorized under this section.*

6 “(5) *PERFORMANCE MEASURES FRAMEWORK.*—

7 “(A) *IN GENERAL.*—*The Director, in con-*
8 *sultation with the Advisory Committee, shall de-*
9 *velop a performance measures framework for*
10 *programs or projects supported by ARPA–H in*
11 *order to inform and facilitate the evaluation re-*
12 *quired under subsection (k)(2), including identi-*
13 *fication of any data needed to perform such eval-*
14 *uation,*

15 “(B) *AVAILABILITY OF PERFORMANCE*
16 *MEASURES.*—*The Director shall provide to the*
17 *National Academies such performance measures*
18 *and data necessary to perform the evaluation re-*
19 *quired under subsection (k)(2).*

20 “(q) *RULE OF CONSTRUCTION.*—*The authorities under*
21 *this section, with respect to the Director, are additional au-*
22 *thorities that do not supersede or modify any existing au-*
23 *thorities.*

24 “(r) *TRANSFORMATIVE HEALTH TECHNOLOGY DE-*
25 *FINED.*—*In this section, the term ‘transformative health*

3325

1 *technology’ means a novel, broadly applicable capability or*
2 *technology—*

3 “(1) *that has potential to revolutionize the detec-*
4 *tion, diagnosis, mitigation, prevention, cure, or treat-*
5 *ment of a disease or health condition that can cause*
6 *severe health outcomes and which is an area of cur-*
7 *rently unmet need; and*

8 “(2) *for which—*

9 “(A) *significant scientific or technical chal-*
10 *lenges exist; or*

11 “(B) *incentives in the commercial market*
12 *are unlikely to result in the adequate or timely*
13 *development of such capability or technology.*

14 “(s) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
15 *out this section, there is authorized to be appropriated*
16 *\$500,000,000 for each of the fiscal years 2024 through 2028,*
17 *to remain available until expended.*

18 “(t) *ADDITIONAL BUDGET CLARIFICATION.—Any*
19 *budget request for ARPA–H shall propose a separate appro-*
20 *priation from the other accounts of the National Institutes*
21 *of Health.”.*

22 “(b) *GAO REPORT ON CERTAIN RESEARCH REQUIRE-*
23 *MENTS.—The Comptroller General of the United States*
24 *shall conduct a review to assess the extent to which relevant*
25 *research conducted or supported by the National Institutes*

3326

1 *of Health meets Federal animal research requirements pur-*
2 *suant of the Public Health Service Policy on Humane Care*
3 *and Use of Laboratory Animals. Such review shall also con-*
4 *sider whether, for research conducted or supported by the*
5 *National Institutes of Health that involves the use of ani-*
6 *mals, the processes of the National Institutes of Health for*
7 *reviewing initial research proposals and monitoring funded*
8 *research include a review of project protocols and methods*
9 *to ensure that results generated by such project may be rea-*
10 *sonably anticipated to be reproducible and replicable and*
11 *achieve similar results, as applicable, in clinical trials. Not*
12 *later than 2 years after the date of enactment of this Act,*
13 *the Comptroller General shall submit a report on the review*
14 *required under this subsection to the Committee on Health,*
15 *Education, Labor, and Pensions of the Senate and the Com-*
16 *mittee on Energy and Commerce of the House of Represent-*
17 *atives.*

18 ***Subtitle D—Modernizing and***
19 ***Strengthening the Supply Chain***
20 ***for Vital Medical Products***

21 ***SEC. 2401. WARM BASE MANUFACTURING CAPACITY FOR***
22 ***MEDICAL COUNTERMEASURES.***

23 *(a) IN GENERAL.—Section 319L of the Public Health*
24 *Service Act (42 U.S.C. 247d–7e) is amended—*

25 *(1) in subsection (a)(6)(B)—*

3327

1 (A) by redesignating clauses (iv) and (v) as
2 clauses (v) and (vi), respectively;

3 (B) by inserting after clause (iii), the fol-
4 lowing:

5 “(iv) activities to support, maintain,
6 and improve domestic manufacturing surge
7 capacity and capabilities, as appropriate,
8 including through the utilization of ad-
9 vanced manufacturing and platform tech-
10 nologies, to increase the availability of
11 products that are or may become qualified
12 countermeasures or qualified pandemic or
13 epidemic products;” and

14 (C) in clause (vi) (as so redesignated), by
15 inserting “manufacturing,” after “improve-
16 ment,”;

17 (2) in subsection (b)—

18 (A) in the first sentence of paragraph (1),
19 by inserting “support for domestic manufac-
20 turing surge capacity and capabilities,” after
21 “initiatives for innovation,”; and

22 (B) in paragraph (2)—

23 (i) in subparagraph (B), by striking
24 “and” at the end;

3328

1 (ii) by redesignating subparagraph (C)
2 as subparagraph (D); and

3 (iii) by inserting after subparagraph
4 (B), the following:

5 “(C) activities to support, maintain, and
6 improve domestic manufacturing surge capacity
7 and capabilities, as appropriate, including
8 through the utilization of advanced manufac-
9 turing and platform technologies, to increase the
10 availability of products that are or may become
11 qualified countermeasures or qualified pandemic
12 or epidemic products; and”;

13 (3) in subsection (c)—

14 (A) in paragraph (2)(B), by inserting before
15 the semicolon “, including through the establish-
16 ment and maintenance of domestic manufac-
17 turing surge capacity and capabilities, consistent
18 with subsection (a)(6)(B)(iv)”;

19 (B) in paragraph (4)—

20 (i) in subparagraph (A)—

21 (I) in clause (i)—

22 (aa) in subclause (I), by
23 striking “and” at the end; and

24 (bb) by adding at the end the
25 following:

3329

1 “(III) *facilitating such commu-*
2 *nication, as appropriate, regarding*
3 *manufacturing surge capacity and ca-*
4 *pabilities with respect to qualified*
5 *countermeasures and qualified pan-*
6 *demic or epidemic products to prepare*
7 *for, or respond to, a public health*
8 *emergency or potential public health*
9 *emergency; and*

10 “(IV) *facilitating such commu-*
11 *nication, as appropriate and in a*
12 *manner that does not compromise na-*
13 *tional security, with respect to poten-*
14 *tial eligibility for the material threat*
15 *medical countermeasure priority re-*
16 *view voucher program under section*
17 *565A of the Federal Food, Drug, and*
18 *Cosmetic Act;*”;

19 (II) *in clause (ii)(III), by striking*
20 *“and” at the end;*

21 (III) *by redesignating clause (iii)*
22 *as clause (iv); and*

23 (IV) *by inserting after clause (ii),*
24 *the following:*

3330

1 “(iii) communicate regularly with en-
2 tities in receipt of an award pursuant to
3 subparagraph (B)(v), and facilitate commu-
4 nication between such entities and other en-
5 tities in receipt of an award pursuant to
6 subparagraph (B)(iv), as appropriate, for
7 purposes of planning and response regard-
8 ing the availability of countermeasures and
9 the maintenance of domestic manufacturing
10 surge capacity and capabilities, including
11 any planned uses of such capacity and ca-
12 pabilities in the near- and mid-term, and
13 identification of any significant challenges
14 related to the long-term maintenance of
15 such capacity and capabilities; and”;
16 (ii) in subparagraph (B)—
17 (I) in clause (iii), by striking
18 “and” at the end;
19 (II) in clause (iv), by striking the
20 period and inserting “; and”; and
21 (III) by adding at the end the fol-
22 lowing:
23 “(v) award contracts, grants, and co-
24 operative agreements and enter into other
25 transactions to support, maintain, and im-

† HR 2617 EAS2

3331

1 *prove domestic manufacturing surge capac-*
2 *ity and capabilities, including through sup-*
3 *porting flexible or advanced manufacturing,*
4 *to ensure that additional capacity is avail-*
5 *able to rapidly manufacture products that*
6 *are or may become qualified counter-*
7 *measures or qualified pandemic or epidemic*
8 *products in the event of a public health*
9 *emergency declaration or significant poten-*
10 *tial for a public health emergency.”;*

11 *(iii) in subparagraph (C)—*

12 *(I) in clause (i), by striking*
13 *“and” at the end;*

14 *(II) in clause (ii), by striking the*
15 *period at the end and inserting “;*
16 *and”;* and

17 *(III) by adding at the end the fol-*
18 *lowing:*

19 *“(iii) consult with the Commissioner of*
20 *Food and Drugs, pursuant to section*
21 *565(b)(2) of the Federal Food, Drug, and*
22 *Cosmetic Act, to ensure that facilities per-*
23 *forming manufacturing, pursuant to an*
24 *award under subparagraph (B)(v), are in*
25 *compliance with applicable requirements*

3332

1 *under such Act and this Act, as appro-*
2 *priate, including current good manufac-*
3 *turing practice pursuant to section*
4 *501(a)(2)(B) of the Food, Drug, and Cos-*
5 *metic Act; and”;*

6 *(iv) in subparagraph (D)(i), by insert-*
7 *ing “, including to improve manufacturing*
8 *capacities and capabilities for medical*
9 *countermeasures” before the semicolon;*

10 *(v) in subparagraph (E)(ix), by strik-*
11 *ing “2023” and inserting “2028”; and*

12 *(vi) by adding at the end the following:*

13 *“(G) ANNUAL REPORTS BY AWARD RECIPI-*
14 *ENTS.—As a condition of receiving an award*
15 *under subparagraph (B)(v), a recipient shall de-*
16 *velop and submit to the Secretary annual reports*
17 *related to the maintenance of such capacity and*
18 *capabilities, including ensuring that such capac-*
19 *ity and capabilities are able to support the rapid*
20 *manufacture of countermeasures as required by*
21 *the Secretary.”; and*

22 *(C) in paragraph (5), by adding at the end*
23 *the following:*

24 *“(H) SUPPORTING WARM-BASE AND SURGE*
25 *CAPACITY AND CAPABILITIES.—Pursuant to an*

3333

1 *award under subparagraph (B)(v), the Secretary*
2 *may make payments for activities necessary to*
3 *maintain domestic manufacturing surge capac-*
4 *ity and capabilities supported under such award*
5 *to ensure that such capacity and capabilities are*
6 *able to support the rapid manufacture of coun-*
7 *termeasures as required by the Secretary to pre-*
8 *pare for, or respond to, an existing or potential*
9 *public health emergency or otherwise address*
10 *threats that pose a significant level of risk to na-*
11 *tional security. The Secretary may support the*
12 *utilization of such capacity and capabilities*
13 *under awards for countermeasure and product*
14 *advanced research and development, as appro-*
15 *priate, to provide for the maintenance of such*
16 *capacity and capabilities.”; and*
17 *(4) in subsection (f)—*

18 *(A) in paragraph (1), by striking “Not later*
19 *than 180 days after the date of enactment of this*
20 *subsection” and inserting “Not later than 180*
21 *days after the date of enactment of the PRE-*
22 *VENT Pandemics Act”;*

23 *(B) in paragraph (2)—*

3334

1 (i) in the matter preceding subpara-
2 graph (A), by striking “this subsection” and
3 inserting “the PREVENT Pandemics Act”;
4 (ii) in subparagraph (B), by striking
5 “and” at the end; and
6 (iii) in subparagraph (C), by striking
7 the period and inserting “; and”; and
8 (C) by adding at the end the following:
9 “(D) plans for the near-, mid-, and long-
10 term sustainment of manufacturing activities
11 carried out under this section, including such ac-
12 tivities pursuant to subsection (c)(5)(H), specific
13 actions to regularly assess the ability of recipi-
14 ents of an award under subsection (c)(4)(B)(v) to
15 rapidly manufacture countermeasures as re-
16 quired by the Secretary, and recommendations to
17 address challenges, if any, related to such activi-
18 ties.”.

19 **SEC. 2402. SUPPLY CHAIN CONSIDERATIONS FOR THE STRA-**
20 **TEGIC NATIONAL STOCKPILE.**

21 Subclause (II) of section 319F–2(a)(2)(B)(i) of the
22 Public Health Service Act (42 U.S.C. 247d–6b(a)(2)(B)(i))
23 is amended to read as follows:

24 “(II) planning considerations for
25 appropriate manufacturing capacity

3335

1 *and capability to meet the goals of*
2 *such additions or modifications (with-*
3 *out disclosing proprietary informa-*
4 *tion), including—*

5 *“(aa) consideration of the ef-*
6 *fect such additions or modifica-*
7 *tions may have on the availability*
8 *of such products and ancillary*
9 *medical supplies on the health*
10 *care system; and*

11 *“(bb) an assessment of the*
12 *current supply chain for such*
13 *products, including information*
14 *on supply chain redundancies,*
15 *any known domestic manufac-*
16 *turing capacity for such products,*
17 *and any related vulnerabilities;”.*

18 **SEC. 2403. STRATEGIC NATIONAL STOCKPILE EQUIPMENT**

19 **MAINTENANCE.**

20 *Section 319F–2(a)(3) of the Public Health Service Act*
21 *(42 U.S.C. 247d–6b(a)(3)) is amended—*

22 *(1) in subparagraph (B), by inserting “, regu-*
23 *larly reviewed, and updated” after “followed”; and*

24 *(2) by amending subparagraph (D) to read as*
25 *follows:*

3336

1 “(D) review and revise, as appropriate, the
2 contents of the stockpile on a regular basis to en-
3 sure that—

4 “(i) emerging threats, advanced tech-
5 nologies, and new countermeasures are ade-
6 quately considered;

7 “(ii) the potential depletion of counter-
8 measures currently in the stockpile is iden-
9 tified and appropriately addressed, includ-
10 ing through necessary replenishment; and

11 “(iii) such contents are in working
12 condition or usable, as applicable, and are
13 ready for deployment, which may include
14 conducting maintenance services on such
15 contents of the stockpile and disposing of
16 such contents that are no longer in working
17 condition, or usable, as applicable;”.

18 **SEC. 2404. IMPROVING TRANSPARENCY AND PREDICT-**
19 **ABILITY OF PROCESSES OF THE STRATEGIC**
20 **NATIONAL STOCKPILE.**

21 (a) *GUIDANCE.*—Not later than 60 days after the date
22 of enactment of this Act, the Secretary of Health and
23 Human Services (referred to in this section as the “Sec-
24 retary”) shall issue guidance describing the processes by
25 which the Secretary deploys the contents of the Strategic

3337

1 *National Stockpile under section 319F–2(a) of the Public*
2 *Health Service Act (42 U.S.C. 247d–6b(a)), or otherwise*
3 *distributes medical countermeasures, as applicable, to*
4 *States, territories, Indian Tribes and Tribal organizations*
5 *(as such terms are defined under section 4 of the Indian*
6 *Self-Determination and Education Assistance Act), and*
7 *other applicable entities. Such guidance shall include infor-*
8 *mation related to processes by which to request access to*
9 *the contents of the Strategic National Stockpile, factors con-*
10 *sidered by the Secretary when making deployment or dis-*
11 *tribution decisions, and processes and points of contact*
12 *through which entities may contact the Secretary to address*
13 *any issues related to products requested or received by such*
14 *entity from the stockpile, and on other relevant topics.*

15 (b) *ANNUAL MEETINGS.*—Section 319F–2(a)(3) of the
16 *Public Health Service Act (42 U.S.C. 247d–6b(a)(3)) is*
17 *amended—*

18 (1) *in subparagraph (I), by striking “and” at*
19 *the end;*

20 (2) *in subparagraph (J), by striking the period*
21 *at the end and inserting “; and”; and*

22 (3) *by adding at the end the following:*

23 “(K) *convene meetings, not less than once*
24 *per year, with representatives from State, local,*
25 *and Tribal health departments or officials, rel-*

3338

1 *evant industries, other Federal agencies, and*
2 *other appropriate stakeholders, in a manner that*
3 *does not compromise national security, to coordi-*
4 *nate and share information related to mainte-*
5 *nance and use of the stockpile, including a de-*
6 *scription of future countermeasure needs and ad-*
7 *ditions, modifications, and replenishments of the*
8 *contents of the stockpile, and considerations re-*
9 *lated to the manufacturing and procurement of*
10 *products consistent with the requirements of the*
11 *with the requirements of chapter 83 of title 41,*
12 *United States Code (commonly referred to as the*
13 *‘Buy American Act’), as appropriate.”.*

14 **SEC. 2405. IMPROVING SUPPLY CHAIN FLEXIBILITY FOR**
15 **THE STRATEGIC NATIONAL STOCKPILE.**

16 (a) *IN GENERAL.*—Section 319F–2 of the Public
17 *Health Service Act (42 U.S.C. 247d–6b) is amended—*

18 (1) *in subsection (a)—*

19 (A) *in paragraph (3)(F), by striking “as re-*
20 *quired by the Secretary of Homeland Security”*
21 *and inserting “at the discretion of the Secretary,*
22 *in consultation with, or at the request of, the*
23 *Secretary of Homeland Security,”;*

24 (B) *by redesignating paragraphs (5) and*
25 *(6) as paragraphs (6) and (7), respectively;*

3339

1 (C) by inserting after paragraph (4) the fol-
2 lowing:

3 “(5) *VENDOR-MANAGED INVENTORY AND WARM-*
4 *BASE SURGE CAPACITY.*—

5 “(A) *IN GENERAL.*—For the purposes of
6 maintaining the stockpile under paragraph (1)
7 and carrying out procedures under paragraph
8 (3), the Secretary may enter into contracts or co-
9 operative agreements with vendors, which may
10 include manufacturers or distributors of medical
11 products, with respect to medical products in-
12 tended to be delivered to the ownership of the
13 Federal Government. Each such contract or coop-
14 erative agreement shall be subject to such terms
15 and conditions as the Secretary may specify, in-
16 cluding terms and conditions with respect to—

17 “(i) procurement, maintenance, stor-
18 age, and delivery of products, in alignment
19 with inventory management and other ap-
20 plicable best practices, under such contract
21 or cooperative agreement, which may con-
22 sider, as appropriate, costs of transporting
23 and handling such products; or

24 “(ii) maintenance of domestic manu-
25 facturing capacity and capabilities of such

† **HR 2617 EAS2**

3340

1 *products to ensure additional reserved pro-*
2 *duction capacity and capabilities are avail-*
3 *able, and that such capacity and capabili-*
4 *ties are able to support the rapid manufac-*
5 *ture, purchase, storage, and delivery of such*
6 *products, as required by the Secretary to*
7 *prepare for, or respond to, an existing or*
8 *potential public health emergency.*

9 “(B) *REPORT.*—*Not later than 2 years after*
10 *the date of enactment of the PREVENT*
11 *Pandemics Act, and annually thereafter, the Sec-*
12 *retary shall submit to the Committee on Health,*
13 *Education, Labor, and Pensions and the Com-*
14 *mittee on Appropriations of the Senate and the*
15 *Committee on Energy and Commerce and the*
16 *Committee on Appropriations of the House of*
17 *Representatives a report on any contracts or co-*
18 *operative agreements entered into under sub-*
19 *paragraph (A) for purposes of establishing and*
20 *maintaining vendor-managed inventory or re-*
21 *serve manufacturing capacity and capabilities*
22 *for products intended for the stockpile, including*
23 *a description of—*

24 “(i) *the amount of each award;*

25 “(ii) *the recipient of each award;*

3341

1 “(iii) the product or products covered
2 through each award; and

3 “(iv) how the Secretary works with
4 each recipient to ensure situational aware-
5 ness related to the manufacturing capacity
6 for, or inventory of, such products and co-
7 ordinates the distribution and deployment
8 of such products, as appropriate and appli-
9 cable.”; and

10 (D) in subparagraph (A) of paragraph (6),
11 as so redesignated—

12 (i) in clause (viii), by striking “; and”
13 and inserting a semicolon;

14 (ii) in clause (ix), by striking the pe-
15 riod and inserting “; and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(x) with respect to reports issued in
19 2027 or any subsequent year, an assessment
20 of selected contracts or cooperative agree-
21 ments entered into pursuant to paragraph
22 (5).”; and

23 (2) in subsection (c)(2)(C), by striking “on an
24 annual basis” and inserting “not later than March
25 15 of each year”.

† HR 2617 EAS2

3342

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
2 319F–2(f)(1) of the Public Health Service Act (42 U.S.C.
3 247d–6b(f)(1)) is amended by striking “\$610,000,000 for
4 each of fiscal years 2019 through 2023” and inserting
5 “\$610,000,000 for each of fiscal years 2019 through 2021,
6 and \$750,000,000 for each of fiscal years 2022 and 2023”.

7 **SEC. 2406. REIMBURSEMENT FOR CERTAIN SUPPLIES.**

8 Paragraph (7) of section 319F–2(a) of the Public
9 Health Service Act (42 U.S.C. 247d–6b(a)), as so redesign-
10 nated by section 405(a)(1)(B), is amended to read as fol-
11 lows:

12 “(7) *REIMBURSEMENT FOR CERTAIN SUP-*
13 *PLIES.*—

14 “(A) *IN GENERAL.*—The Secretary may, at
15 appropriate intervals, make available for pur-
16 chase excess contents procured for, and main-
17 tained within, the stockpile under paragraph (1)
18 to any Federal agency or State, local, or Tribal
19 government. The Secretary shall make such con-
20 tents available for purchase only if—

21 “(i) such contents are in excess of what
22 is required for appropriate maintenance of
23 such stockpile;

24 “(ii) the Secretary determines that the
25 costs for maintaining such excess contents

3343

1 *are not appropriate to expend to meet the*
2 *needs of the stockpile; and*

3 “(iii) the Secretary determines that
4 such action does not compromise national
5 security and is in the national interest.

6 “(B) REIMBURSEMENT AND COLLECTION.—
7 The Secretary may require reimbursement for
8 contents that are made available under subpara-
9 graph (A), in an amount that reflects the cost of
10 acquiring and maintaining such contents and
11 the costs incurred to make available such con-
12 tents in the time and manner specified by the
13 Secretary. Amounts collected under this sub-
14 section shall be credited to the appropriations ac-
15 count or fund that incurred the costs to procure
16 such contents, and shall remain available, with-
17 out further appropriation, until expended, for
18 the purposes of the appropriation account or
19 fund so credited.

20 “(C) RULE OF CONSTRUCTION.—This para-
21 graph shall not be construed to preclude transfers
22 of contents in the stockpile under other authori-
23 ties.

24 “(D) REPORT.—Not later than 2 years after
25 the date of enactment of the PREVENT

3344

1 *Pandemics Act, and annually thereafter, the Sec-*
2 *retary shall submit to the Committee on Health,*
3 *Education, Labor, and Pensions and the Com-*
4 *mittee on Appropriations of the Senate and the*
5 *Committee on Energy and Commerce and the*
6 *Committee on Appropriations of the House of*
7 *Representatives a report on the use of the author-*
8 *ity provided under this paragraph, including de-*
9 *tails of each action taken pursuant to this para-*
10 *graph, the account or fund to which any collected*
11 *amounts have been credited, and how the Sec-*
12 *retary has used such amounts.*

13 “(E) *SUNSET.*—*The authority under this*
14 *paragraph shall terminate on September 30,*
15 *2028.”.*

16 **SEC. 2407. ACTION REPORTING ON STOCKPILE DEPLETION.**

17 *Section 319 of the Public Health Service Act (42*
18 *U.S.C. 247d), as amended by section 2223, is further*
19 *amended by adding at the end the following:*

20 “(h) *STOCKPILE DEPLETION REPORTING.*—*The Sec-*
21 *retary shall, not later than 30 days after the deployment*
22 *of contents of the Strategic National Stockpile under section*
23 *319F–2(a) to respond to a public health emergency declared*
24 *by the Secretary under this section or an emergency or*
25 *major disaster declared by the President under the Robert*

3345

1 *T. Stafford Disaster Relief and Emergency Assistance Act,*
2 *and every 30 days thereafter until the expiration or termi-*
3 *nation of such public health emergency, emergency, or*
4 *major disaster, submit a report to the Committee on Health,*
5 *Education, Labor, and Pensions and the Committee on Ap-*
6 *propriations of the Senate and the Committee on Energy*
7 *and Commerce and the Committee on Appropriations of the*
8 *House of Representatives on—*

9 “(1) the deployment of the contents of the stock-
10 pile in response to State, local, and Tribal requests;

11 “(2) the amount of such products that remain
12 within the stockpile following such deployment; and

13 “(3) plans to replenish such products, as appro-
14 priate, including related timeframes and any barriers
15 or limitations to replenishment.”.

16 **SEC. 2408. PROVISION OF MEDICAL COUNTERMEASURES TO**
17 **INDIAN PROGRAMS AND FACILITIES.**

18 (a) *CLARIFICATION.*—Section 319F–2(a)(3) of the
19 *Public Health Service Act (42 U.S.C. 247d–6b(a)(3)) is*
20 *amended—*

21 (1) in subparagraph (C), by striking “and local”
22 and inserting “local, and Tribal”; and

23 (2) in subparagraph (J), by striking “and
24 local” and inserting “local, and Tribal”.

3346

1 (b) *DISTRIBUTION OF MEDICAL COUNTERMEASURES*
2 *TO INDIAN TRIBES.*—*Title III of the Public Health Service*
3 *Act (42 U.S.C. 241 et seq.) is amended by inserting after*
4 *section 319F–4 the following:*

5 **“SEC. 319F–5. PROVISION OF MEDICAL COUNTERMEASURES**
6 **TO INDIAN PROGRAMS AND FACILITIES.**

7 *“In the event that the Secretary deploys the contents*
8 *of the Strategic National Stockpile under section 319F–*
9 *2(a), or otherwise distributes medical countermeasures to*
10 *States to respond to a public health emergency declared by*
11 *the Secretary under section 319, the Secretary shall, in con-*
12 *sultation with the applicable States, make such contents or*
13 *countermeasures directly available to Indian Tribes and*
14 *Tribal organizations (as such terms are defined in section*
15 *4 of the Indian Self-Determination and Education Assist-*
16 *ance Act (25 U.S.C. 5304), which may include through*
17 *health programs or facilities operated by the Indian Health*
18 *Service, that are affected by such public health emergency.”.*

19 **SEC. 2409. GRANTS FOR STATE STRATEGIC STOCKPILES.**

20 (a) *Section 319F–2 of the Public Health Service Act*
21 *(42 U.S.C. 247d–6b) is amended by adding at the end the*
22 *following:*

23 *“(i) PILOT PROGRAM TO SUPPORT STATE MEDICAL*
24 *STOCKPILES.—*

3347

1 “(1) *IN GENERAL.*—*The Secretary, in consulta-*
2 *tion with the Assistant Secretary for Preparedness*
3 *and Response and the Director of the Centers for Dis-*
4 *ease Control and Prevention, shall award grants or*
5 *cooperative agreements to not fewer than 5 States, or*
6 *consortia of States, with consideration given to dis-*
7 *tribution among the geographical regions of the*
8 *United States, to establish, expand, or maintain a*
9 *stockpile of appropriate drugs, vaccines and other bio-*
10 *logical products, medical devices, and other medical*
11 *supplies determined by the State to be necessary to re-*
12 *spond to a public health emergency declared by the*
13 *Governor of a State or by the Secretary under section*
14 *319, or a major disaster or emergency declared by the*
15 *President under section 401 or 501, respectively, of*
16 *the Robert T. Stafford Disaster Relief and Emergency*
17 *Assistance Act, in order to support the preparedness*
18 *goals described in paragraphs (2) through (6) and (8)*
19 *of section 2802(b). A recipient of such an award may*
20 *not use award funds to support the stockpiling of se-*
21 *curity countermeasures (as defined in subsection*
22 *(c)(1), unless the eligible entity provides justification*
23 *for maintaining such countermeasures and the Sec-*
24 *retary determines such justification is appropriate*
25 *and applicable.*

3348

1 “(2) *REQUIREMENTS.*—

2 “(A) *APPLICATION.*—*To be eligible to re-*
3 *ceive an award under paragraph (1), an entity*
4 *shall prepare, in consultation with appropriate*
5 *health care entities and health officials within*
6 *the jurisdiction of such State or States, and sub-*
7 *mit to the Secretary an application that con-*
8 *tains such information as the Secretary may re-*
9 *quire, including—*

10 “(i) *a plan for such stockpile, con-*
11 *sistent with paragraph (4), including—*

12 “(I) *a description of the activities*
13 *such entity will carry out under the*
14 *agreement;*

15 “(II) *an assurance that such enti-*
16 *ty will use funds under such award in*
17 *alignment with the requirements of*
18 *chapter 83 of title 41, United States*
19 *Code (commonly referred to as the*
20 *‘Buy American Act’); and*

21 “(III) *an outline of proposed ex-*
22 *penses; and*

23 “(ii) *a description of how such entity*
24 *will coordinate with relevant entities in re-*
25 *ceipt of an award under section 319C–1 or*

† HR 2617 EAS2

3349

1 319C–2 pursuant to paragraph (4), includ-
2 ing through promoting alignment between
3 the stockpile plan established pursuant to
4 clause (i) and applicable plans that are es-
5 tablished by such entity pursuant to section
6 319C–1 or 319C–2.

7 “(B) *MATCHING FUNDS.*—

8 “(i) *Subject to clause (ii), the Sec-*
9 *retary may not make an award under this*
10 *subsection unless the applicant agrees, with*
11 *respect to the costs to be incurred by the ap-*
12 *plicant in carrying out the purpose de-*
13 *scribed in this subsection, to make available*
14 *non-Federal contributions toward such costs*
15 *in an amount equal to—*

16 “(I) *for each of fiscal years 2023*
17 *and 2024, not less than \$1 for each*
18 *\$20 of Federal funds provided in the*
19 *award; and*

20 “(II) *for fiscal year 2025 and*
21 *each fiscal year thereafter, not less*
22 *than \$1 for each \$10 of Federal funds*
23 *provided in the award.*

24 “(ii) *WAIVER.*—*The Secretary may,*
25 *upon the request of a State, waive the re-*

3350

1 *quirement under clause (i), in whole or in*
2 *part, if the Secretary determines that ex-*
3 *traordinary economic conditions in the*
4 *State in the fiscal year involved or in the*
5 *previous fiscal year justify the waiver. A*
6 *waiver provided by the Secretary under this*
7 *subparagraph shall apply only to the fiscal*
8 *year involved.*

9 “(C) *ADMINISTRATIVE EXPENSES.*—*Not*
10 *more than 10 percent of amounts received by an*
11 *entity pursuant to an award under this sub-*
12 *section may be used for administrative expenses.*

13 “(3) *LEAD ENTITY.*—*An entity in receipt of an*
14 *award under paragraph (1) may designate a lead en-*
15 *tity, which may be a public or private entity, as ap-*
16 *propriate, to manage the stockpile at the direction of*
17 *the State or consortium of States.*

18 “(4) *USE OF FUNDS.*—*An entity in receipt of an*
19 *award under paragraph (1) shall use such funds to—*

20 “(A) *purchase, store, and maintain a stock-*
21 *pile of appropriate drugs, vaccines and other bi-*
22 *ological products, medical devices, and other*
23 *medical supplies to be used during a public*
24 *health emergency, major disaster, or emergency*
25 *described in paragraph (1), in such numbers,*

3351

1 *types, and amounts as the entity determines nec-*
2 *essary, consistent with such entity's stockpile*
3 *plan established pursuant to paragraph*
4 *(2)(A)(i);*

5 *“(B) deploy the stockpile as required by the*
6 *entity to respond to an actual or potential public*
7 *health emergency, major disaster, or other emer-*
8 *gency described in paragraph (1);*

9 *“(C) replenish and make necessary addi-*
10 *tions or modifications to the contents of such*
11 *stockpile, including to address potential deple-*
12 *tion;*

13 *“(D) in consultation with Federal, State,*
14 *and local officials, take into consideration the*
15 *availability, deployment, dispensing, and ad-*
16 *ministration requirements of medical products*
17 *within the stockpile;*

18 *“(E) ensure that procedures are followed for*
19 *inventory management and accounting, and for*
20 *the physical security of the stockpile, as appro-*
21 *priate;*

22 *“(F) review and revise, as appropriate, the*
23 *contents of the stockpile on a regular basis to en-*
24 *sure that, to the extent practicable, new tech-*
25 *nologies and medical products are considered;*

3352

1 “(G) carry out exercises, drills, and other
2 training for purposes of stockpile deployment,
3 dispensing, and administration of medical prod-
4 ucts, and for purposes of assessing the capability
5 of such stockpile to address the medical supply
6 needs of public health emergencies, major disas-
7 ters, or other emergencies described in paragraph
8 (1) of varying types and scales, which may be
9 conducted in accordance with requirements re-
10 lated to exercises, drills, and other training for
11 recipients of awards under section 319C–1 or
12 319C–2, as applicable; and

13 “(H) carry out other activities related to the
14 State strategic stockpile as the entity determines
15 appropriate, to support State efforts to prepare
16 for, and respond to, public health threats.

17 “(5) SUPPLEMENT NOT SUPPLANT.—Awards
18 under paragraph (1) shall supplement, not supplant,
19 the maintenance and use of the Strategic National
20 Stockpile by the Secretary under subsection (a).

21 “(6) GUIDANCE FOR STATES.—Not later than
22 180 days after the date of enactment of this sub-
23 section, the Secretary, in consultation with States,
24 health officials, and other relevant stakeholders, as ap-
25 propriate, shall issue guidance, and update such guid-

3353

1 *ance as appropriate, for States related to maintain-*
2 *ing and replenishing a stockpile of medical products,*
3 *which may include strategies and best practices re-*
4 *lated to—*

5 *“(A) types of medical products and medical*
6 *supplies that are critical to respond to public*
7 *health emergencies, and may be appropriate for*
8 *inclusion in a stockpile by States, with consider-*
9 *ation of threats that require the large-scale and*
10 *simultaneous deployment of stockpiles, including*
11 *the stockpile maintained by the Secretary pursu-*
12 *ant to subsection (a), and long-term public*
13 *health and medical response needs;*

14 *“(B) appropriate management of the con-*
15 *tents of a stockpile, including management by*
16 *vendors of reserve amounts of medical products*
17 *and supplies intended to be delivered to the own-*
18 *ership of the State and appropriate disposition*
19 *of excess products, as applicable; and*

20 *“(C) the procurement of medical products*
21 *and medical supplies consistent with the require-*
22 *ments of chapter 83 of title 41, United States*
23 *Code (commonly referred to as the ‘Buy Amer-*
24 *ican Act’).*

3354

1 “(7) *TECHNICAL ASSISTANCE.*—*The Secretary*
2 *shall provide assistance to States, including technical*
3 *assistance, as appropriate, in establishing, maintain-*
4 *ing, improving, and utilizing a medical stockpile, in-*
5 *cluding appropriate inventory management and dis-*
6 *position of products.*

7 “(8) *REPORTING.*—

8 “(A) *STATE REPORTS.*—*Each entity receiv-*
9 *ing an award under paragraph (1) shall update,*
10 *as appropriate, the plan established pursuant to*
11 *paragraph (2)(A)(i) and submit to the Secretary*
12 *an annual report on implementation of such*
13 *plan, including any changes to the contents of*
14 *the stockpile supported under such award. The*
15 *Secretary shall use information obtained from*
16 *such reports to inform the maintenance and*
17 *management of the Strategic National Stockpile*
18 *pursuant to subsection (a).*

19 “(B) *REPORTS TO CONGRESS.*—*Not later*
20 *than 1 year after the initial issuance of awards*
21 *pursuant to paragraph (1), and annually there-*
22 *after for the duration of the program established*
23 *under this subsection, the Secretary shall submit*
24 *to the Committee on Health, Education, Labor,*
25 *and Pensions and the Committee on Appropria-*

3355

1 *tions of the Senate and the Committee on Energy*
2 *and Commerce and the Committee on Appro-*
3 *priations of the House of Representatives a re-*
4 *port on such program, including—*

5 “(i) *Federal and State expenditures to*
6 *support stockpiles under such program;*

7 “(ii) *activities conducted pursuant to*
8 *paragraph (4); and*

9 “(iii) *any additional information from*
10 *the States that the Secretary determines rel-*
11 *evant.*

12 “(9) *AUTHORIZATION OF APPROPRIATIONS.—To*
13 *carry out this subsection, there is authorized to be ap-*
14 *propriated \$3,500,000,000 for each of fiscal years*
15 *2023 and 2024, to remain available until expended.”.*

16 (b) *GAO REPORT.—Not later than 3 years after the*
17 *date on which awards are first issued pursuant to sub-*
18 *section (i)(1) of section 319F–2 of the Public Health Service*
19 *Act (42 U.S.C. 247d–6b), as added by subsection (a), the*
20 *Comptroller General of the United States shall submit to*
21 *the Committee on Health, Education, Labor, and Pensions*
22 *of the Senate and the Committee on Energy and Commerce*
23 *of the House of Representatives a report on the State stock-*
24 *piles established or maintained pursuant to this section.*
25 *Such report shall include an assessment of—*

3356

1 (1) *coordination and communication between the*
2 *Secretary of Health and Human Services and entities*
3 *in receipt of an award under this section, or a lead*
4 *entity designated by such entity;*

5 (2) *technical assistance provided by the Sec-*
6 *retary of Health and Human Services to such enti-*
7 *ties; and*

8 (3) *the impact of such stockpiles on the ability*
9 *of the State to prepare for and respond to a public*
10 *health emergency, major disaster, or other emergency*
11 *described in subsection (i)(1) of section 319F–2 of the*
12 *Public Health Service Act (42 U.S.C. 247d–6b), as*
13 *added by subsection (a), including the availability*
14 *and distribution of items from such State stockpile to*
15 *health care entities and other applicable entities.*

16 **SEC. 2410. STUDY ON INCENTIVES FOR DOMESTIC PRODUC-**
17 **TION OF GENERIC MEDICINES.**

18 (a) *IN GENERAL.*—*The Secretary of Health and*
19 *Human Services (referred to in this section as the “Sec-*
20 *retary”), acting through the Assistant Secretary for Plan-*
21 *ning and Evaluation of the Department of Health and*
22 *Human Services shall—*

23 (1) *conduct a study on the feasibility, including*
24 *related to sustainment, and potential effectiveness,*
25 *and utility of providing incentives for increased do-*

3357

1 *mestic production and capacity of specified generic*
2 *medicines and their active pharmaceutical ingredi-*
3 *ents, which may include through applicable nonprofit*
4 *or for-profit private entities; and*

5 *(2) not later than 1 year after the date of enact-*
6 *ment of this Act, submit a report on such study to the*
7 *Committee on Health, Education, Labor, and Pen-*
8 *sions of the Senate and the Committee on Energy and*
9 *Commerce of the House of Representatives.*

10 *(b) SPECIFIED GENERIC MEDICINE.—In this section,*
11 *the term “specified generic medicine” means a generic drug*
12 *approved under section 505(j) of the Food, Drug, and Cos-*
13 *metic Act (21 U.S.C. 355(j)) that is —*

14 *(1) used to prevent, mitigate, or treat a serious*
15 *or life-threatening disease or condition, or used in a*
16 *common procedure that could be life-threatening with-*
17 *out such medicine;*

18 *(2) an antibiotic or antifungal used to treat a se-*
19 *rious or life threatening infectious disease;*

20 *(3) critical to the public health during a public*
21 *health emergency; or*

22 *(4) life-supporting, life-sustaining, or intended*
23 *for use in the prevention or treatment of a debili-*
24 *tating disease or condition.*

3358

1 **SEC. 2411. INCREASED MANUFACTURING CAPACITY FOR**
2 **CERTAIN CRITICAL ANTIBIOTIC DRUGS.**

3 (a) *PROGRAM.*—

4 (1) *IN GENERAL.*—*The Secretary, in consultation*
5 *with the Assistant Secretary for Preparedness and*
6 *Response and Commissioner of Food and Drugs, may*
7 *award contracts to increase the domestic manufac-*
8 *turing capacity of certain antibiotic drugs with iden-*
9 *tified supply chain vulnerabilities, or the active phar-*
10 *maceutical ingredient or key starting material of such*
11 *antibiotic drugs.*

12 (2) *ELIGIBLE ENTITIES.*—*To be eligible to re-*
13 *ceive an award under this subsection, an entity*
14 *shall—*

15 (A) *be a manufacturer that is in compli-*
16 *ance with, or demonstrates capability to comply*
17 *with, the relevant requirements of the Federal*
18 *Food, Drug, and Cosmetic Act (21 U.S.C. 301 et*
19 *seq.); and*

20 (B) *prepare and submit to the Secretary an*
21 *application at such time, and in such manner,*
22 *and containing such information as the Sec-*
23 *retary may require, including—*

24 (i) *a description of proposed activities*
25 *to be supported by an award under this*

3359

1 *subsection to increase manufacturing capac-*
2 *ity for such antibiotic drug or drugs;*

3 *(ii) the antibiotic drug or drugs, or re-*
4 *lated active pharmaceutical ingredients or*
5 *key starting materials for such drug or*
6 *drugs, that such entity intends to manufac-*
7 *ture with any increased manufacturing ca-*
8 *capacity supported by an award under this*
9 *subsection;*

10 *(iii) any additional products such in-*
11 *creased manufacturing capacity could be*
12 *used to manufacture;*

13 *(iv) a description of the current supply*
14 *chain for such antibiotic drugs, including*
15 *any existing and applicable manufacturing*
16 *facilities, known vulnerabilities in the sup-*
17 *ply chain, known or potential supply limi-*
18 *tations, such as foreign export restrictions,*
19 *or subsidies from foreign governments, as*
20 *applicable;*

21 *(v) a description of how such entity*
22 *may use advanced or flexible manufacturing*
23 *in carrying out the terms of an award*
24 *under this subsection; and*

3360

1 (vi) a strategic plan regarding the
2 maintenance, operation, and sustainment of
3 such increased manufacturing capacity fol-
4 lowing the expiration of a contract under
5 this subsection.

6 (3) *USE OF FUNDS.*—A recipient of an award
7 under this subsection shall use such funds to build, ex-
8 pand, upgrade, modify, or recommission a facility lo-
9 cated in the United States, which may include the
10 purchase or upgrade of equipment, as applicable, to
11 support increased manufacturing capacity of certain
12 antibiotic drugs for which supply chain
13 vulnerabilities exist, or the active pharmaceutical in-
14 gredient or key starting material of such antibiotic
15 drugs.

16 (4) *REPORTS.*—An entity in receipt of an award
17 under this subsection shall submit to the Secretary
18 such reports as the Secretary may require related to
19 increasing domestic manufacturing capacity of anti-
20 biotic drugs pursuant to a contract under this sub-
21 section, including actions taken to implement the
22 strategic plan required under paragraph (2)(B)(vi).

23 (5) *CONTRACT TERMS.*—The following shall
24 apply to a contract to support increased domestic
25 manufacturing capacity under this subsection:

3361

1 (A) *MILESTONE-BASED PAYMENTS.*—*The*
2 *Secretary may provide payment, including ad-*
3 *vance payment or partial payment for signifi-*
4 *cant milestones, if the Secretary makes a deter-*
5 *mination that such payment is necessary and*
6 *appropriate.*

7 (B) *REPAYMENT.*—*The contract shall pro-*
8 *vide that such payment is required to be repaid*
9 *if there is a failure to perform by the manufac-*
10 *turer under the contract; if the specified mile-*
11 *stones are reached, an advance or partial pay-*
12 *ment shall not be required to be repaid.*

13 (C) *CONTRACT DURATION.*—

14 (i) *IN GENERAL.*—*Each contract shall*
15 *be for a period not to exceed 5 years.*

16 (ii) *NON-RENEWABILITY.*—*A contract*
17 *shall not be renewable.*

18 (iii) *NOTIFICATIONS OF EXTENSIONS*
19 *AND TERMINATIONS.*—*If the Secretary de-*
20 *cides to terminate a contract prior to its ex-*
21 *piration, the Secretary shall notify the*
22 *manufacturer within 90 days of such deter-*
23 *mination.*

24 (D) *ADDITIONAL TERMS.*—*The Secretary, in*
25 *any contract under this subsection—*

3362

1 (i) *may specify—*

2 (I) *the amount of funding that*
3 *will be dedicated by the Secretary for*
4 *supporting increased manufacturing*
5 *capacity under such contract; and*

6 (II) *the amount of manufacturing*
7 *capacity that such eligible entity must*
8 *meet; and*

9 (ii) *shall provide a clear statement of*
10 *defined Federal Government purpose lim-*
11 *ited to uses related to increasing domestic*
12 *manufacturing capacity for antibiotic drugs*
13 *to address identified supply chain*
14 *vulnerabilities and challenges to estab-*
15 *lishing and maintaining domestic manufac-*
16 *turing capacity.*

17 (E) *SUSTAINMENT.—Each contract shall*
18 *provide for the eligible entity to update the stra-*
19 *tegic plan required under paragraph (2)(B)(vi)*
20 *throughout the duration of such contract, as re-*
21 *quired by the Secretary.*

22 (b) *REPORT.—Not later than 2 years after the date*
23 *of enactment of this Act and every year thereafter until the*
24 *termination or expiration of all such contracts, the Sec-*
25 *retary shall submit to the Committee on Health, Education,*

3363

1 *Labor, and Pensions of the Senate and the Committee on*
2 *Energy and Commerce of the House of Representatives a*
3 *report on any activities supported under subsection (a), in-*
4 *cluding—*

5 *(1) the antibiotic drugs for which the Secretary*
6 *prioritized awards under subsection (a), including a*
7 *description of how the Secretary consulted with stake-*
8 *holders to inform such prioritization;*

9 *(2) information regarding each contract awarded*
10 *pursuant to subsection (a), including—*

11 *(A) the recipient of each such contract, in-*
12 *cluding any recipients of a subaward;*

13 *(B) the milestone and performance require-*
14 *ments pursuant to each such contract;*

15 *(C) the duration of each such contract;*

16 *(D) the amount of funding provided by the*
17 *Secretary pursuant to each such contract, in-*
18 *cluding any advanced or partial payments;*

19 *(E) the antibiotic drugs supported through*
20 *each such contract, including a description of the*
21 *medical necessity of each such antibiotic drug*
22 *and any supply chain vulnerabilities, limita-*
23 *tions, and related characteristics identified pur-*
24 *suant to subsection (a)(2)(B)(iv) for each such*
25 *antibiotic drug; and*

3364

1 (F) the amount of increased manufacturing
2 capacity for such antibiotic drug that each such
3 contract supports; and

4 (3) a description of how such contracts address
5 supply chain vulnerabilities, including increasing
6 manufacturing capacity of antibiotic drugs in the
7 United States; and

8 (4) a description of the strategic plan submitted
9 pursuant to subsection (a)(2)(B)(vi) by each recipient
10 of an award under subsection (a).

11 (c) *RULE OF CONSTRUCTION.*—Nothing in this section
12 shall be construed—

13 (1) to limit, directly or indirectly, or otherwise
14 impact the private distribution, purchase, or sale of
15 antibiotic drugs or active pharmaceutical ingredients
16 or key starting materials; or

17 (2) to authorize the Secretary to disclose any in-
18 formation that is a trade secret, or other privileged or
19 confidential information subject to section 552(b)(4)
20 of title 5, United States Code, or section 1905 of title
21 18, United States Code.

22 (d) *DEFINITIONS.*—For purposes of this section:

23 (1) *ACTIVE PHARMACEUTICAL INGREDIENT.*—The
24 term “active pharmaceutical ingredient” has the
25 meaning given such term in section 744A of the Fed-

3365

1 *eral Food, Drug, and Cosmetic Act (21 U.S.C. 379j–*
2 *41).*

3 (2) *ANTIBIOTIC DRUG.*—*The term “antibiotic*
4 *drug” means an antibacterial or antifungal drug ap-*
5 *proved by the Food and Drug Administration under*
6 *section 505(j) of the Federal Food, Drug, and Cos-*
7 *metic Act (21 U.S.C. 355(j)) that is of significant*
8 *priority to providing health care and is medically*
9 *necessary to have available at all times in an amount*
10 *adequate to serve patient needs.*

11 (3) *KEY STARTING MATERIAL.*—*The term “key*
12 *starting material” means any component of a drug*
13 *that the Secretary determines to be necessary to the*
14 *safety and effectiveness of the drug.*

15 (4) *SECRETARY.*—*The term “Secretary” means*
16 *the Secretary of Health and Human Services.*

17 (e) *SUNSET.*—*The authority to enter into new con-*
18 *tracts under this section shall cease to be effective 3 years*
19 *after the date of enactment of this Act, and, beginning on*
20 *the date that is 8 years after the date of enactment of this*
21 *Act, this section shall have no force or effect.*

3366

1 ***Subtitle E—Enhancing Development and Combating Shortages***
2 ***of Medical Products***
3

4 ***CHAPTER 1—DEVELOPMENT AND REVIEW***

5 ***SEC. 2501. ACCELERATING COUNTERMEASURE DEVELOP-***
6 ***MENT AND REVIEW.***

7 *Section 565 of the Federal Food, Drug, and Cosmetic*
8 *Act (21 U.S.C. 360bbb–4) is amended by adding at the end*
9 *the following:*

10 *“(h) ACCELERATING COUNTERMEASURE DEVELOP-*
11 *MENT AND REVIEW DURING AN EMERGENCY.—*

12 *“(1) ACCELERATION OF COUNTERMEASURE DE-*
13 *VELOPMENT AND REVIEW.—The Secretary may, at the*
14 *request of the sponsor of a countermeasure, during a*
15 *domestic, military, or public health emergency or ma-*
16 *terial threat described in section 564A(a)(1)(C), expe-*
17 *dite the development and review of countermeasures*
18 *that are intended to address such domestic, military,*
19 *or public health emergency or material threat for ap-*
20 *proval, licensure, clearance, or authorization under*
21 *this title or section 351 of the Public Health Service*
22 *Act.*

23 *“(2) ACTIONS.—The actions to expedite the de-*
24 *velopment and review of a countermeasure under*
25 *paragraph (1) may include the following:*

3367

1 “(A) *Expedited review of submissions made*
2 *by sponsors of countermeasures to the Food and*
3 *Drug Administration, including rolling submis-*
4 *sions of countermeasure applications and other*
5 *submissions.*

6 “(B) *Expedited and increased engagement*
7 *with sponsors regarding countermeasure develop-*
8 *ment and manufacturing, including—*

9 “(i) *holding meetings with the sponsor*
10 *and the review team and providing timely*
11 *advice to, and interactive communication*
12 *with, the sponsor regarding the development*
13 *of the countermeasure to ensure that the de-*
14 *velopment program to gather the nonclin-*
15 *ical and clinical data necessary for ap-*
16 *proval, licensure, clearance, or authoriza-*
17 *tion is as efficient as practicable;*

18 “(ii) *involving senior managers and*
19 *experienced review staff, as appropriate, in*
20 *a collaborative, cross-disciplinary review;*

21 “(iii) *assigning a cross-disciplinary*
22 *project lead for the review team to facilitate;*

23 “(iv) *taking steps to ensure that the de-*
24 *sign of the clinical trials is as efficient as*
25 *practicable, when scientifically appropriate,*

3368

1 *such as by minimizing the number of pa-*
2 *tients exposed to a potentially less effica-*
3 *cious treatment; and*

4 *“(v) streamlining the review of ap-*
5 *proved, licensed, cleared, or authorized*
6 *countermeasures to treat or prevent new or*
7 *emerging threats, including the review of*
8 *any changes to such countermeasures.*

9 *“(C) Expedited issuance of guidance docu-*
10 *ments and publication of other regulatory infor-*
11 *mation regarding countermeasure development*
12 *and manufacturing.*

13 *“(D) Other steps to expedite the develop-*
14 *ment and review of a countermeasure applica-*
15 *tion submitted for approval, licensure, clearance,*
16 *or authorization, as the Secretary determines ap-*
17 *propriate.*

18 *“(3) LIMITATION OF EFFECT.—Nothing in this*
19 *subsection shall be construed to require the Secretary*
20 *to grant, or take any other action related to, a request*
21 *of a sponsor to expedite the development and review*
22 *of a countermeasure for approval, licensure, clear-*
23 *ance, or authorization under paragraph (1).”.*

3369

1 **SEC. 2502. THIRD PARTY TEST EVALUATION DURING EMER-**
2 **GENCIES.**

3 (a) *IN GENERAL.*—Section 565 of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended
5 by section 2501, is further amended by adding at the end
6 the following:

7 “(i) *THIRD PARTY EVALUATION OF TESTS USED DUR-*
8 *ING AN EMERGENCY.*—

9 “(1) *IN GENERAL.*—For purposes of conducting
10 evaluations regarding whether an *in vitro* diagnostic
11 product (as defined in section 809.3 of title 21, Code
12 of Federal Regulations (or any successor regulations))
13 for which a request for emergency use authorization
14 is submitted under section 564 meets the criteria for
15 issuance of such authorization, the Secretary may, as
16 appropriate, consult with persons with appropriate
17 expertise with respect to such evaluations or enter
18 into cooperative agreements or contracts with such
19 persons under which such persons conduct such eval-
20 uations and make such recommendations, including,
21 as appropriate, evaluations and recommendations re-
22 garding the scope of authorization and conditions of
23 authorization.

24 “(2) *REQUIREMENTS REGARDING EVALUATIONS*
25 *AND RECOMMENDATIONS.*—

3370

1 “(A) *IN GENERAL.*—*In evaluating and*
2 *making recommendations to the Secretary re-*
3 *garding the validity, accuracy, and reliability of*
4 *in vitro diagnostic products, as described in*
5 *paragraph (1), a person shall consider and docu-*
6 *ment whether the relevant criteria under sub-*
7 *section (c)(2) of section 564 for issuance of au-*
8 *thorization under such section are met with re-*
9 *spect to the in vitro diagnostic product.*

10 “(B) *WRITTEN RECOMMENDATIONS.*—*Rec-*
11 *ommendations made by a person under this sub-*
12 *section shall be submitted to the Secretary in*
13 *writing, and shall include the reasons for such*
14 *recommendation and other information that may*
15 *be requested by the Secretary.*

16 “(3) *RULE OF CONSTRUCTION.*—*Nothing in this*
17 *subsection shall be construed to require the Secretary*
18 *to consult with, or enter into cooperative agreements*
19 *or contracts with, persons as described in paragraph*
20 *(1) for purposes of authorizing an in vitro diagnostic*
21 *product or otherwise affecting the emergency use au-*
22 *thorization authorities under this section or section*
23 *564.”.*

24 “(b) *GUIDANCE.*—*Not later than 1 year after the date*
25 *of enactment of this Act, the Secretary of Health and*

3371

1 *Human Services (referred to in this subsection as the “Sec-*
2 *retary”) shall issue draft guidance on consultations with*
3 *persons under subsection (i) of section 565 of the Federal*
4 *Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as*
5 *added by subsection (a), including considerations con-*
6 *cerning conflicts of interest, compensation arrangements,*
7 *and information sharing. Not later than 1 year after the*
8 *public comment period on such draft guidance ends, the*
9 *Secretary shall issue a revised draft guidance or final guid-*
10 *ance.*

11 **SEC. 2503. PLATFORM TECHNOLOGIES.**

12 *(a) IN GENERAL.—Chapter V of the Federal Food,*
13 *Drug, and Cosmetic Act is amended by inserting after sec-*
14 *tion 506J of such Act (21 U.S.C. 356j) the following:*

15 **“SEC. 506K. PLATFORM TECHNOLOGIES.**

16 *“(a) IN GENERAL.—The Secretary shall establish a*
17 *program for the designation of platform technologies that*
18 *meet the criteria described in subsection (b).*

19 *“(b) CRITERIA.—A platform technology incorporated*
20 *within or utilized by a drug or biological product is eligible*
21 *for designation as a designated platform technology under*
22 *this section if—*

23 *“(1) the platform technology is incorporated in,*
24 *or utilized by, a drug approved under section 505 of*

3372

1 *this Act or a biological product licensed under section*
2 *351 of the Public Health Service Act;*

3 “(2) *preliminary evidence submitted by the spon-*
4 *sor of the approved or licensed drug described in*
5 *paragraph (1), or a sponsor that has been granted a*
6 *right of reference to data submitted in the application*
7 *for such drug, demonstrates that the platform tech-*
8 *nology has the potential to be incorporated in, or uti-*
9 *lized by, more than one drug without an adverse effect*
10 *on quality, manufacturing, or safety; and*

11 “(3) *data or information submitted by the appli-*
12 *cable person under paragraph (2) indicates that in-*
13 *corporation or utilization of the platform technology*
14 *has a reasonable likelihood to bring significant effi-*
15 *ciencies to the drug development or manufacturing*
16 *process and to the review process.*

17 “(c) *REQUEST FOR DESIGNATION.*—A person may re-
18 *quest the Secretary designate a platform technology as a*
19 *designated platform technology concurrently with, or at any*
20 *time after, submission under section 505(i) of this Act or*
21 *section 351(a)(3) of the Public Health Service Act for the*
22 *investigation of a drug that incorporates or utilizes the*
23 *platform technology that is the subject of the request.*

24 “(d) *DESIGNATION.*—

3373

1 “(1) *IN GENERAL.*—Not later than 90 calendar
2 days after the receipt of a request under subsection
3 (c), the Secretary shall determine whether the plat-
4 form technology that is the subject of the request meets
5 the criteria described in subsection (b).

6 “(2) *DESIGNATION.*—If the Secretary determines
7 that the platform technology meets the criteria de-
8 scribed in subsection (b), the Secretary shall designate
9 the platform technology as a designated platform tech-
10 nology and may expedite the development and review
11 of any subsequent application submitted under section
12 505(b) of this Act or section 351(a) of the Public
13 Health Service Act for a drug that uses or incor-
14 porates the platform technology pursuant to sub-
15 section (e), as appropriate.

16 “(3) *DETERMINATION NOT TO DESIGNATE.*—If
17 the Secretary determines that the platform technology
18 does not meet the criteria under subsection (b), the
19 Secretary shall include with the determination not to
20 designate the technology a written description of the
21 rationale for such determination.

22 “(4) *REVOCATION OF DESIGNATION.*—The Sec-
23 retary may revoke a designation made under para-
24 graph (2), if the Secretary determines that the des-
25 ignated platform technology no longer meets the cri-

3374

1 *teria described in subsection (b). The Secretary shall*
2 *communicate the determination to revoke a designa-*
3 *tion to the requesting sponsor in writing, including a*
4 *description of the rationale for such determination.*

5 *“(5) APPLICABILITY.—Nothing in this section*
6 *shall prevent a product that uses or incorporates a*
7 *designated platform technology from being eligible for*
8 *expedited approval pathways if it is otherwise eligible*
9 *under this Act or the Public Health Service Act.*

10 *“(e) ACTIONS.—The Secretary may take actions to ex-*
11 *pedite the development and review of an application for a*
12 *drug that incorporates or utilizes a designated platform*
13 *technology, including—*

14 *“(1) engaging in early interactions with the*
15 *sponsor to discuss the use of the designated platform*
16 *technology and what is known about such technology,*
17 *including data previously submitted that is relevant*
18 *to establishing, as applicable, safety or efficacy under*
19 *section 505(b) of this Act or safety, purity, or potency*
20 *under section 351(a) of the Public Health Service Act;*

21 *“(2) providing timely advice to, and interactive*
22 *communication with, the sponsor regarding the devel-*
23 *opment of the drug that proposes to use the designated*
24 *platform technology to ensure that the development*
25 *program designed to gather data necessary for ap-*

3375

1 *proval or licensure is as efficient as practicable,*
2 *which may include holding meetings with the sponsor*
3 *and the review team throughout the development of*
4 *the drug; and*

5 *“(3) considering inspectional findings, including*
6 *prior findings, related to the manufacture of a drug*
7 *that incorporates or utilizes the designated platform*
8 *technology.*

9 *“(f) LEVERAGING DATA FROM DESIGNATED PLAT-*
10 *FORM TECHNOLOGIES.—The Secretary shall, consistent*
11 *with applicable standards for approval, authorization, or*
12 *licensure under this Act and section 351(a) of the Public*
13 *Health Service Act, allow the sponsor of an application*
14 *under section 505(b) of this Act or section 351(a) of the*
15 *Public Health Service Act or a request for emergency use*
16 *authorization under section 564, in order to support ap-*
17 *proval, licensure, or authorization, to reference or rely upon*
18 *data and information within an application or request for*
19 *a drug or biological product that incorporates or utilizes*
20 *the same platform technology designated under subsection*
21 *(d), provided that—*

22 *“(1) such data and information was submitted*
23 *by the same sponsor, pursuant to the application for*
24 *the drug with respect to which designation of the des-*

3376

1 *ignated platform technology under subsection (d) was*
2 *granted; or*

3 *“(2) the sponsor relying on such data and infor-*
4 *mation received a right of reference to such data and*
5 *information from the sponsor described in paragraph*
6 *(1).*

7 *“(g) CHANGES TO A DESIGNATED PLATFORM TECH-*
8 *NOLOGY.—A sponsor of more than one application ap-*
9 *proved under section 505(b) of this Act or section 351(a)*
10 *of the Public Health Service Act for drugs that incorporate*
11 *or utilize a designated platform technology may submit a*
12 *single supplemental application for proposed changes to the*
13 *designated platform technology that may be applicable to*
14 *more than one such drug that incorporates or utilizes the*
15 *same designated platform technology. Such supplemental*
16 *application may cross-reference data and information sub-*
17 *mitted in other applications and may include one or more*
18 *comparability protocols regarding how such changes to the*
19 *platform technology would be made for each applicable drug*
20 *or biological product.*

21 *“(h) DEFINITIONS.—For purposes of this section:*

22 *“(1) The term ‘platform technology’ means a*
23 *well-understood and reproducible technology, which*
24 *may include a nucleic acid sequence, molecular struc-*
25 *ture, mechanism of action, delivery method, vector, or*

3377

1 *a combination of any such technologies that the Sec-*
2 *retary determines to be appropriate, that the sponsor*
3 *demonstrates—*

4 “(A) is incorporated in or utilized by a
5 *drug or biological product and is essential to the*
6 *structure or function of such drug or biological*
7 *product;*

8 “(B) can be adapted for, incorporated into,
9 *or utilized by, more than one drug or biological*
10 *product sharing common structural elements;*
11 *and*

12 “(C) facilitates the manufacture or develop-
13 *ment of more than one drug or biological product*
14 *through a standardized production or manufac-*
15 *turing process or processes.*

16 “(2) The term ‘designated platform technology’
17 *means a platform technology that is designated as a*
18 *platform technology under subsection (d).*

19 “(i) *RULE OF CONSTRUCTION.—Nothing in this sec-*
20 *tion shall be construed to—*

21 “(1) *alter the authority of the Secretary to ap-*
22 *prove drugs pursuant to section 505 of this Act or li-*
23 *cence biological products pursuant to section 351 of*
24 *the Public Health Service Act, including standards of*

3378

1 *evidence and applicable conditions for approval or li-*
2 *censure under the applicable Act; or*

3 *“(2) confer any new rights with respect to the*
4 *permissibility of a sponsor of an application for a*
5 *drug product or biological product referencing infor-*
6 *mation contained in another application submitted*
7 *by the holder of an approved application under sec-*
8 *tion 505(c) of this Act or of a license under section*
9 *351(a) of the Public Health Service Act.”.*

10 *(b) GUIDANCE.—Not later than 1 year after the date*
11 *of enactment of this Act, the Secretary of Health and*
12 *Human Services (referred to in this section as the “Sec-*
13 *retary”)* *shall issue draft guidance on the implementation*
14 *of this section. Such guidance shall include examples of*
15 *drugs that can be manufactured using platform tech-*
16 *nologies, including drugs that contain or consist of vectors*
17 *and nucleic acids, information about the Secretary’s review*
18 *of platform technologies, information regarding submitting*
19 *for designation, considerations for persons submitting a re-*
20 *quest for designation who have been granted a right of ref-*
21 *erence, the implementation of the designated platform tech-*
22 *nology designation program, efficiencies that may be*
23 *achieved in the development and review of products that*
24 *incorporate or utilize designated platform technologies, and*
25 *recommendations and requirements for making and report-*

3379

1 *ing manufacturing changes to a designated platform tech-*
2 *nology in accordance with section 506K(g) of the Federal*
3 *Food, Drug, and Cosmetic Act (as added by subsection (a))*
4 *and section 506A of such Act (21 U.S.C. 356a), as applica-*
5 *ble.*

6 (c) *REPORT.*—*Not later than September 30, 2026, and*
7 *annually thereafter until September 30, 2029, the Secretary*
8 *shall issue a report to the Committee on Health, Education,*
9 *Labor, and Pensions of the Senate and the Committee on*
10 *Energy and Commerce of the House of Representatives that*
11 *shall include—*

12 (1) *the number of requests for designation under*
13 *the program under section 506K of the Federal Food,*
14 *Drug, and Cosmetic Act, as added by subsection (a);*

15 (2) *the number of designations under such pro-*
16 *gram issued, active, and revoked;*

17 (3) *the resources required to carry out such pro-*
18 *gram (including the review time used for full-time*
19 *equivalent employees);*

20 (4) *any efficiencies gained in the development,*
21 *manufacturing, and review processes associated with*
22 *such designations; and*

23 (5) *recommendations, if any, to strengthen the*
24 *program to better leverage platform technologies that*
25 *can be used in more than one drug and meet patient*

3380

1 *needs in a manner as timely as possible, taking into*
2 *consideration the resources available to the Secretary*
3 *of Health and Human Services for carrying out such*
4 *program.*

5 **SEC. 2504. INCREASING EUA DECISION TRANSPARENCY.**

6 *Section 564(h) of the Federal Food, Drug, and Cos-*
7 *metic Act (21 U.S.C. 360bbb–3(h)) is amended—*

8 *(1) in paragraph (1)—*

9 *(A) by inserting “on the internet website of*
10 *the Food and Drug Administration and” after*
11 *“promptly publish”;*

12 *(B) by striking “application under section*
13 *505(i), 512(j), or 520(g), even if such summary*
14 *may indirectly reveal the existence of such appli-*
15 *cation” and inserting “application, request, or*
16 *submission under this section or section 505(b),*
17 *505(i), 505(j), 512(b), 512(j), 512(n), 515,*
18 *510(k), 513(f)(2), 520(g), 520(m), 571, or 572 of*
19 *this Act, or section 351(a) or 351(k) of the Public*
20 *Health Service Act, even if such summary may*
21 *reveal the existence of such an application, re-*
22 *quest, or submission, or data contained in such*
23 *application, request, or submission”;* and

24 *(C) by inserting before the period at the end*
25 *of the second sentence the following: “, which*

3381

1 *may include a summary of the data and infor-*
2 *mation supporting such revisions”; and*

3 *(2) in paragraph (2), by adding at the end the*
4 *following: “Information made publicly available by*
5 *the Secretary in accordance with paragraph (1) shall*
6 *be considered a disclosure authorized by law for pur-*
7 *poses of section 1905 of title 18, United States Code”.*

8 **SEC. 2505. IMPROVING FDA GUIDANCE AND COMMUNICA-**
9 **TION.**

10 *(a) FDA REPORT AND IMPLEMENTATION OF GOOD*
11 *GUIDANCE PRACTICES.—The Secretary of Health and*
12 *Human Services (referred to in this section as the “Sec-*
13 *retary”) shall develop, and publish on the website of the*
14 *Food and Drug Administration—*

15 *(1) a report identifying best practices for the ef-*
16 *ficient prioritization, development, issuance, and use*
17 *of guidance documents, within centers, across the*
18 *Food and Drug Administration, and across other ap-*
19 *plicable agencies; and*

20 *(2) a plan for implementation of such best prac-*
21 *tices, including across other applicable agencies,*
22 *which shall address—*

23 *(A) streamlining development and review of*
24 *guidance documents within centers and across*
25 *the Food and Drug Administration;*

3382

1 (B) streamlining processes for regulatory
2 submissions to the Food and Drug Administra-
3 tion, including through the revision or issuance
4 of guidance documents; and

5 (C) implementing innovative guidance de-
6 velopment processes and practices and
7 transitioning or updating guidance issued dur-
8 ing the COVID–19 public health emergency, as
9 appropriate.

10 (b) *REPORT AND IMPLEMENTATION OF FDA BEST*
11 *PRACTICES FOR COMMUNICATING WITH EXTERNAL STAKE-*
12 *HOLDERS.*—*The Secretary, acting through the Commis-*
13 *sioner of Food and Drugs, shall develop and publish on the*
14 *website of the Food and Drug Administration a report on*
15 *the practices of the Food and Drug Administration to*
16 *broadly communicate with external stakeholders, other than*
17 *through guidance documents, which shall include—*

18 (1) *a review of the types and methods of public*
19 *communication that the Food and Drug Administra-*
20 *tion uses to communicate and interact with medical*
21 *product sponsors and other external stakeholders;*

22 (2) *the identification of best practices for the effi-*
23 *cient development, issuance, and use of such commu-*
24 *nications; and*

3383

1 (3) a plan for implementation of best practices
2 for communication with external stakeholders, which
3 shall address—

4 (A) advancing the use of innovative forms
5 of communication, including novel document
6 types and formats, to provide increased regu-
7 latory clarity to product sponsors and other
8 stakeholders, and advancing methods of commu-
9 nicating and interacting with medical product
10 sponsors and other external stakeholders, includ-
11 ing the use of tools such as product submission
12 templates, webinars, and frequently asked ques-
13 tions communications;

14 (B) streamlining processes for regulatory
15 submissions; and

16 (C) implementing innovative communica-
17 tion development processes and transitioning or
18 updating communication practices used during
19 the COVID–19 public health emergency, as ap-
20 propriate.

21 (c) CONSULTATION.—In developing and publishing the
22 report and implementation plan under this section, the Sec-
23 retary shall consult with stakeholders, including research-
24 ers, academic organizations, pharmaceutical, biotechnology,
25 and medical device developers, clinical research organiza-

3384

1 tions, clinical laboratories, health care providers, patient
2 groups, and other appropriate stakeholders.

3 (d) *MANNER OF ISSUANCE.*— For purposes of carrying
4 out this section, the Secretary may update an existing re-
5 port or plan, and may combine the reports and implemen-
6 tation plans described in subsections (a) and (b) into one
7 or more documents.

8 (e) *TIMING.*—The Secretary shall—

9 (1) not later than 1 year after the date of enact-
10 ment of this Act, publish a draft of the reports and
11 plans required under this section; and

12 (2) not later than 180 days after publication of
13 the draft reports and plans under paragraph (1)—

14 (A) publish a final report and plan; and

15 (B) begin implementation of the best prac-
16 tices pursuant to such final plan.

17 **CHAPTER 2—MITIGATING SHORTAGES**

18 **SEC. 2511. ENSURING REGISTRATION OF FOREIGN DRUG**

19 **AND DEVICE MANUFACTURERS.**

20 (a) *REGISTRATION OF CERTAIN FOREIGN ESTABLISH-*
21 *MENTS.*—Section 510(i) of the Federal Food, Drug, and
22 Cosmetic Act (21 U.S.C. 360(i)) is amended by adding at
23 the end the following:

24 “(5) The requirements of paragraphs (1) and (2) shall
25 apply regardless of whether the drug or device undergoes

3385

1 *further manufacture, preparation, propagation,*
2 *compounding, or processing at a separate establishment*
3 *outside the United States prior to being imported or offered*
4 *for import into the United States.”.*

5 (b) *UPDATING REGULATIONS.—Not later than 2 years*
6 *after the date of enactment of this Act, the Secretary of*
7 *Health and Human Services shall update regulations, as*
8 *appropriate, to implement the amendment made by sub-*
9 *section (a).*

10 **SEC. 2512. EXTENDING EXPIRATION DATES FOR CERTAIN**
11 **DRUGS.**

12 (a) *IN GENERAL.—Not later than 1 year after the date*
13 *of enactment of this Act, the Secretary of Health and*
14 *Human Services (referred to in this section as the “Sec-*
15 *retary”)* shall issue draft guidance, or revise existing guid-
16 *ance, to address recommendations for sponsors of applica-*
17 *tions submitted under section 505 of the Federal Food,*
18 *Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of*
19 *the Public Health Service Act (42 U.S.C. 262) regarding—*

20 (1) *the submission of stability testing data in*
21 *such applications, including considerations for data*
22 *requirements that could be streamlined or reduced to*
23 *facilitate faster review of longer proposed expiration*
24 *dates;*

3386

1 (2) *establishing in the labeling of drugs the long-*
2 *est feasible expiration date scientifically supported by*
3 *such data, taking into consideration how extended ex-*
4 *piration dates may—*

5 *(A) help prevent or mitigate drug shortages;*
6 *and*

7 *(B) affect product quality; and*

8 (3) *the use of innovative approaches for drug*
9 *and combination product stability modeling to sup-*
10 *port initial product expiration dates and expiration*
11 *date extensions.*

12 (b) *REPORT.—Not later than 2 years after the date*
13 *of enactment of this Act, and again 2 years thereafter, the*
14 *Secretary shall submit to the Committee on Health, Edu-*
15 *cation, Labor, and Pensions of the Senate and the Com-*
16 *mittee on Energy and Commerce of the House of Represent-*
17 *atives a report that includes—*

18 *(1) the number of drugs for which the Secretary*
19 *has requested the manufacturer make a labeling*
20 *change regarding the expiration date; and*

21 *(2) for each drug for which the Secretary has re-*
22 *quested a labeling change with respect to the expira-*
23 *tion date, information regarding the circumstances of*
24 *such request, including—*

25 *(A) the name and dose of such drug;*

3387

1 (B) the rationale for the request;

2 (C) whether the drug, at the time of the re-
3 quest, was listed on the drug shortage list under
4 section 506E of the Federal Food, Drug, and
5 Cosmetic Act (21 U.S.C. 356e), or was at risk of
6 shortage;

7 (D) whether the request was made in con-
8 nection with a public health emergency declared
9 under section 319 of the Public Health Service
10 Act (42 U.S.C. 247d); and

11 (E) whether the manufacturer made the re-
12 quested change by the requested date, and for in-
13 stances where the manufacturer does not make
14 the requested change, the manufacturer's jus-
15 tification for not making the change, if the man-
16 ufacturer agrees to provide such justification for
17 inclusion in the report.

18 **SEC. 2513. COMBATING COUNTERFEIT DEVICES.**

19 (a) *PROHIBITED ACTS.*—Section 301 of the Federal
20 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended
21 by adding at the end the following:

22 “(fff)(1) Forging, counterfeiting, simulating, or falsely
23 representing, or without proper authority using any mark,
24 stamp, tag, label, or other identification upon any device

3388

1 *or container, packaging, or labeling thereof so as to render*
2 *such device a counterfeit device.*

3 “(2) *Making, selling, disposing of, or keeping in posses-*
4 *sion, control, or custody, or concealing any punch, die,*
5 *plate, stone, or other thing designed to print, imprint, or*
6 *reproduce the trademark, trade name, or other identifying*
7 *mark or imprint of another or any likeness of any of the*
8 *foregoing upon any device or container, packaging, or label-*
9 *ing thereof so as to render such device a counterfeit device.*

10 “(3) *The doing of any act which causes a device to*
11 *be a counterfeit device, or the sale or dispensing, or the hold-*
12 *ing for sale or dispensing, of a counterfeit device.”.*

13 (b) *PENALTIES.—Section 303 of the Federal Food,*
14 *Drug, and Cosmetic Act (21 U.S.C. 333) is amended—*

15 (1) *in subsection (b)(8), by inserting “, or who*
16 *violates section 301(fff)(3) by knowingly making, sell-*
17 *ing or dispensing, or holding for sale or dispensing,*
18 *a counterfeit device,” after “a counterfeit drug”; and*

19 (2) *in subsection (c), by inserting “; or (6) for*
20 *having violated section 301(fff)(2) if such person*
21 *acted in good faith and had no reason to believe that*
22 *use of the punch, die, plate, stone, or other thing in-*
23 *volved would result in a device being a counterfeit de-*
24 *vice, or for having violated section 301(fff)(3) if the*
25 *person doing the act or causing it to be done acted*

3389

1 *in good faith and had no reason to believe that the*
2 *device was a counterfeit device” before the period.*

3 (c) *SEIZURE.*—Section 304(a)(2) of the Federal Food,
4 *Drug, and Cosmetic Act (21 U.S.C. 334(a)(2)) is amend-*
5 *ed—*

6 (1) *by striking “, and (E)” and inserting “,*
7 *(E)”;* and

8 (2) *by inserting “, (F) Any device that is a*
9 *counterfeit device, (G) Any container, packaging, or*
10 *labeling of a counterfeit device, and (H) Any punch,*
11 *die, plate, stone, labeling, container, or other thing*
12 *used or designed for use in making a counterfeit de-*
13 *vice or devices” before the period.*

14 **SEC. 2514. PREVENTING MEDICAL DEVICE SHORTAGES.**

15 (a) *NOTIFICATIONS.*—Section 506J of the Federal
16 *Food, Drug, and Cosmetic Act (21 U.S.C. 356j) is amend-*
17 *ed—*

18 (1) *in subsection (f), by inserting “or (h)” after*
19 *“subsection (a)”;*

20 (2) *by redesignating subsections (h) and (i) as*
21 *subsections (i) and (j), respectively; and*

22 (3) *by inserting after subsection (g) the fol-*
23 *lowing:*

24 “(h) *ADDITIONAL NOTIFICATIONS.*—The Secretary
25 *may receive voluntary notifications from a manufacturer*

3390

1 *of a device that is life-supporting, life-sustaining, or in-*
2 *tended for use in emergency medical care or during surgery,*
3 *or any other device the Secretary determines to be critical*
4 *to the public health, pertaining to a permanent discontinu-*
5 *ance in the manufacture of the device (except for any dis-*
6 *continuation as a result of an approved modification of the*
7 *device) or an interruption of the manufacture of the device*
8 *that is likely to lead to a meaningful disruption in the sup-*
9 *ply of that device in the United States, and the reasons*
10 *for such discontinuance or interruption.”.*

11 *(b) GUIDANCE ON VOLUNTARY NOTIFICATIONS OF DIS-*
12 *CONTINUANCE OR INTERRUPTION OF DEVICE MANUFAC-*
13 *TURE.—Not later than 1 year after the date of enactment*
14 *of this Act, the Secretary shall issue draft guidance to facili-*
15 *tate voluntary notifications under subsection (h) of section*
16 *506J of the Federal Food, Drug, and Cosmetic Act (21*
17 *U.S.C. 356j), as added by subsection (a). Such guidance*
18 *shall include a description of circumstances in which a vol-*
19 *untary notification under such subsection (h) may be ap-*
20 *propriate, recommended timeframes for such a notification,*
21 *the process for receiving such a notification, and actions*
22 *the Secretary may take to mitigate or prevent a shortage*
23 *resulting from a discontinuance or interruption in the*
24 *manufacture of a device for which such notification is re-*
25 *ceived. The Secretary shall issue final guidance not later*

3391

1 *than 1 year after the close of the comment period for the*
2 *draft guidance.*

3 (c) *GUIDANCE ON DEVICE SHORTAGE NOTIFICATION*
4 *REQUIREMENT.*—*Not later than 1 year after the date of en-*
5 *actment of this Act, the Secretary shall issue or revise draft*
6 *guidance regarding requirements under section 506J of the*
7 *Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356j).*
8 *Such guidance shall include a list of each device product*
9 *code for which a manufacturer of such device is required*
10 *to notify the Secretary in accordance with section 506J.*

11 **SEC. 2515. TECHNICAL CORRECTIONS.**

12 (a) *TECHNICAL CORRECTIONS TO THE CARES ACT.*—
13 *Division A of the CARES Act (Public Law 116–136) is*
14 *amended—*

15 (1) *in section 3111(1), by striking “in para-*
16 *graph (1)” and inserting “in the matter preceding*
17 *paragraph (1)”;*

18 (2) *in section 3112(d)(1), by striking “and sub-*
19 *paragraphs (A) and (B)” and inserting “as subpara-*
20 *graphs (A) and (B)”;* and

21 (3) *in section 3112(e), by striking “Federal*
22 *Food, Drug, Cosmetic Act” and inserting “Federal*
23 *Food, Drug, and Cosmetic Act”.*

3392

1 (b) *TECHNICAL CORRECTIONS TO THE FEDERAL*
2 *FOOD, DRUG, AND COSMETIC ACT RELATED TO THE*
3 *CARES ACT.*—

4 (1) *SECTION 506C.*—*Section 506C(a) of the Fed-*
5 *eral Food, Drug, and Cosmetic Act (21 U.S.C.*
6 *356c(a)) is amended, in the flush text at the end, by*
7 *striking the second comma after “in the United*
8 *States”.*

9 (2) *EFFECTIVE DATE.*—*The amendment made by*
10 *paragraph (1) shall take effect as if included in sec-*
11 *tion 3112 of division A of the CARES Act (Public*
12 *Law 116–136).*

13 (c) *OTHER TECHNICAL CORRECTION TO THE FEDERAL*
14 *FOOD, DRUG, AND COSMETIC ACT.*—*Section 505B(f)(6)(I)*
15 *of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
16 *355c(f)(6)(I)) is amended by striking “subsection*
17 *(a)(3)(B)” and inserting “subsection (a)(4)(C)”.*

18 ***TITLE III—FOOD AND DRUG***
19 ***ADMINISTRATION***

20 ***SEC. 3001. SHORT TITLE.***

21 *This title may be cited as the “Food and Drug Omni-*
22 *bus Reform Act of 2022”.*

3393

1 **SEC. 3002. DEFINITION.**

2 *In this title, except as otherwise specified, the term*
3 *“Secretary” means the Secretary of Health and Human*
4 *Services.*

5 **Subtitle A—Reauthorizations**

6 **SEC. 3101. REAUTHORIZATION OF THE CRITICAL PATH PUB-**
7 **LIC-PRIVATE PARTNERSHIP.**

8 *Section 566(f) of the Federal Food, Drug, and Cos-*
9 *metic Act (21 U.S.C. 360bbb–5(f)) is amended by striking*
10 *“\$1,265,753 for the period beginning on October 1, 2022*
11 *and ending on December 23, 2022” and inserting*
12 *“\$6,000,000 for each of fiscal years 2023 through 2027”.*

13 **SEC. 3102. REAUTHORIZATION OF THE BEST PHARMA-**
14 **CEUTICALS FOR CHILDREN PROGRAM.**

15 *Section 409I(d)(1) of the Public Health Service Act*
16 *(42 U.S.C. 284m(d)(1)) is amended by striking “\$5,273,973*
17 *for the period beginning on October 1, 2022 and ending*
18 *on December 23, 2022” and inserting “\$25,000,000 for each*
19 *of fiscal years 2023 through 2027”.*

20 **SEC. 3103. REAUTHORIZATION OF THE HUMANITARIAN DE-**
21 **VICE EXEMPTION INCENTIVE.**

22 *Section 520(m)(6)(A)(iv) of the Federal Food, Drug,*
23 *and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended*
24 *by striking “December 24, 2022” and inserting “October*
25 *1, 2027”.*

3394

1 **SEC. 3104. REAUTHORIZATION OF THE PEDIATRIC DEVICE**
2 **CONSORTIA PROGRAM.**

3 *Section 305(e) of the Food and Drug Administration*
4 *Amendments Act of 2007 (Public Law 110–85; 42 U.S.C.*
5 *282 note) is amended by striking “\$1,107,534 for the period*
6 *beginning on October 1, 2022, and ending on December 23,*
7 *2022” and inserting “\$7,000,000 for each of fiscal years*
8 *2023 through 2027”.*

9 **SEC. 3105. REAUTHORIZATION OF PROVISION PERTAINING**
10 **TO DRUGS CONTAINING SINGLE**
11 **ENANTIOMERS.**

12 *Section 505(u) of the Federal Food, Drug, and Cos-*
13 *metic Act (21 U.S.C. 355(u)) is amended—*

14 *(1) in paragraph (1)(A)(ii)(II), by adding*
15 *“(other than bioavailability studies)” after “any clin-*
16 *ical investigations”; and*

17 *(2) in paragraph (4), by striking “December 24,*
18 *2022” and inserting “October 1, 2027”.*

19 **SEC. 3106. REAUTHORIZATION OF CERTAIN DEVICE INSPEC-**
20 **TIONS.**

21 *Section 704(g)(11) of the Federal Food, Drug, and Cos-*
22 *metic Act (21 U.S.C. 374(g)(11)) is amended by striking*
23 *“December 24, 2022” and inserting “October 1, 2027”.*

24 **SEC. 3107. REAUTHORIZATION OF ORPHAN DRUG GRANTS.**

25 *Section 5 of the Orphan Drug Act (21 U.S.C. 360ee)*
26 *is amended—*

3395

1 (1) *in subsection (a)—*

2 (A) *by striking “and (3)” and inserting*

3 *“(3)”; and*

4 (B) *by inserting before the period at the end*

5 *the following: “, and (4) developing regulatory*

6 *science pertaining to the chemistry, manufac-*

7 *turing, and controls of individualized medical*

8 *products to treat individuals with rare diseases*

9 *or conditions”; and*

10 (2) *in subsection (c), by striking “\$6,328,767 for*

11 *the period beginning on October 1, 2022, and ending*

12 *on December 23, 2022” and inserting “\$30,000,000*

13 *for each of fiscal years 2023 through 2027”.*

14 **SEC. 3108. REAUTHORIZATION OF REPORTING REQUIRE-**

15 **MENTS RELATED TO PENDING GENERIC**

16 **DRUG APPLICATIONS AND PRIORITY REVIEW**

17 **APPLICATIONS.**

18 *Section 807 of the FDA Reauthorization Act of 2017*

19 *(Public Law 115–52) is amended, in the matter preceding*

20 *paragraph (1), by striking “December 23, 2022” and insert-*

21 *ing “October 1, 2027”.*

3396

1 **SEC. 3109. REAUTHORIZATION OF THIRD-PARTY REVIEW**
2 **PROGRAM.**

3 *Section 523(c) of the Federal Food, Drug, and Cos-*
4 *metic Act (21 U.S.C. 360m(c)) is amended by striking “De-*
5 *cember 24, 2022” and inserting “on October 1, 2027” .*

6 ***Subtitle B—Drugs and Biologics***
7 **CHAPTER 1—RESEARCH, DEVELOPMENT,**
8 **AND COMPETITION IMPROVEMENTS**

9 **SEC. 3201. PROMPT REPORTS OF MARKETING STATUS BY**
10 **HOLDERS OF APPROVED APPLICATIONS FOR**
11 **BIOLOGICAL PRODUCTS.**

12 *(a) IN GENERAL.—Section 506I of the Federal Food,*
13 *Drug, and Cosmetic Act (21 U.S.C. 356i) is amended—*

14 *(1) in subsection (a)—*

15 *(A) in the matter preceding paragraph (1),*
16 *by striking “The holder of an application ap-*
17 *proved under subsection (c) or (j) of section 505”*
18 *and inserting “The holder of an application ap-*
19 *proved under subsection (c) or (j) of section 505*
20 *of this Act or subsection (a) or (k) of section 351*
21 *of the Public Health Service Act”;*

22 *(B) in paragraph (2), by striking “estab-*
23 *lished name” and inserting “established name*
24 *(or, in the case of a biological product, the prop-*
25 *er name)”;* and

3397

1 (C) in paragraph (3), by striking “or abbrev-
2 viated application number” and inserting “, ab-
3 breviated application number, or biologics license
4 application number”; and
5 (2) in subsection (b)—

6 (A) in the matter preceding paragraph (1),
7 by striking “The holder of an application ap-
8 proved under subsection (c) or (j)” and inserting
9 “The holder of an application approved under
10 subsection (c) or (j) of section 505 of this Act or
11 subsection (a) or (k) of section 351 of the Public
12 Health Service Act”;

13 (B) in paragraph (1), by striking “estab-
14 lished name” and inserting “established name
15 (or, in the case of a biological product, the prop-
16 er name)”; and

17 (C) in paragraph (2), by striking “or abbrev-
18 viated application number” and inserting “, ab-
19 breviated application number, or biologics license
20 application number”.

21 (b) *ADDITIONAL ONE-TIME REPORT.*—Subsection (c)
22 of section 506I of the Federal Food, Drug, and Cosmetic
23 Act (21 U.S.C. 356i) is amended to read as follows:

24 “(c) *ADDITIONAL ONE-TIME REPORT.*—Within 180
25 days of the date of enactment of the Food and Drug Omni-

3398

1 *bus Reform Act of 2022, all holders of applications ap-*
2 *proved under subsection (a) or (k) of section 351 of the Pub-*
3 *lic Health Service Act shall review the information in the*
4 *list published under section 351(k)(9)(A) of the Public*
5 *Health Service Act and shall submit a written notice to*
6 *the Secretary—*

7 “(1) *stating that all of the application holder’s*
8 *biological products in the list published under such*
9 *section 351(k)(9)(A) that are not listed as discon-*
10 *tinued are available for sale; or*

11 “(2) *including the information required pursu-*
12 *ant to subsection (a) or (b), as applicable, for each of*
13 *the application holder’s biological products that are*
14 *in the list published under such section 351(k)(9)(A)*
15 *and not listed as discontinued, but have been discon-*
16 *tinued from sale or never have been available for*
17 *sale.”.*

18 *(c) PURPLE BOOK.—Section 506I of the Federal Food,*
19 *Drug, and Cosmetic Act (21 U.S.C. 356i) is amended—*

20 *(1) by striking subsection (d) and inserting the*
21 *following:*

22 “(d) *FAILURE TO MEET REQUIREMENTS.—If a holder*
23 *of an approved application fails to submit the information*
24 *required under subsection (a), (b), or (c), the Secretary*
25 *may—*

3399

1 “(1) move the application holder’s drugs from
2 the active section of the list published under section
3 505(j)(7)(A) to the discontinued section of the list, ex-
4 cept that the Secretary shall remove from the list in
5 accordance with section 505(j)(7)(C) drugs the Sec-
6 retary determines have been withdrawn from sale for
7 reasons of safety or effectiveness; and

8 “(2) identify the application holder’s biological
9 products as discontinued in the list published under
10 section 351(k)(9)(A) of the Public Health Service Act,
11 except that the Secretary shall remove from the list in
12 accordance with section 351(k)(9)(B) of such Act bio-
13 logical products for which the license has been revoked
14 or suspended for reasons of safety, purity, or po-
15 tency.”; and

16 (2) in subsection (e)—

17 (A) by inserting after the first sentence the
18 following: “The Secretary shall update the list
19 published under section 351(k)(9)(A) of the Pub-
20 lic Health Service Act based on information pro-
21 vided under subsections (a), (b), and (c) by iden-
22 tifying as discontinued biological products that
23 are not available for sale, except that biological
24 products for which the license has been revoked
25 or suspended for safety, purity, or potency rea-

3400

1 *sons shall be removed from the list in accordance*
2 *with section 351(k)(9)(B) of the Public Health*
3 *Service Act.”;*

4 *(B) by striking “monthly updates to the*
5 *list” and inserting “monthly updates to the lists*
6 *referred to in the preceding sentences”; and*

7 *(C) by striking “and shall update the list*
8 *based on” and inserting “and shall update such*
9 *lists based on”.*

10 *(d) TECHNICAL CORRECTIONS.—Section 506I(e) of the*
11 *Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356i(e))*
12 *is amended—*

13 *(1) by striking “subsection 505(j)(7)(A)” and in-*
14 *serting “section 505(j)(7)(A)”;* and

15 *(2) by striking “subsection 505(j)(7)(C)” and in-*
16 *serting “section 505(j)(7)(C)”.*

17 **SEC. 3202. IMPROVING THE TREATMENT OF RARE DISEASES**
18 **AND CONDITIONS.**

19 *(a) REPORT ON ORPHAN DRUG PROGRAM.—*

20 *(1) IN GENERAL.—Not later than September 30,*
21 *2026, the Secretary shall submit to the Committee on*
22 *Energy and Commerce of the House of Representa-*
23 *tives and the Committee on Health, Education,*
24 *Labor, and Pensions of the Senate a report summa-*
25 *rizing the activities of the Food and Drug Adminis-*

3401

1 *tration, with respect to the period of fiscal years 2023*
2 *through fiscal year 2025, related to designating drugs*
3 *under section 526 of the Federal Food, Drug, and*
4 *Cosmetic Act (21 U.S.C. 360bb) for a rare disease or*
5 *condition and approving such drugs under section*
6 *505 of such Act (21 U.S.C. 355) or licensing such*
7 *drugs under section 351 of the Public Health Service*
8 *Act (42 U.S.C. 262), including—*

9 *(A) the number of applications for such*
10 *drugs under section 505 of the Federal Food,*
11 *Drug, and Cosmetic Act (21 U.S.C. 355) or sec-*
12 *tion 351 of the Public Health Service Act (42*
13 *U.S.C. 262) received by the Food and Drug Ad-*
14 *ministration, the number of such applications*
15 *accepted and rejected for filing, and the numbers*
16 *of such applications pending, approved, and for*
17 *which a complete response letter has been issued*
18 *by the Food and Drug Administration;*

19 *(B) the number of applications for which*
20 *the sponsor requested written recommendations*
21 *pursuant to section 525 of the Federal Food,*
22 *Drug, and Cosmetic Act (21 U.S.C. 360aa) and*
23 *the number of such applications for which the*
24 *sponsor received such written recommendations;*

3402

1 (C) a description of trends in drug approv-
2 als for rare diseases and conditions across review
3 divisions at the Food and Drug Administration;

4 (D) the extent to which the Food and Drug
5 Administration is consulting with external ex-
6 perts pursuant to section 569(a)(2) of the Fed-
7 eral Food, Drug, and Cosmetic Act (21 U.S.C.
8 360bbb–8(a)(2)) on topics pertaining to drugs
9 for a rare disease or condition, including how
10 and when any such consultation is occurring;

11 (E) the number of applications for which
12 the Secretary allowed the sponsor to rely upon
13 data and information pursuant to section 529A
14 of the Federal Food, Drug, and Cosmetic Act (21
15 U.S.C. 360ff–1); and

16 (F) a description of the Food and Drug Ad-
17 ministration’s efforts to promote best practices in
18 the development of novel treatments for rare dis-
19 eases or conditions, including—

20 (i) reviewer training on policies, meth-
21 ods, and tools related to rare diseases and
22 conditions; and

23 (ii) new regulatory science and coordi-
24 nated support for patient and stakeholder
25 engagement.

3403

1 (2) *PUBLIC AVAILABILITY.*—*The Secretary shall*
2 *make the report under paragraph (1) available to the*
3 *public, including by posting the report on the website*
4 *of the Food and Drug Administration.*

5 (3) *INFORMATION DISCLOSURE.*—*Nothing in this*
6 *subsection shall be construed to authorize the disclo-*
7 *sure of information that is prohibited from disclosure*
8 *under section 301(j) of the Federal Food, Drug, and*
9 *Cosmetic Act (21 U.S.C. 331(j)) or section 1905 of*
10 *title 18, United States Code, or subject to withholding*
11 *under paragraph (4) of section 552(b) of title 5,*
12 *United States Code (commonly referred to as the*
13 *“Freedom of Information Act”).*

14 (b) *GUIDANCE.*—*Not later than 9 months after the date*
15 *of enactment of this Act, the Secretary shall publish final*
16 *guidance related to the draft guidance titled, “Rare Dis-*
17 *eases: Common Issues in Drug Development”, issued on*
18 *February 1, 2019.*

19 (c) *STUDY ON EUROPEAN UNION SAFETY AND EFFI-*
20 *CACY REVIEWS OF DRUGS FOR RARE DISEASES AND CON-*
21 *DITIONS.*—

22 (1) *IN GENERAL.*—*The Secretary shall enter into*
23 *a contract with the National Academies of Sciences,*
24 *Engineering, and Medicine (referred to in this section*
25 *as the “National Academies”) to conduct a study on*

3404

1 *processes for evaluating the safety and efficacy of*
2 *drugs for rare diseases or conditions in the United*
3 *States and the European Union, including—*

4 *(A) flexibilities, authorities, or mechanisms*
5 *available to regulators in the United States and*
6 *the European Union specific to rare diseases or*
7 *conditions;*

8 *(B) the consideration and use of supple-*
9 *mental data submitted during review processes*
10 *in the United States and the European Union,*
11 *including data associated with open label exten-*
12 *sion studies and expanded access programs spe-*
13 *cific to rare diseases or conditions;*

14 *(C) an assessment of collaborative efforts be-*
15 *tween United States and European Union regu-*
16 *lators related to—*

17 *(i) product development programs*
18 *under review;*

19 *(ii) policies under development and*
20 *those recently issued; and*

21 *(iii) scientific information related to*
22 *product development or regulation; and*

23 *(D) recommendations for how Congress can*
24 *support collaborative efforts described in sub-*
25 *paragraph (C).*

3405

1 (2) *CONSULTATION.*—*The contract under para-*
2 *graph (1) shall provide for consultation with relevant*
3 *stakeholders, including—*

4 (A) *representatives from the Food and Drug*
5 *Administration and the European Medicines*
6 *Agency;*

7 (B) *patients with rare diseases or condi-*
8 *tions; and*

9 (C) *patient groups that—*

10 (i) *represent patients with rare dis-*
11 *eases or conditions; and*

12 (ii) *have international patient out-*
13 *reach.*

14 (3) *REPORT.*—*The contract under paragraph (1)*
15 *shall provide for, not later than 2 years after the date*
16 *of entering into such contract—*

17 (A) *the completion of the study under para-*
18 *graph (1); and*

19 (B) *the submission of a report on the results*
20 *of such study to the Committee on Energy and*
21 *Commerce of the House of Representatives and*
22 *the Committee on Health, Education, Labor, and*
23 *Pensions of the Senate.*

24 (4) *PUBLIC AVAILABILITY.*—*The contract under*
25 *paragraph (1) shall provide for the National Acad-*

3406

1 *emies to make the report under paragraph (3) avail-*
2 *able to the public, including by posting the report on*
3 *the website of the National Academies.*

4 *(d) PUBLIC MEETING.—*

5 *(1) IN GENERAL.—Not later than December 31,*
6 *2023, the Secretary, acting through the Commissioner*
7 *of Food and Drugs, shall convene one or more public*
8 *meetings to solicit input from stakeholders regarding*
9 *the approaches described in paragraph (2).*

10 *(2) APPROACHES.—The public meeting or meet-*
11 *ings under paragraph (1) shall address approaches to*
12 *increasing and improving engagement with rare dis-*
13 *ease or condition patients, groups representing such*
14 *patients, rare disease or condition experts, and ex-*
15 *perts on small population studies, in order to improve*
16 *the understanding with respect to rare diseases or*
17 *conditions of—*

18 *(A) patient burden;*

19 *(B) treatment options; and*

20 *(C) side effects of treatments, including un-*
21 *derstanding the risks of side effects relative to the*
22 *health status of the patient and the progression*
23 *of the disease or condition.*

24 *(3) PUBLIC DOCKET.—The Secretary shall estab-*
25 *lish a public docket to receive written comments re-*

3407

1 *lated to the approaches addressed during each public*
2 *meeting under paragraph (1). Such public docket*
3 *shall remain open for 60 days following the date of*
4 *each such public meeting.*

5 *(4) REPORTS.—Not later than 180 days after*
6 *each public meeting under paragraph (1), the Com-*
7 *missioner of Food and Drugs shall develop and pub-*
8 *lish on the website of the Food and Drug Administra-*
9 *tion a report on—*

10 *(A) the approaches discussed at the public*
11 *meeting; and*

12 *(B) any related recommendations.*

13 *(e) CONSULTATION ON THE SCIENCE OF SMALL POPU-*
14 *LATION STUDIES.—Section 569(b) of the Federal Food,*
15 *Drug, and Cosmetic Act (21 U.S.C. 360bbb–8(b)) is amend-*
16 *ed—*

17 *(1) in paragraph (6), by striking “; and” and*
18 *inserting a semicolon;*

19 *(2) in paragraph (7), by striking the period and*
20 *inserting “; and”; and*

21 *(3) by adding at the end the following:*

22 *“(8) the science of small population studies.”.*

23 *(f) GAO REPORT.—*

24 *(1) IN GENERAL.—Not later than 18 months*
25 *after the date of enactment of this Act, the Comp-*

3408

1 *troller General of the United States shall submit to*
2 *the Committee on Health, Education, Labor, and*
3 *Pensions of the Senate and the Committee on Energy*
4 *and Commerce of the House of Representatives, a re-*
5 *port assessing the policies, practices, and programs of*
6 *the Food and Drug Administration with respect to*
7 *the review of applications for approval of drugs under*
8 *section 505 of the Federal Food, Drug, and Cosmetic*
9 *Act (21 U.S.C. 355) and licensing of biological prod-*
10 *ucts under section 351 of the Public Health Service*
11 *Act (42 U.S.C. 262) intended to treat rare diseases*
12 *and conditions.*

13 *(2) CONTENT OF REPORT.—The report under*
14 *paragraph (1) shall—*

15 *(A) describe the activities of the Food and*
16 *Drug Administration dedicated to the develop-*
17 *ment and review of drugs and biological prod-*
18 *ucts intended to treat rare diseases and condi-*
19 *tions under section 505 of the Federal Food,*
20 *Drug, and Cosmetic Act (21 U.S.C. 355) and*
21 *section 351 of the Public Health Service Act (42*
22 *U.S.C. 262);*

23 *(B) describe challenges with developing and*
24 *obtaining approval or licensure of drugs and bio-*
25 *logical products intended to treat rare diseases*

3409

1 *and conditions, such as challenges related to de-*
2 *signing and conducting clinical trials, clinical*
3 *trial subject recruitment and enrollment, study*
4 *endpoints, and ensuring data quality, assessing*
5 *the benefit-risk profile of drugs and biological*
6 *products intended to treat rare diseases and con-*
7 *ditions, and meeting requirements for approval*
8 *or licensure;*

9 *(C) assess the effectiveness of policies and*
10 *practices of the Food and Drug Administration*
11 *related to the review of applications for drugs*
12 *and biological products intended to treat rare*
13 *diseases and conditions, including—*

14 *(i) initiatives to support the develop-*
15 *ment and review of drugs and biological*
16 *products intended to treat rare diseases and*
17 *conditions, including initiatives related to*
18 *regulatory science, clinical trial design, sta-*
19 *tistical analysis, and other relevant topics;*

20 *(ii) consideration of relevant patient-*
21 *focused drug development data and infor-*
22 *mation, including patient experience data*
23 *and the views of patients, pursuant to sec-*
24 *tion 569C of the Federal Food, Drug, and*
25 *Cosmetic Act (21 U.S.C. 360bbb–8c);*

† HR 2617 EAS2

3410

1 (iii) training and other efforts to en-
2 sure the expertise of personnel of the Food
3 and Drug Administration regarding the re-
4 view of applications for drugs and biologi-
5 cal products intended to treat rare diseases
6 and conditions; and

7 (iv) consultations and engagement with
8 stakeholders and external experts pursuant
9 to section 569 of the Federal Food, Drug,
10 and Cosmetic Act (21 U.S.C. 360bbb–8);

11 (D) assess the extent to which the Food and
12 Drug Administration is applying the policies
13 and practices described in subparagraph (C)
14 consistently across review divisions, and the fac-
15 tors that influence the extent to which such ap-
16 plication is consistent; and

17 (E) include recommendations to address
18 challenges and deficiencies identified, including
19 recommendations to improve the effectiveness,
20 consistency, and coordination of policies, prac-
21 tices, and programs of the Food and Drug Ad-
22 ministration related to the review of applications
23 for drugs and biological products intended to
24 treat rare diseases and conditions.

3411

1 (g) *DEFINITION.*—*In this section, the terms “rare dis-*
2 *ease or condition”, “rare diseases or conditions”, and “rare*
3 *diseases and conditions” have the meaning given the term*
4 *“rare disease or condition” in section 526(a)(2) of the Fed-*
5 *eral Food, Drug, and Cosmetic Act (21 U.S.C.*
6 *360bbb(a)(2)).*

7 ***SEC. 3203. EMERGING TECHNOLOGY PROGRAM.***

8 *Chapter V of the Federal Food, Drug, and Cosmetic*
9 *Act (21 U.S.C. 201 et seq.) is amended by inserting after*
10 *section 566 of such Act (21 U.S.C. 360bbb–5) the following:*

11 ***“SEC. 566A. EMERGING TECHNOLOGY PROGRAM.***

12 *“(a) PROGRAM ESTABLISHMENT.—*

13 *“(1) IN GENERAL.—The Secretary shall establish*
14 *a program to support the adoption of, and improve*
15 *the development of, innovative approaches to drug de-*
16 *sign and manufacturing.*

17 *“(2) ACTIONS.—In carrying out the program*
18 *under paragraph (1), the Secretary may—*

19 *“(A) facilitate and increase communication*
20 *between public and private entities, consortia,*
21 *and individuals with respect to innovative drug*
22 *product design and manufacturing;*

23 *“(B) solicit information regarding, and*
24 *conduct or support research on, innovative ap-*

3412

1 *proaches to drug product design and manufac-*
2 *turing;*

3 “(C) convene meetings with representatives
4 *of industry, academia, other Federal agencies,*
5 *international agencies, and other interested per-*
6 *sons, as appropriate;*

7 “(D) convene working groups to support
8 *drug product design and manufacturing research*
9 *and development;*

10 “(E) support education and training for
11 *regulatory staff and scientists related to innova-*
12 *tive approaches to drug product design and*
13 *manufacturing;*

14 “(F) advance regulatory science related to
15 *the development and review of innovative ap-*
16 *proaches to drug product design and manufac-*
17 *turing;*

18 “(G) convene or participate in working
19 *groups to support the harmonization of inter-*
20 *national regulatory requirements related to inno-*
21 *vative approaches to drug product design and*
22 *manufacturing; and*

23 “(H) award grants or contracts to carry out
24 *or support the program under paragraph (1).*

3413

1 “(3) *GRANTS AND CONTRACTS.*—*To seek a grant*
2 *or contract under this section, an entity shall submit*
3 *an application—*

4 “(A) *in such form and manner as the Sec-*
5 *retary may require; and*

6 “(B) *containing such information as the*
7 *Secretary may require, including a description*
8 *of—*

9 “(i) *how the entity will conduct the ac-*
10 *tivities to be supported through the grant or*
11 *contract; and*

12 “(ii) *how such activities will further*
13 *research and development related to, or*
14 *adoption of, innovative approaches to drug*
15 *product design and manufacturing.*

16 “(b) *GUIDANCE.*—*The Secretary shall—*

17 “(1) *issue or update guidance to help facilitate*
18 *the adoption of, and advance the development of, in-*
19 *novative approaches to drug product design and man-*
20 *ufacturing; and*

21 “(2) *include in such guidance descriptions of—*

22 “(A) *any regulatory requirements related to*
23 *the development or review of technologies related*
24 *to innovative approaches to drug product design*
25 *and manufacturing, including updates and im-*

3414

1 *provements to such technologies after product ap-*
2 *proval; and*

3 “(B) *data that can be used to demonstrate*
4 *the identity, safety, purity, and potency of drugs*
5 *manufactured using such technologies.*

6 “(c) *REPORT TO CONGRESS.—Not later than 4 years*
7 *after the date of enactment of this section, the Secretary*
8 *shall submit to the Committee on Energy and Commerce*
9 *of the House of Representatives and the Committee on*
10 *Health, Education, Labor, and Pensions of the Senate a*
11 *report containing—*

12 “(1) *an annual accounting of the allocation of*
13 *funds made available to carry out this section;*

14 “(2) *a description of how Food and Drug Ad-*
15 *ministration staff were utilized to carry out this sec-*
16 *tion and, as applicable, any challenges or limitations*
17 *related to staffing;*

18 “(3) *the number of public meetings held or par-*
19 *ticipated in by the Food and Drug Administration*
20 *pursuant to this section, including meetings convened*
21 *as part of a working group described in subparagraph*
22 *(D) or (G) of subsection (a)(2), and the topics of each*
23 *such meeting; and*

24 “(4) *the number of drug products approved or li-*
25 *censed, after the date of enactment of this section,*

3415

1 *using an innovative approach to drug product design*
2 *and manufacturing.”.*

3 **SEC. 3204. NATIONAL CENTERS OF EXCELLENCE IN AD-**
4 **VANCED AND CONTINUOUS PHARMA-**
5 **CEUTICAL MANUFACTURING.**

6 *(a) IN GENERAL.—Section 3016 of the 21st Century*
7 *Cures Act (21 U.S.C. 399h) is amended to read as follows:*

8 **“SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN AD-**
9 **VANCED AND CONTINUOUS PHARMA-**
10 **CEUTICAL MANUFACTURING.**

11 *“(a) IN GENERAL.—The Secretary of Health and*
12 *Human Services, acting through the Commissioner of Food*
13 *and Drugs—*

14 *“(1) may, to support the advancement, develop-*
15 *ment, and implementation of advanced and contin-*
16 *uous pharmaceutical manufacturing—*

17 *“(A) solicit requests for designation as Na-*
18 *tional Centers of Excellence in Advanced and*
19 *Continuous Pharmaceutical Manufacturing (in*
20 *this section referred to as a ‘National Center of*
21 *Excellence’);*

22 *“(B) beginning not later than one year after*
23 *the date of enactment of the Food and Drug Om-*
24 *nibus Reform Act of 2022, designate as National*
25 *Centers of Excellence institutions of higher edu-*

3416

1 *cation or consortia of institutions of higher edu-*
2 *cation that—*

3 “(i) request such designation; and

4 “(ii) meet the eligibility criteria speci-
5 fied in subsection (c); and

6 “(C) award grants to such institutions or
7 consortia of institutions; and

8 “(2) shall so designate not more than 5 institu-
9 tions of higher education or consortia of such institu-
10 tions.

11 “(b) *REQUEST FOR DESIGNATION.*—A request for des-
12 ignation under subsection (a) shall be made to the Secretary
13 at such time, in such manner, and containing such infor-
14 mation as the Secretary may require.

15 “(c) *ELIGIBILITY CRITERIA FOR DESIGNATION.*—To be
16 eligible to receive a designation under this section, an insti-
17 tution of higher education or consortium of institutions of
18 higher education shall include in its request for designation
19 a description of the institution’s or consortium’s—

20 “(1) physical capacity and technical capabilities
21 to conduct advanced research on, and to develop and
22 implement, advanced and continuous pharmaceutical
23 manufacturing;

24 “(2) collaboration or partnerships with other in-
25 stitutions of higher education, nonprofit organiza-

3417

1 *tions, and large and small pharmaceutical manufac-*
2 *turers, including generic and nonprescription manu-*
3 *facturers, contract manufacturers, and other relevant*
4 *entities;*

5 *“(3) proven capacity to design, develop, imple-*
6 *ment, and demonstrate new, highly effective tech-*
7 *nologies for use in advanced and continuous pharma-*
8 *ceutical manufacturing;*

9 *“(4) proven ability to facilitate training of a*
10 *qualified workforce for advanced research on, and de-*
11 *velopment and implementation of, advanced and con-*
12 *tinuous pharmaceutical manufacturing; and*

13 *“(5)(A) experience in participating in and lead-*
14 *ing advanced and continuous pharmaceutical manu-*
15 *facturing technology partnerships with other institu-*
16 *tions of higher education, nonprofit organizations,*
17 *and large and small pharmaceutical manufacturers,*
18 *including generic and nonprescription manufacturers,*
19 *contract manufacturers, and other relevant entities*
20 *to—*

21 *“(i) support the implementation of ad-*
22 *vanced or continuous pharmaceutical manufac-*
23 *turing for companies manufacturing or seeking*
24 *to manufacture in the United States;*

3418

1 “(ii) support Federal agencies with tech-
2 nical assistance and workforce training, which
3 may include regulatory and quality metric guid-
4 ance as applicable, and hands-on training, for
5 advanced and continuous pharmaceutical manu-
6 facturing;

7 “(iii) organize and conduct advanced re-
8 search and development activities, with respect to
9 advanced or continuous pharmaceutical manu-
10 facturing, needed to develop new and more effec-
11 tive technology, and to develop and support tech-
12 nological leadership;

13 “(iv) develop best practices for designing,
14 developing, and implementing advanced and
15 continuous pharmaceutical manufacturing proc-
16 esses; and

17 “(v) identify and assess workforce needs for
18 advanced and continuous pharmaceutical manu-
19 facturing, and address such workforce needs,
20 which may include the development and imple-
21 menting of training programs; or

22 “(B) a plan, to be implemented within 2 years,
23 to establish partnerships described in subparagraph
24 (A).

3419

1 “(d) *TERMINATION OF DESIGNATION.*—*The Secretary*
2 *may terminate the designation of any National Center of*
3 *Excellence designated under this section if the Secretary de-*
4 *termines such National Center of Excellence no longer meets*
5 *the criteria specified in subsection (c). Not later than 90*
6 *days before the effective date of such a termination, the Sec-*
7 *retary shall provide written notice to the National Center*
8 *of Excellence, including the rationale for such termination.*

9 “(e) *CONDITIONS FOR DESIGNATION.*—*As a condition*
10 *of designation as a National Center of Excellence under this*
11 *section, the Secretary shall require that an institution of*
12 *higher education or consortium of institutions of higher*
13 *education enter into an agreement with the Secretary under*
14 *which the institution or consortium agrees—*

15 “(1) *to collaborate directly with the Food and*
16 *Drug Administration to publish the reports required*
17 *by subsection (g);*

18 “(2) *to share data with the Food and Drug Ad-*
19 *ministration regarding best practices and research*
20 *generated through the funding under subsection (f);*

21 “(3) *to develop, along with industry partners*
22 *(which may include large and small pharmaceutical*
23 *manufacturers, including generic and nonprescription*
24 *manufacturers, and contract research organizations*
25 *or contract manufacturers that carry out drug devel-*

3420

1 *opment and manufacturing activities) and another*
2 *institution or consortium designated under this sec-*
3 *tion, if any, a strategic plan for developing an ad-*
4 *vanced and continuous pharmaceutical manufac-*
5 *turing workforce;*

6 *“(4) to develop, along with industry partners*
7 *and other institutions or consortia of such institu-*
8 *tions designated under this section, a strategic plan*
9 *for strengthening existing, and developing new, part-*
10 *nerships with other institutions of higher education or*
11 *consortia thereof, or nonprofit organizations; and*

12 *“(5) to provide an annual report to the Food*
13 *and Drug Administration regarding the designee’s ac-*
14 *tivities under this section, including a description of*
15 *how the designee continues to meet and make progress*
16 *on the criteria specified in subsection (c).*

17 *“(f) FUNDING.—*

18 *“(1) IN GENERAL.—The Secretary shall award*
19 *funding, through grants, contracts, or cooperative*
20 *agreements, to the entities designated as National*
21 *Centers of Excellence under this section for the pur-*
22 *poses of supporting the advanced research on, and de-*
23 *velopment and implementation of, advanced and con-*
24 *tinuous pharmaceutical manufacturing, and recom-*

3421

1 *mending improvements to advanced and continuous*
2 *pharmaceutical manufacturing, including—*

3 *“(A) expanding capacity for advanced re-*
4 *search on, and development of, advanced and*
5 *continuous pharmaceutical manufacturing; and*

6 *“(B) implementing advanced research ca-*
7 *capacity and capabilities in advanced and contin-*
8 *uous pharmaceutical manufacturing suitable for*
9 *accelerating the development of drug products*
10 *needed to respond to public health threats, miti-*
11 *gate or prevent drug shortages, address drug*
12 *quality issues and supply chain disruptions, and*
13 *other circumstances with respect to which the*
14 *Secretary may determine the rapid development*
15 *of new products or new manufacturing processes*
16 *may be appropriate.*

17 *“(2) CONSISTENCY WITH FDA MISSION.—As a*
18 *condition on receipt of funding under this subsection,*
19 *a National Center of Excellence shall consider any*
20 *input from the Secretary regarding the use of funding*
21 *related to—*

22 *“(A) best practices to increase, and provide*
23 *for the advancement of, advanced and continuous*
24 *pharmaceutical manufacturing through the Na-*
25 *tional Center of Excellence; and*

3422

1 “(B) the extent to which activities con-
2 ducted by the National Center of Excellence are
3 consistent with the mission of the Food and
4 Drug Administration.

5 “(3) RULE OF CONSTRUCTION.—Nothing in this
6 section shall be construed as precluding a National
7 Center for Excellence designated under this section
8 from receiving funds under any other provision of
9 this Act or any other Federal law.

10 “(g) ANNUAL REVIEW AND REPORTS.—

11 “(1) ANNUAL REPORT TO CONGRESS.—Beginning
12 not later than one year after the date on which the
13 first designation is made under subsection (a), and
14 annually thereafter, the Secretary shall—

15 “(A) submit to Congress a report describing
16 the activities, partnerships and collaborations,
17 Federal policy recommendations, previous and
18 continuing funding, and findings of, and any
19 other applicable information from, the National
20 Centers of Excellence designated under this sec-
21 tion;

22 “(B) include in such report an accounting
23 of the Federal administrative expenses described
24 in subsection (i)(2) over the reporting period;
25 and

3423

1 “(C) make such report available to the pub-
2 lic in an easily accessible electronic format on
3 the website of the Food and Drug Administra-
4 tion.

5 “(2) *CENTER OF EXCELLENCE REPORT.*—An en-
6 tity receiving a grant under this section shall, not
7 later than 1 year after receiving such grant, and an-
8 nually thereafter for the duration of the grant period,
9 submit to the Secretary a summary of programs and
10 activities funded under the grant.

11 “(3) *PERIODIC REVIEW.*—The Secretary shall pe-
12 riodically review the National Centers of Excellence
13 designated under this section to ensure that such Na-
14 tional Centers of Excellence continue to meet the cri-
15 teria for designation under this section.

16 “(4) *ADDITIONAL REPORT TO CONGRESS.*—Not
17 later than 1 year after the date on which the first des-
18 ignation is made under subsection (a), the Secretary,
19 in consultation with the National Centers of Excel-
20 lence designated under this section, shall submit a re-
21 port to the Congress on the role of the Food and Drug
22 Administration in supporting advanced and contin-
23 uous pharmaceutical manufacturing, including—

3424

1 “(A) a national framework of principles re-
2 lated to the implementation of advanced and
3 continuous pharmaceutical manufacturing;

4 “(B) a plan for the development of Federal
5 regulations and guidance to support and facili-
6 tate the incorporation of advanced or continuous
7 manufacturing into the development of pharma-
8 ceuticals;

9 “(C) a plan for development of Federal reg-
10 ulations or guidance related to the review of ad-
11 vanced and continuous pharmaceutical manufac-
12 turing, including how such manufacturing prac-
13 tices may be incorporated into the review of
14 medical product applications; and

15 “(D) a summary of relevant feedback re-
16 lated to improving advanced and continuous
17 pharmaceutical manufacturing solicited from the
18 public, which may include other institutions of
19 higher education, nonprofit organizations, and
20 large and small pharmaceutical manufacturers,
21 including generic and nonprescription manufac-
22 turers, and contract manufacturers, and other
23 relevant entities.

24 “(h) DEFINITIONS.—In this section:

3425

1 “(1) *ADVANCED AND CONTINUOUS PHARMA-*
2 *CEUTICAL MANUFACTURING.*—*The term ‘advanced*
3 *and continuous pharmaceutical manufacturing’ refers*
4 *to a method of pharmaceutical manufacturing, or a*
5 *combination of pharmaceutical manufacturing meth-*
6 *ods—*

7 “(A) *that incorporates a novel technology,*
8 *or uses an established technique or technology in*
9 *a new or innovative way, that enhances drug*
10 *quality or improves the manufacturing process*
11 *for a drug, including processes that may apply*
12 *to advanced therapies and the production of bio-*
13 *logical products, such as cell and gene therapies;*
14 *or*

15 “(B) *for which the input materials are con-*
16 *tinuously fed into and transformed within the*
17 *process, and the output materials are continu-*
18 *ously removed from the system, utilizing an inte-*
19 *grated manufacturing process that consists of a*
20 *series of 2 or more simultaneous unit operations.*

21 “(2) *BIOLOGICAL PRODUCT.*—*The term ‘biologi-*
22 *cal product’ has the meaning given such term in sec-*
23 *tion 351(i) of the Public Health Service Act (42*
24 *U.S.C. 262(i)).*

3426

1 “(3) *DRUG*.—The term ‘drug’ has the meaning
2 given such term in section 201(g) of the Federal Food,
3 Drug, and Cosmetic Act (21 U.S.C. 321(g)).

4 “(4) *INSTITUTION OF HIGHER EDUCATION*.—The
5 term ‘institution of higher education’ has the meaning
6 given such term in section 101(a) of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1001(a)).

8 “(5) *SECRETARY*.—The term ‘Secretary’ means
9 the Secretary of Health and Human Services.

10 “(i) *AUTHORIZATION OF APPROPRIATIONS*.—

11 “(1) *IN GENERAL*.—There is authorized to be ap-
12 propriated to carry out this section \$100,000,000 for
13 the period of fiscal years 2023 through 2027.

14 “(2) *FEDERAL ADMINISTRATIVE EXPENSES*.—Of
15 the amounts made available to carry out this section
16 for a fiscal year, the Secretary shall not use more
17 than 8 percent for Federal administrative expenses,
18 including training, technical assistance, reporting,
19 and evaluation.”.

20 “(b) *TRANSITION RULE*.—Section 3016 of the 21st Cen-
21 tury Cures Act (21 U.S.C. 399h), as in effect on the day
22 before the date of the enactment of this section, shall apply
23 with respect to grants awarded under such section before
24 such date of enactment.

3427

1 (c) *CLERICAL AMENDMENT.*—*The item relating to sec-*
2 *tion 3016 in the table of contents in section 1(b) of the 21st*
3 *Century Cures Act (Public Law 114–255) is amended to*
4 *read as follows:*

“Sec. 3016. *National Centers of Excellence in Advanced and Continuous Pharma-*
ceutical Manufacturing.”.

5 **SEC. 3205. PUBLIC WORKSHOP ON CELL THERAPIES.**

6 *Not later than 3 years after the date of the enactment*
7 *of this Act, the Secretary, acting through the Commissioner*
8 *of Food and Drugs, shall convene a public workshop with*
9 *relevant stakeholders to discuss best practices on generating*
10 *scientific data necessary to further facilitate the develop-*
11 *ment of certain human cell-, tissue-, and cellular-based*
12 *medical products (and the latest scientific information*
13 *about such products) that are regulated as drugs under the*
14 *Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et*
15 *seq.) and biological products under section 351 of the Public*
16 *Health Service Act (42 U.S.C. 262), namely, stem cell and*
17 *other cellular therapies.*

18 **SEC. 3206. CLARIFICATIONS TO EXCLUSIVITY PROVISIONS**
19 **FOR FIRST INTERCHANGEABLE BIOSIMILAR**
20 **BIOLOGICAL PRODUCTS.**

21 *Section 351(k)(6) of the Public Health Service Act (42*
22 *U.S.C. 262(k)(6)) is amended—*
23 (1) *in the matter preceding subparagraph (A)—*

3428

1 (A) by striking “Upon review of” and in-
2 serting “The Secretary shall not make approval
3 as an interchangeable biological product effective
4 with respect to”;

5 (B) by striking “relying on” and inserting
6 “that relies on”; and

7 (C) by striking “the Secretary shall not
8 make a determination under paragraph (4) that
9 the second or subsequent biological product is
10 interchangeable for any condition of use”; and

11 (2) in the flush text that follows subparagraph
12 (C)(ii), by striking “taken.” and inserting “taken,
13 and the term ‘first interchangeable biosimilar biologi-
14 cal product’ means any interchangeable biosimilar bi-
15 ological product that is approved on the first day on
16 which such a product is approved as interchangeable
17 with the reference product.”.

18 **SEC. 3207. GAO REPORT ON NONPROFIT PHARMACEUTICAL**
19 **ORGANIZATIONS.**

20 (a) *GAO REVIEW.*—The Comptroller General of the
21 United States (referred to in this section as the “Comp-
22 troller General”) shall prepare a report on—

23 (1) what is known about nonprofit pharma-
24 ceutical manufacturing organizations, including the
25 impact of such organizations on the development,

† HR 2617 EAS2

3429

1 *availability, and cost of prescription drugs in the*
2 *United States, which may include information with*
3 *respect to the capacity and capability to help prevent*
4 *or mitigate shortages of such drugs, and any chal-*
5 *lenges to manufacturing or other operations; and*

6 *(2) recommendations to address such challenges.*

7 *(b) REPORT.—Not later than 2 years after the date*
8 *of enactment of this Act, the Comptroller General shall sub-*
9 *mit the report described in subsection (a) to the Committee*
10 *on Health, Education, Labor, and Pensions of the Senate*
11 *and the Committee on Energy and Commerce of the House*
12 *of Representatives.*

13 **SEC. 3208. RARE DISEASE ENDPOINT ADVANCEMENT PILOT**
14 **PROGRAM.**

15 *(a) IN GENERAL.—The Secretary shall establish a*
16 *pilot program under which the Secretary establishes proce-*
17 *dures to provide increased interaction with sponsors of rare*
18 *disease drug development programs for purposes of advanc-*
19 *ing the development of efficacy endpoints, including surro-*
20 *gate and intermediate endpoints, for drugs intended to treat*
21 *rare diseases, including through—*

22 *(1) determining eligibility of participants for*
23 *such program; and*

24 *(2) developing and implementing a process for*
25 *applying to, and participating in, such a program.*

3430

1 (b) *PUBLIC WORKSHOPS.*—*The Secretary shall con-*
2 *duct up to 3 public workshops, which shall be completed*
3 *not later than September 30, 2026, to discuss topics relevant*
4 *to the development of endpoints for rare diseases, which*
5 *may include discussions about—*

6 (1) *novel endpoints developed through the pilot*
7 *program established under this section; and*

8 (2) *as appropriate, the use of real world evidence*
9 *and real world data to support the validation of effi-*
10 *cacy endpoints, including surrogate and intermediate*
11 *endpoints, for rare diseases.*

12 (c) *REPORTS.*—

13 (1) *INTERIM REPORT.*—*Not later than September*
14 *30, 2026, the Secretary shall submit to the Committee*
15 *on Health, Education, Labor, and Pensions of the*
16 *Senate and the Committee on Energy and Commerce*
17 *of the House of Representatives a report describing*
18 *the completed and ongoing activities in the pilot pro-*
19 *gram established under this section and public work-*
20 *shops described in subsection (b).*

21 (2) *FINAL REPORT.*—*Not later than September*
22 *30, 2027, the Secretary shall submit to the Committee*
23 *on Health, Education, Labor, and Pensions of the*
24 *Senate and the Committee on Energy and Commerce*
25 *of the House of Representatives a report describing*

3431

1 *the outcomes of the pilot program established under*
2 *this section.*

3 (d) *GUIDANCE.*—*Not later than September 30, 2027,*
4 *the Secretary shall issue guidance describing best practices*
5 *and strategies for development of efficacy endpoints, includ-*
6 *ing surrogate and intermediate endpoints, for rare diseases.*

7 (e) *SUNSET.*—*The Secretary may not accept any new*
8 *application or request to participate in the program estab-*
9 *lished by this section on or after October 1, 2027.*

10 **SEC. 3209. ANIMAL TESTING ALTERNATIVES.**

11 (a) *IN GENERAL.*—*Section 505 of the Federal Food,*
12 *Drug, and Cosmetic Act (21 U.S.C. 355) is amended—*

13 (1) *in subsection (i)—*

14 (A) *in paragraph (1)(A), by striking “pre-*
15 *clinical tests (including tests on animals)” and*
16 *inserting “nonclinical tests”; and*

17 (B) *in paragraph (2)(B), by striking “ani-*
18 *mal” and inserting “nonclinical tests”; and*

19 (2) *by inserting after subsection (y) the fol-*
20 *lowing:*

21 “(z) *NONCLINICAL TEST DEFINED.*—*For purposes of*
22 *this section, the term ‘nonclinical test’ means a test con-*
23 *ducted in vitro, in silico, or in chemico, or a nonhuman*
24 *in vivo test, that occurs before or during the clinical trial*

3432

1 *phase of the investigation of the safety and effectiveness of*
2 *a drug. Such test may include the following:*

3 “(1) *Cell-based assays.*

4 “(2) *Organ chips and microphysiological sys-*
5 *tems.*

6 “(3) *Computer modeling.*

7 “(4) *Other nonhuman or human biology-based*
8 *test methods, such as bioprinting.*

9 “(5) *Animal tests.*”.

10 (b) *BIOSIMILAR BIOLOGICAL PRODUCT APPLICA-*
11 *TIONS.—Item (bb) of section 351(k)(2)(A)(i)(I) of the Public*
12 *Health Service Act (42 U.S.C. 262(k)(2)(A)(i)(I)) is amend-*
13 *ed to read as follows:*

14 “(bb) *an assessment of tox-*
15 *icity (which may rely on, or con-*
16 *sist of, a study or studies de-*
17 *scribed in item (aa) or (cc));*
18 *and*”.

19 **SEC. 3210. MODERNIZING ACCELERATED APPROVAL.**

20 (a) *IN GENERAL.—Section 506(c) of the Federal Food,*
21 *Drug, and Cosmetic Act (21 U.S.C. 356(c)) is amended—*

22 (1) *in paragraph (2)—*

23 (A) *by redesignating subparagraphs (A)*
24 *and (B) as clauses (i) and (ii), respectively, and*
25 *adjusting the margins accordingly;*

3433

1 *(B) by striking “Approval of a product”*
2 *and inserting the following:*

3 *“(A) IN GENERAL.—Approval of a prod-*
4 *uct”;*

5 *(C) in clause (i) of such subparagraph (A),*
6 *as so redesignated, by striking “appropriate*
7 *postapproval studies” and inserting “an appro-*
8 *priate postapproval study or studies”; and*

9 *(D) by adding at the end the following:*

10 *“(B) STUDIES NOT REQUIRED.—If the Sec-*
11 *retary does not require that the sponsor of a*
12 *product approved under accelerated approval*
13 *conduct a postapproval study under this para-*
14 *graph, the Secretary shall publish on the website*
15 *of the Food and Drug Administration the ration-*
16 *ale for why such study is not appropriate or nec-*
17 *essary.*

18 *“(C) POSTAPPROVAL STUDY CONDITIONS.—*
19 *Not later than the date of approval of a product*
20 *under accelerated approval, the Secretary shall*
21 *specify the conditions for a postapproval study*
22 *or studies required to be conducted under this*
23 *paragraph with respect to such product, which*
24 *may include enrollment targets, the study pro-*

3434

1 *tocol, and milestones, including the target date of*
2 *study completion.*

3 “(D) *STUDIES BEGUN BEFORE APPROVAL.*—
4 *The Secretary may require, as appropriate, a*
5 *study or studies to be underway prior to ap-*
6 *proval, or within a specified time period after*
7 *the date of approval, of the applicable product.”;*
8 *and*
9 *(2) in paragraph (3)—*

10 *(A) in the matter preceding subparagraph*
11 *(A), by striking “(as prescribed by the Secretary*
12 *in regulations which shall include an oppor-*
13 *tunity for an informal hearing)” and inserting*
14 *“described in subparagraph (B)”;*

15 *(B) by redesignating subparagraphs (A)*
16 *through (D) as clauses (i) through (iv), respec-*
17 *tively and adjusting the margins accordingly;*

18 *(C) by striking “The Secretary may” and*
19 *inserting the following:*

20 “(A) *IN GENERAL.*—*The Secretary may”;*

21 *(D) in clause (i) of such subparagraph (A),*
22 *as so redesignated, by striking “drug with due*
23 *diligence” and inserting “product with due dili-*
24 *gence, including with respect to conditions speci-*
25 *fied by the Secretary under paragraph (2)(C)”;*

3435

1 *(E) in clause (iii) of such subparagraph*
2 *(A), as so redesignated, by inserting “shown to*
3 *be” after “product is not”; and*

4 *(F) by adding at the end the following:*

5 *“(B) EXPEDITED PROCEDURES DE-*
6 *SCRIBED.—Expedited procedures described in*
7 *this subparagraph shall consist of, prior to the*
8 *withdrawal of accelerated approval—*

9 *“(i) providing the sponsor with—*

10 *“(I) due notice;*

11 *“(II) an explanation for the pro-*
12 *posed withdrawal;*

13 *“(III) an opportunity for a meet-*
14 *ing with the Commissioner or the Com-*
15 *missioner’s designee; and*

16 *“(IV) an opportunity for written*
17 *appeal to—*

18 *“(aa) the Commissioner; or*

19 *“(bb) a designee of the Com-*
20 *missioner who has not partici-*
21 *pated in the proposed withdrawal*
22 *of approval (other than a meeting*
23 *pursuant to subclause (III)) and*
24 *is not subordinate of an indi-*
25 *vidual (other than the Commis-*

3436

1 sioner) who participated in such
2 proposed withdrawal;

3 “(ii) providing an opportunity for
4 public comment on the proposal to with-
5 draw approval;

6 “(iii) the publication of a summary of
7 the public comments received, and the Sec-
8 retary’s response to such comments, on the
9 website of the Food and Drug Administra-
10 tion; and

11 “(iv) convening and consulting an ad-
12 visory committee on issues related to the
13 proposed withdrawal, if requested by the
14 sponsor and if no such advisory committee
15 has previously advised the Secretary on
16 such issues with respect to the withdrawal
17 of the product prior to the sponsor’s re-
18 quest.”.

19 (b) *REPORTS OF POSTMARKETING STUDIES.*—Section
20 506B(a) of the Federal Food, Drug, and Cosmetic Act (21
21 U.S.C. 356b(a)) is amended—

22 (1) by redesignating paragraph (2) as para-
23 graph (3); and

24 (2) by inserting after paragraph (1) the fol-
25 lowing:

3437

1 “(2) *ACCELERATED APPROVAL.*—*Notwith-*
2 *standing paragraph (1), a sponsor of a drug ap-*
3 *proved pursuant to accelerated approval shall submit*
4 *to the Secretary a report of the progress of any study*
5 *required under section 506(c), including progress to-*
6 *ward enrollment targets, milestones, and other infor-*
7 *mation as required by the Secretary, not later than*
8 *180 days after the approval of such drug and not less*
9 *frequently than every 180 days thereafter, until the*
10 *study is completed or terminated. The Secretary shall*
11 *promptly publish on the website of the Food and*
12 *Drug Administration, in an easily searchable format,*
13 *the information reported under this paragraph.”.*

14 (c) *ENFORCEMENT.*—*Section 301 of the Federal Food,*
15 *Drug, and Cosmetic Act (21 U.S.C. 331), as amended by*
16 *title II, is further amended by adding at the end the fol-*
17 *lowing:*

18 “(ggg) *The failure of a sponsor of a product approved*
19 *under accelerated approval pursuant to section 506(c)—*

20 “(1) *to conduct with due diligence any post-*
21 *approval study required under section 506(c) with re-*
22 *spect to such product; or*

23 “(2) *to submit timely reports with respect to*
24 *such product in accordance with section 506B(a)(2).”.*

25 (d) *GUIDANCE.*—

3438

1 (1) *IN GENERAL.*—*The Secretary shall issue*
2 *guidance describing—*

3 (A) *how sponsor questions related to the*
4 *identification of novel surrogate or intermediate*
5 *clinical endpoints may be addressed in early-*
6 *stage development meetings with the Food and*
7 *Drug Administration;*

8 (B) *the use of novel clinical trial designs*
9 *that may be used to conduct appropriate post-*
10 *approval studies as may be required under sec-*
11 *tion 506(c)(2)(A) of the Federal Food, Drug, and*
12 *Cosmetic Act (21 U.S.C. 356(c)(2)(A)), as*
13 *amended by subsection (a);*

14 (C) *the expedited procedures described in*
15 *section 506(c)(3)(B) of the Federal Food, Drug,*
16 *and Cosmetic Act (21 U.S.C. 356(c)(3)(B)); and*

17 (D) *considerations related to the use of sur-*
18 *rogate or intermediate clinical endpoints that*
19 *may support the accelerated approval of an ap-*
20 *plication under 506(c)(1)(A) of such Act (21*
21 *U.S.C. 356(c)(1)(A)), including considerations in*
22 *evaluating the evidence related to any such*
23 *endpoints.*

24 (2) *FINAL GUIDANCE.*—*The Secretary shall*
25 *issue—*

3439

1 (A) draft guidance under paragraph (1) not
2 later than 18 months after the date of enactment
3 of this Act; and

4 (B) final guidance not later than 1 year
5 after the close of the public comment period on
6 such draft guidance.

7 (e) *ACCELERATED APPROVAL COUNCIL*.—

8 (1) *IN GENERAL*.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary shall
10 establish an intra-agency coordinating council (re-
11 ferred to in this subsection as the “Council”) within
12 the Food and Drug Administration to ensure the con-
13 sistent and appropriate use of accelerated approval
14 across the Food and Drug Administration, pursuant
15 to section 506(c) of the Federal Food, Drug, and Cos-
16 metic Act (21 U.S.C. 356(c)).

17 (2) *MEMBERSHIP*.—The members of the Council
18 shall consist of the following senior officials, or a des-
19 ignee of such official, from the Food and Drug Ad-
20 ministration and relevant Centers:

21 (A) The Director of the Center for Drug
22 Evaluation and Research.

23 (B) The Director of the Center for Biologics
24 Evaluation and Research.

3440

1 (C) *The Director of the Oncology Center of*
2 *Excellence.*

3 (D) *The Director of the Office of New*
4 *Drugs.*

5 (E) *The Director of the Office of Orphan*
6 *Products Development.*

7 (F) *The Director of the Office of Tissues*
8 *and Advanced Therapies.*

9 (G) *The Director of the Office of Medical*
10 *Policy.*

11 (H) *At least 3 directors of review divisions*
12 *or offices overseeing products approved under ac-*
13 *celerated approval, including at least one direc-*
14 *tor within the Office of Neuroscience.*

15 (3) *DUTIES OF THE COUNCIL.—*

16 (A) *MEETINGS.—The Council shall convene*
17 *not fewer than 3 times per calendar year to dis-*
18 *cuss issues related to accelerated approval, in-*
19 *cluding any relevant cross-disciplinary ap-*
20 *proaches related to product review with respect*
21 *to accelerated approval.*

22 (B) *POLICY DEVELOPMENT.—The Council*
23 *shall directly engage with product review teams*
24 *to support the consistent and appropriate use of*
25 *accelerated approval across the Food and Drug*

3441

1 *Administration. Such engagement may in-*
2 *clude—*

3 *(i) developing guidance for Food and*
4 *Drug Administration staff and best prac-*
5 *tices for, and across, product review teams,*
6 *including with respect to communication*
7 *between sponsors and the Food and Drug*
8 *Administration and the review of products*
9 *under accelerated approval;*

10 *(ii) providing training for product re-*
11 *view teams; and*

12 *(iii) advising review divisions on best*
13 *practices with respect to product-specific de-*
14 *velopment, review, and withdrawal of prod-*
15 *ucts under accelerated approval.*

16 (4) *PUBLICATION OF A REPORT.—Not later than*
17 *1 year after the date of enactment of this Act, and an-*
18 *nually thereafter, the Council shall publish on the*
19 *public website of the Food and Drug Administration*
20 *a report on the activities of the Council.*

21 (f) *RULE OF CONSTRUCTION.—Nothing in this section*
22 *(including the amendments made by this section) shall be*
23 *construed to affect ongoing withdrawal proceedings for*
24 *products approved pursuant to section 506(c) of the Federal*
25 *Food, Drug, and Cosmetic Act (21 U.S.C. 356(c)) for which*

3442

1 *a notice of proposed withdrawal has been published in the*
2 *Federal Register prior to the date of enactment of this Act.*
3 *Such proceedings may continue under procedures in effect*
4 *prior to the date of enactment of this Act.*

5 **SEC. 3211. ANTIFUNGAL RESEARCH AND DEVELOPMENT.**

6 (a) *DRAFT GUIDANCE.*—Not later than 3 years after
7 the date of enactment of this Act, the Secretary, acting
8 through the Commissioner of Food and Drugs, shall issue
9 draft guidance for industry for the purposes of assisting en-
10 tities seeking approval under section 505 of the Federal
11 Food, Drug, and Cosmetic Act (21 U.S.C. 355) or licensure
12 under section 351 of the Public Health Service Act (42
13 U.S.C. 262) of antifungal therapies designed to treat coc-
14 cidoidomycosis (commonly known as Valley Fever).

15 (b) *FINAL GUIDANCE.*—Not later than 18 months after
16 the close of the public comment period on the draft guidance
17 issued pursuant to subsection (a), the Secretary, acting
18 through the Commissioner of Food and Drugs, shall finalize
19 the draft guidance.

20 (c) *WORKSHOP.*—To assist entities developing preven-
21 tive vaccines for fungal infections and coccidioidomycosis,
22 the Secretary shall hold a public workshop.

3443

1 **SEC. 3212. ADVANCING QUALIFIED INFECTIOUS DISEASE**
2 **PRODUCT INNOVATION.**

3 (a) *IN GENERAL.*—Section 505E of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 355f) is amended—

5 (1) in subsection (c)—

6 (A) in paragraph (2), by striking “; or”
7 and inserting “;”;

8 (B) in paragraph (3), by striking the period
9 and inserting “; or”; and

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

11 “(4) an application pursuant to section 351(a)
12 of the Public Health Service Act.”;

13 (2) in subsection (d)(1), by inserting “of this Act
14 or section 351(a) of the Public Health Service Act”
15 after “section 505(b)”; and

16 (3) by amending subsection (g) to read as fol-
17 lows:

18 “(g) **QUALIFIED INFECTIOUS DISEASE PRODUCT.**—
19 The term ‘qualified infectious disease product’ means a
20 drug (including a biological product), including an anti-
21 bacterial or antifungal drug, for human use that—

22 “(1) acts on bacteria or fungi or on substances
23 produced by such bacteria or fungi; and

24 “(2) is intended to treat a serious or life-threat-
25 ening infection, including such an infection caused
26 by—

3444

1 “(A) *an antibacterial or antifungal resist-*
2 *ant pathogen, including novel or emerging infec-*
3 *tious pathogens; or*

4 “(B) *qualifying pathogens listed by the Sec-*
5 *retary under subsection (f).”.*

6 (b) *PRIORITY REVIEW.—Section 524A(a) of the Fed-*
7 *eral Food, Drug, and Cosmetic Act (21 U.S.C. 360n–1(a))*
8 *is amended by inserting “of this Act, or section 351(a) of*
9 *the Public Health Service Act, that requires clinical data*
10 *(other than bioavailability studies) to demonstrate safety or*
11 *effectiveness” before the period.*

12 **SEC. 3213. ADVANCED MANUFACTURING TECHNOLOGIES**
13 **DESIGNATION PROGRAM.**

14 *Subchapter A of chapter V of the Federal Food, Drug,*
15 *and Cosmetic Act (21 U.S.C. 351 et seq.), as amended by*
16 *title II, is further amended by inserting after section 506K*
17 *the following:*

18 **“SEC. 506L. ADVANCED MANUFACTURING TECHNOLOGIES**
19 **DESIGNATION PROGRAM.**

20 “(a) *IN GENERAL.—Not later than 1 year after the*
21 *date of enactment of this section, the Secretary shall initiate*
22 *a program under which persons may request designation*
23 *of an advanced manufacturing technology as described in*
24 *subsection (b).*

3445

1 “(b) *DESIGNATION PROCESS.*—*The Secretary shall es-*
2 *tablish a process for the designation under this section of*
3 *methods of manufacturing drugs, including biological prod-*
4 *ucts, and active pharmaceutical ingredients of such drugs,*
5 *as advanced manufacturing technologies. A method of man-*
6 *ufacturing, or a combination of manufacturing methods, is*
7 *eligible for designation as an advanced manufacturing tech-*
8 *nology if such method or combination of methods incor-*
9 *porates a novel technology, or uses an established technique*
10 *or technology in a novel way, that will substantially im-*
11 *prove the manufacturing process for a drug while main-*
12 *taining equivalent, or providing superior, drug quality, in-*
13 *cluding by—*

14 “(1) *reducing development time for a drug using*
15 *the designated manufacturing method; or*

16 “(2) *increasing or maintaining the supply of—*

17 “(A) *a drug that is life-supporting, life-sus-*
18 *taining, or of critical importance to providing*
19 *health care; or*

20 “(B) *a drug that is on the drug shortage list*
21 *under section 506E.*

22 “(c) *EVALUATION AND DESIGNATION OF AN ADVANCED*
23 *MANUFACTURING TECHNOLOGY.*—

24 “(1) *SUBMISSION.*—*A person who requests des-*
25 *ignation of a method of manufacturing as an ad-*

3446

1 *vanced manufacturing technology under this section*
2 *shall submit to the Secretary data or information*
3 *demonstrating that the method of manufacturing*
4 *meets the criteria described in subsection (b) in a*
5 *particular context of use. The Secretary may facili-*
6 *tate the development and review of such data or infor-*
7 *mation by—*

8 *“(A) providing timely advice to, and inter-*
9 *active communication with, such person regard-*
10 *ing the development of the method of manufac-*
11 *turing; and*

12 *“(B) involving senior managers and experi-*
13 *enced staff of the Food and Drug Administra-*
14 *tion, as appropriate, in a collaborative, cross-*
15 *disciplinary review of the method of manufac-*
16 *turing, as applicable.*

17 *“(2) EVALUATION AND DESIGNATION.—Not later*
18 *than 180 calendar days after the receipt of a request*
19 *under paragraph (1), the Secretary shall determine*
20 *whether to designate such method of manufacturing as*
21 *an advanced manufacturing technology, in a par-*
22 *ticular context of use, based on the data and informa-*
23 *tion submitted under paragraph (1) and the criteria*
24 *described in subsection (b).*

3447

1 “(d) *REVIEW OF ADVANCED MANUFACTURING TECH-*
2 *NOLOGIES.—If the Secretary designates a method of manu-*
3 *facturing as an advanced manufacturing technology, the*
4 *Secretary shall—*

5 “(1) *expedite the development and review of an*
6 *application submitted under section 505 of this Act or*
7 *section 351 of the Public Health Service Act, includ-*
8 *ing supplemental applications, for drugs that are*
9 *manufactured using a designated advanced manufac-*
10 *turing technology; and*

11 “(2) *allow the holder of an advanced technology*
12 *designation, or a person authorized by the advanced*
13 *manufacturing technology designation holder, to ref-*
14 *erence or rely upon, in an application submitted*
15 *under section 505 of this Act or section 351 of the*
16 *Public Health Service Act, including a supplemental*
17 *application, data and information about the des-*
18 *ignated advanced manufacturing technology for use*
19 *in manufacturing drugs in the same context of use for*
20 *which the designation was granted.*

21 “(e) *IMPLEMENTATION AND EVALUATION OF AD-*
22 *VANCED MANUFACTURING TECHNOLOGIES PROGRAM.—*

23 “(1) *PUBLIC MEETING.—The Secretary shall*
24 *publish in the Federal Register a notice of a public*
25 *meeting, to be held not later than 180 days after the*

3448

1 *date of enactment of this section, to discuss, and ob-*
2 *tain input and recommendations from relevant stake-*
3 *holders regarding—*

4 *“(A) the goals and scope of the program*
5 *under this section, and the framework, proce-*
6 *dures, and requirements suitable for such pro-*
7 *gram; and*

8 *“(B) ways in which the Food and Drug Ad-*
9 *ministration will support the use of advanced*
10 *manufacturing technologies and other innovative*
11 *manufacturing approaches for drugs.*

12 *“(2) PROGRAM GUIDANCE.—*

13 *“(A) IN GENERAL.—The Secretary shall—*

14 *“(i) not later than 180 days after the*
15 *public meeting under paragraph (1), issue*
16 *draft guidance regarding the goals and im-*
17 *plementation of the program under this sec-*
18 *tion; and*

19 *“(ii) not later than 2 years after the*
20 *date of enactment of this section, issue final*
21 *guidance regarding the implementation of*
22 *such program.*

23 *“(B) CONTENT.—The guidance described in*
24 *subparagraph (A) shall address—*

3449

1 “(i) the process by which a person may
2 request a designation under subsection (b);

3 “(ii) the data and information that a
4 person requesting such a designation is re-
5 quired to submit under subsection (c), and
6 how the Secretary intends to evaluate such
7 submissions;

8 “(iii) the process to expedite the devel-
9 opment and review of applications under
10 subsection (d); and

11 “(iv) the criteria described in sub-
12 section (b) for eligibility for such a designa-
13 tion.

14 “(3) *REPORT.*—Not later than 3 years after the
15 date of enactment of this section and annually there-
16 after, the Secretary shall publish on the website of the
17 Food and Drug Administration and submit to the
18 Committee on Health, Education, Labor, and Pen-
19 sions of the Senate and the Committee on Energy and
20 Commerce of the House of Representatives a report
21 containing a description and evaluation of the pro-
22 gram being conducted under this section, including
23 the types of innovative manufacturing approaches
24 supported under the program. Such report shall in-
25 clude the following:

3450

1 “(A) *The number of persons that have re-*
2 *quested designations and that have been granted*
3 *designations.*

4 “(B) *The number of methods of manufac-*
5 *turing that have been the subject of designation*
6 *requests and that have been granted designations.*

7 “(C) *The average number of calendar days*
8 *for completion of evaluations under subsection*
9 *(c)(2).*

10 “(D) *An analysis of the factors in data sub-*
11 *missions that result in determinations to des-*
12 *ignate and not to designate after evaluation*
13 *under subsection (c)(2).*

14 “(E) *The number of applications received*
15 *under section 505 of this Act or section 351 of*
16 *the Public Health Service Act, including supple-*
17 *mental applications, that have included an ad-*
18 *vanced manufacturing technology designated*
19 *under this section, and the number of such appli-*
20 *cations approved.*

21 “(f) *SUNSET.—The Secretary—*

22 “(1) *may not consider any requests for designa-*
23 *tion submitted under subsection (c) after October 1,*
24 *2032; and*

3451

1 “(2) may continue all activities under this sec-
2 tion with respect to advanced manufacturing tech-
3 nologies that were designated pursuant to subsection
4 (b) prior to such date, if the Secretary determines
5 such activities are in the interest of the public
6 health.”.

7 **CHAPTER 2—TRANSPARENCY, PROGRAM**
8 **INTEGRITY, AND REGULATORY IM-**
9 **PROVEMENTS**

10 **SEC. 3221. SAFER DISPOSAL OF OPIOIDS.**

11 Section 505–1(e)(4)(B) of the Federal Food, Drug, and
12 Cosmetic Act (21 U.S.C. 355–1(e)(4)(B)) is amended by
13 striking “for purposes of rendering drugs nonretrievable (as
14 defined in section 1300.05 of title 21, Code of Federal Regu-
15 lations (or any successor regulation))”.

16 **SEC. 3222. THERAPEUTIC EQUIVALENCE EVALUATIONS.**

17 Section 505(j)(7)(A) of the Federal Food, Drug, and
18 Cosmetic Act (21 U.S.C. 355(j)(7)(A)) is amended by add-
19 ing at the end the following:

20 “(v)(I) With respect to an application submitted pur-
21 suant to subsection (b)(2) for a drug that is subject to sec-
22 tion 503(b) for which the sole difference from a listed drug
23 relied upon in the application is a difference in inactive
24 ingredients not permitted under clause (iii) or (iv) of sec-
25 tion 314.94(a)(9) of title 21, Code of Federal Regulations

3452

1 *(or any successor regulations), the Secretary shall make an*
2 *evaluation with respect to whether such drug is a thera-*
3 *peutic equivalent (as defined in section 314.3 of title 21,*
4 *Code of Federal Regulations (or any successor regulations))*
5 *to another approved drug product in the prescription drug*
6 *product section of the list under this paragraph as follows:*

7 “(aa) *With respect to such an application sub-*
8 *mitted after the date of enactment of the Food and*
9 *Drug Omnibus Reform Act of 2022, the evaluation*
10 *shall be made with respect to a listed drug relied*
11 *upon in the application pursuant to subsection (b)(2)*
12 *that is a pharmaceutical equivalent (as defined in*
13 *section 314.3 of title 21, Code of Federal Regulations*
14 *(or any successor regulations)) to the drug in the ap-*
15 *plication pursuant to subsection (b)(2) at the time of*
16 *approval of such application or not later than 180*
17 *days after the date of such approval, provided that*
18 *the request for such an evaluation is made in the*
19 *original application (or in a resubmission to a com-*
20 *plete response letter), and all necessary data and in-*
21 *formation are submitted in the original application*
22 *(or in a resubmission in response to a complete re-*
23 *sponse letter) for the therapeutic equivalence evalua-*
24 *tion, including information to demonstrate bioequiva-*

3453

1 *lence, in a form and manner prescribed by the Sec-*
2 *retary.*

3 “(bb) *With respect to such an application ap-*
4 *proved prior to or on the date of enactment of the*
5 *Food and Drug Omnibus Reform Act of 2022, the*
6 *evaluation shall be made not later than 180 days*
7 *after receipt of a request for a therapeutic equivalence*
8 *evaluation submitted as part of a supplement to such*
9 *application; or with respect to an application that*
10 *was submitted prior to the date of enactment of the*
11 *Food and Drug Omnibus Reform Act of 2022 but not*
12 *approved as of the date of enactment of such Act, the*
13 *evaluation shall be made not later than 180 days*
14 *after the date of approval of such application if a re-*
15 *quest for such evaluation is submitted as an amend-*
16 *ment to the application, provided that—*

17 “(AA) *such request for a therapeutic equiva-*
18 *lence evaluation is being sought with respect to*
19 *a listed drug relied upon in the application, and*
20 *the relied upon listed drug is in the prescription*
21 *drug product section of the list under this para-*
22 *graph and is a pharmaceutical equivalent (as*
23 *defined in section 314.3 of title 21, Code of Fed-*
24 *eral Regulations (or any successor regulations))*

3454

1 *to the drug for which a therapeutic equivalence*
2 *evaluation is sought; and*

3 *“(BB) the amendment or supplement, as*
4 *applicable, containing such request, or the rel-*
5 *evant application, includes all necessary data*
6 *and information for the therapeutic equivalence*
7 *evaluation, including information to dem-*
8 *onstrate bioequivalence, in a form and manner*
9 *prescribed by the Secretary.*

10 *“(II) When the Secretary makes an evaluation under*
11 *subclause (I), the Secretary shall, in revisions made to the*
12 *list pursuant to clause (ii), include such information for*
13 *such drug.”.*

14 **SEC. 3223. PUBLIC DOCKET ON PROPOSED CHANGES TO**
15 **THIRD-PARTY VENDORS.**

16 *(a) IN GENERAL.—*

17 *(1) OPENING PUBLIC DOCKET.—Not later than*
18 *90 days after the date of enactment of this Act, the*
19 *Secretary shall open a single public docket to solicit*
20 *comments on factors that generally should be consid-*
21 *ered by the Secretary when reviewing requests from*
22 *sponsors of drugs subject to risk evaluation and miti-*
23 *gation strategies to change third-party vendors en-*
24 *gaged by sponsors to aid in implementation and*
25 *management of the strategies.*

3455

1 (2) *FACTORS.*—*Such factors include the potential*
2 *effects of changes in third-party vendors on—*

3 (A) *patient access; and*

4 (B) *prescribing and administration of the*
5 *drugs by health care providers.*

6 (3) *CLOSING PUBLIC DOCKET.*—*The Secretary*
7 *may close such public docket not earlier than 90 days*
8 *after such docket is opened.*

9 (4) *NO DELAY.*—*Nothing in this section shall*
10 *delay agency action on any modification to a risk*
11 *evaluation and mitigation strategy.*

12 (b) *GAO REPORT.*—*Not later than December 31, 2026,*
13 *the Comptroller General of the United States shall submit*
14 *to the Committee on Energy and Commerce of the House*
15 *of Representatives and the Committee on Health, Edu-*
16 *cation, Labor, and Pensions of the Senate a report on—*

17 (1) *the number of changes in third-party vendors*
18 *(engaged by sponsors to aid implementation and*
19 *management of risk evaluation and mitigation strate-*
20 *gies) for an approved risk evaluation and mitigation*
21 *strategy the Secretary has approved under section*
22 *505–1(h) of the Federal Food, Drug, and Cosmetic*
23 *Act (21 U.S.C. 355–1(h));*

24 (2) *any issues affecting patient access to the*
25 *drug that is subject to the strategy or considerations*

3456

1 *with respect to the administration or prescribing of*
2 *such drug by health care providers that arose as a re-*
3 *sult of such changes; and*

4 *(3) how such issues were resolved, as applicable.*

5 **SEC. 3224. ENHANCING ACCESS TO AFFORDABLE MEDI-**
6 **CINES.**

7 *Section 505(j)(10)(A) of the Federal Food, Drug, and*
8 *Cosmetic Act (21 U.S.C. 355(j)(10)(A)) is amended by*
9 *striking clauses (i) through (iii) and inserting the following:*

10 “(i) a revision to the labeling of the listed drug
11 *has been approved by the Secretary within 90 days*
12 *of when the application is otherwise eligible for ap-*
13 *proval under this subsection;*

14 “(ii) the sponsor of the application agrees to sub-
15 *mit revised labeling for the drug that is the subject of*
16 *the application not later than 60 days after approval*
17 *under this subsection of the application;*

18 “(iii) the labeling revision described under clause
19 *(i) does not include a change to the ‘Warnings’ sec-*
20 *tion of the labeling; and”.*

21 ***Subtitle C—Medical Devices***

22 **SEC. 3301. DUAL SUBMISSION FOR CERTAIN DEVICES.**

23 *Section 513 of the Federal Food, Drug, and Cosmetic*
24 *Act (21 U.S.C. 360c) is amended by adding at the end the*
25 *following:*

3457

1 “(k) *For a device authorized for emergency use under*
2 *section 564 for which, in accordance with section 564(m),*
3 *the Secretary has deemed a laboratory examination or pro-*
4 *cedure associated with such device to be in the category of*
5 *examinations and procedures described in section 353(d)(3)*
6 *of the Public Health Service Act, the sponsor of such device*
7 *may, when submitting a request for classification under sec-*
8 *tion 513(f)(2), submit a single submission containing—*

9 “(1) *the information needed for such a request;*
10 *and*

11 “(2) *sufficient information to enable the Sec-*
12 *retary to determine whether such laboratory examina-*
13 *tion or procedure satisfies the criteria to be cat-*
14 *egorized under section 353(d)(3) of the Public Health*
15 *Service Act.*”.

16 **SEC. 3302. MEDICAL DEVICES ADVISORY COMMITTEE MEET-**
17 **INGS.**

18 (a) *IN GENERAL.—The Secretary shall convene one or*
19 *more panels of the Medical Devices Advisory Committee not*
20 *less than once per year for the purpose of providing advice*
21 *to the Secretary on topics related to medical devices used*
22 *in pandemic preparedness and response, including topics*
23 *related to in vitro diagnostics.*

3458

1 (b) *REQUIRED PANEL MEMBER.*—A panel convened
2 under subsection (a) shall include at least 1 population
3 health-specific representative.

4 (c) *SUNSET.*—This section shall cease to be effective on
5 October 1, 2027.

6 **SEC. 3303. GAO REPORT ON THIRD-PARTY REVIEW.**

7 Not later than September 30, 2026, the Comptroller
8 General of the United States shall submit to the Committee
9 on Energy and Commerce of the House of Representatives
10 and the Committee on Health, Education, Labor, and Pen-
11 sions of the Senate a report on the third-party review pro-
12 gram under section 523 of the Federal Food, Drug, and Cos-
13 metic Act (21 U.S.C. 360m). Such report shall include—

14 (1) a description of the financial and staffing re-
15 sources used to carry out such program;

16 (2) a description of actions taken by the Sec-
17 retary pursuant section 523(b)(2)(C) of the Federal
18 Food, Drug, and Cosmetic Act (21 U.S.C.
19 360m(b)(2)(C)); and

20 (3) the results of an audit of the performance of
21 select persons accredited under such program.

22 **SEC. 3304. CERTIFICATES TO FOREIGN GOVERNMENTS.**

23 Section 801(e)(4) of the Federal Food, Drug, and Cos-
24 metic Act (21 U.S.C. 381(e)(4)) is amended—

3459

1 (1) in subparagraph (E), by striking clause (iii);

2 and

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

4 “(F)(i) This paragraph applies to requests for certifi-
5 cation under this subparagraph of a device manufactured
6 by a device establishment located outside of the United
7 States that is registered under section 510, if the device is
8 listed pursuant to section 510(j), the device has been cleared,
9 approved, or is not required to submit a premarket report
10 pursuant to subsection (l) or (m) of section 510, and the
11 device is imported or offered for import into the United
12 States.

13 “(ii) The Secretary shall issue the certification as de-
14 scribed in clause (iii) if the device or devices for which cer-
15 tification is requested under this subparagraph meet the ap-
16 plicable requirements of this Act.

17 “(iii)(I) A certification for a device described in clause
18 (i) shall be subject to the fee described in subparagraph (B).

19 “(II) Notwithstanding subparagraph (C), a certifi-
20 cation for a device described in clause (i) shall address and
21 include the same material information as a ‘Certificate to
22 Foreign Government’ and shall have a document title in-
23 cluding the words ‘Certificate to Foreign Government’.

3460

1 “(iv) *The requirements and procedures of subpara-*
2 *graph (E) shall apply to a denial of a certification under*
3 *this subparagraph.*”.

4 **SEC. 3305. ENSURING CYBERSECURITY OF MEDICAL DE-**
5 **VICES.**

6 (a) *IN GENERAL.*—Subchapter A of chapter V of the
7 *Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et*
8 *seq.) is amended by adding at the end the following:*

9 **“SEC. 524B. ENSURING CYBERSECURITY OF DEVICES.**

10 “(a) *IN GENERAL.*—A person who submits an applica-
11 *tion or submission under section 510(k), 513, 515(c), 515(f),*
12 *or 520(m) for a device that meets the definition of a cyber*
13 *device under this section shall include such information as*
14 *the Secretary may require to ensure that such cyber device*
15 *meets the cybersecurity requirements under subsection (b).*

16 “(b) *CYBERSECURITY REQUIREMENTS.*—The sponsor
17 *of an application or submission described in subsection (a)*
18 *shall—*

19 “(1) *submit to the Secretary a plan to monitor,*
20 *identify, and address, as appropriate, in a reasonable*
21 *time, postmarket cybersecurity vulnerabilities and ex-*
22 *ploits, including coordinated vulnerability disclosure*
23 *and related procedures;*

24 “(2) *design, develop, and maintain processes and*
25 *procedures to provide a reasonable assurance that the*

3461

1 *device and related systems are cybersecure, and make*
2 *available postmarket updates and patches to the de-*
3 *vice and related systems to address—*

4 *“(A) on a reasonably justified regular cycle,*
5 *known unacceptable vulnerabilities; and*

6 *“(B) as soon as possible out of cycle, critical*
7 *vulnerabilities that could cause uncontrolled*
8 *risks;*

9 *“(3) provide to the Secretary a software bill of*
10 *materials, including commercial, open-source, and off-*
11 *the-shelf software components; and*

12 *“(4) comply with such other requirements as the*
13 *Secretary may require through regulation to dem-*
14 *onstrate reasonable assurance that the device and re-*
15 *lated systems are cybersecure.*

16 *“(c) DEFINITION.—In this section, the term ‘cyber de-*
17 *vice’ means a device that—*

18 *“(1) includes software validated, installed, or au-*
19 *thorized by the sponsor as a device or in a device;*

20 *“(2) has the ability to connect to the internet;*
21 *and*

22 *“(3) contains any such technological characteris-*
23 *tics validated, installed, or authorized by the sponsor*
24 *that could be vulnerable to cybersecurity threats.*

3462

1 “(d) *EXEMPTION.*—*The Secretary may identify de-*
2 *vices, or categories or types of devices, that are exempt from*
3 *meeting the cybersecurity requirements established by this*
4 *section and regulations promulgated pursuant to this sec-*
5 *tion. The Secretary shall publish in the Federal Register,*
6 *and update, as appropriate, a list of the devices, or cat-*
7 *egories or types of devices, so identified by the Secretary.”.*

8 (b) *PROHIBITED ACT.*—*Section 301(q) of the Federal*
9 *Food, Drug, and Cosmetic Act (21 U.S.C. 331(q)) is amend-*
10 *ed by adding at the end the following:*

11 “(3) *The failure to comply with any requirement*
12 *under section 524B(b)(2) (relating to ensuring device cyber-*
13 *security).”.*

14 (c) *RULE OF CONSTRUCTION.*—*Nothing in this section,*
15 *including the amendments made by this section, shall be*
16 *construed to affect the Secretary’s authority related to en-*
17 *sureing that there is a reasonable assurance of the safety and*
18 *effectiveness of devices, which may include ensuring that*
19 *there is a reasonable assurance of the cybersecurity of cer-*
20 *tain cyber devices, including for devices approved or cleared*
21 *prior to the date of enactment of this Act.*

22 (d) *EFFECTIVE DATE.*—*The amendments made by*
23 *subsections (a) and (b) shall take effect 90 days after the*
24 *date of enactment of this Act. An application or submission*
25 *submitted before such effective date shall not be subject to*

3463

1 *the requirements under subsection (a) or (b) of section 524B*
2 *of the Federal Food, Drug, and Cosmetic Act, as added by*
3 *this section.*

4 *(e) GUIDANCE FOR INDUSTRY AND FDA STAFF ON DE-*
5 *VICE CYBERSECURITY.—Not later than 2 years after the*
6 *date of enactment of this Act, and periodically thereafter*
7 *as appropriate, the Secretary, in consultation with the Di-*
8 *rector of the Cybersecurity and Infrastructure Security*
9 *Agency, shall review and, as appropriate and after solic-*
10 *iting and receiving feedback from device manufacturers,*
11 *health care providers, third-party-device servicers, patient*
12 *advocates, and other appropriate stakeholders, update the*
13 *guidance entitled “Content of Premarket Submissions for*
14 *Management of Cybersecurity in Medical Devices” (or a*
15 *successor document).*

16 *(f) RESOURCES REGARDING CYBERSECURITY OF DE-*
17 *VICES.—Not later than 180 days after the date of enactment*
18 *of this Act, and not less than annually thereafter, the Sec-*
19 *retary shall update public information provided by the*
20 *Food and Drug Administration, including on the website*
21 *of the Food and Drug Administration, with information re-*
22 *garding improving cybersecurity of devices. Such informa-*
23 *tion shall include information on identifying and address-*
24 *ing cyber vulnerabilities for health care providers, health*
25 *systems, and device manufacturers, and how such entities*

3464

1 *may access support through the Cybersecurity and Infra-*
2 *structure Security Agency and other Federal entities, in-*
3 *cluding the Department of Health and Human Services, to*
4 *improve the cybersecurity of devices.*

5 *(g) GAO REPORT.—Not later than 1 year after the*
6 *date of enactment of this Act, the Comptroller General of*
7 *the United States shall publish a report identifying chal-*
8 *lenges in cybersecurity for devices, including legacy devices*
9 *that may not support certain software security updates.*
10 *Through such report, the Comptroller General shall exam-*
11 *ine—*

12 *(1) challenges for device manufacturers, health*
13 *care providers, health systems, and patients in access-*
14 *ing Federal support to address vulnerabilities across*
15 *Federal agencies;*

16 *(2) how Federal agencies can strengthen coordi-*
17 *nation to better support cybersecurity for devices; and*

18 *(3) statutory limitations and opportunities for*
19 *improving cybersecurity for devices.*

20 *(h) DEFINITION.—In this section, the term “device”*
21 *has the meaning given such term in section 201(h) of the*
22 *Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).*

3465

1 **SEC. 3306. BANS OF DEVICES FOR ONE OR MORE INTENDED**
2 **USES.**

3 (a) *IN GENERAL.*—Section 516(a) of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 360f(a)) is amended—

5 (1) in paragraph (1), by inserting “for one or
6 more intended uses” before the semicolon at the end;
7 and

8 (2) in the matter following paragraph (2), by in-
9 serting “or to make such intended use or uses a
10 banned intended use or uses. A device that is banned
11 for one or more intended uses is not a legally mar-
12 keted device under section 1006 when intended for
13 such use or uses” after “banned device”.

14 (b) *RULE OF CONSTRUCTION.*—Nothing in this section
15 shall be construed to limit the authority of the Secretary
16 to amend, in accordance with section 516 of the Federal
17 Food, Drug, and Cosmetic Act (21 U.S.C. 360f), as amend-
18 ed by this section, and chapter 5 of title 5, United States
19 Code, regulations promulgated pursuant to such section
20 516, as amended by this section.

21 **SEC. 3307. THIRD PARTY DATA TRANSPARENCY.**

22 (a) *IN GENERAL.*—To the extent the Secretary relies
23 on any data, analysis, or other information or findings pro-
24 vided by entities that has been funded in whole or in part
25 by, or otherwise performed under contract with, the Food

3466

1 *and Drug Administration, in regulatory decision-making*
2 *with respect to devices, the Secretary shall—*

3 (1) *request access to the datasets, inputs, clinical*
4 *or other assumptions, methods, analytical code, re-*
5 *sults, and other components underlying or comprising*
6 *the analysis, conclusions, or other findings upon*
7 *which the Secretary seeks to rely; and*

8 (2) *in the event that information described in*
9 *paragraph (1) is used to support regulatory decision-*
10 *making, and as otherwise appropriate, to the extent*
11 *practicable, provide the manufacturer or manufactur-*
12 *ers subject to such decision a summary of such infor-*
13 *mation, subject to protection of confidential commer-*
14 *cial information or trade secret information or per-*
15 *sonally identifiable information.*

16 (b) *REPORT.—Not later than September 30, 2023, and*
17 *biennially thereafter, the Secretary shall submit to the Com-*
18 *mittee on Health, Education, Labor, and Pensions of the*
19 *Senate and the Committee on Energy and Commerce of the*
20 *House of Representatives, and publish on the website of the*
21 *Food and Drug Administration, a report on the number*
22 *of postmarket device signals communications issued by the*
23 *Secretary, the sources of data for such signals, and how such*
24 *signals were revised or resolved.*

3467

1 (c) *RULE OF CONSTRUCTION.*—*Nothing in this section*
2 *shall be construed to require the delay of any regulatory*
3 *decision-making or other action of the Food and Drug Ad-*
4 *ministration.*

5 **SEC. 3308. PREDETERMINED CHANGE CONTROL PLANS FOR**
6 **DEVICES.**

7 (a) *IN GENERAL.*—*Chapter V of the Federal Food,*
8 *Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended*
9 *by inserting after section 515B (21 U.S.C. 360e–3) the fol-*
10 *lowing:*

11 **“SEC. 515C. PREDETERMINED CHANGE CONTROL PLANS**
12 **FOR DEVICES.**

13 “(a) *APPROVED DEVICES.*—

14 “(1) *IN GENERAL.*—*Notwithstanding section*
15 *515(d)(5)(A), a supplemental application shall not be*
16 *required for a change to a device approved under sec-*
17 *tion 515, if such change is consistent with a predeter-*
18 *mined change control plan that is approved pursuant*
19 *to paragraph (2).*

20 “(2) *PREDETERMINED CHANGE CONTROL*
21 *PLAN.*—*The Secretary may approve a predetermined*
22 *change control plan submitted in an application, in-*
23 *cluding a supplemental application, under section*
24 *515 that describes planned changes that may be made*
25 *to the device (and that would otherwise require a sup-*

3468

1 *plemental application under section 515), if the de-*
2 *vice remains safe and effective without any change.*

3 *“(3) SCOPE.—The Secretary may require that a*
4 *change control plan include labeling required for safe*
5 *and effective use of the device as such device changes*
6 *pursuant to such plan, notification requirements if*
7 *the device does not function as intended pursuant to*
8 *such plan, and performance requirements for changes*
9 *made under the plan.*

10 *“(b) CLEARED DEVICES.—*

11 *“(1) IN GENERAL.—Notwithstanding section*
12 *510(k), a premarket notification shall not be required*
13 *for a change to a device cleared under section 510(k),*
14 *if such change is consistent with an established pre-*
15 *determined change control plan granted pursuant to*
16 *paragraph (2).*

17 *“(2) PREDETERMINED CHANGE CONTROL*
18 *PLAN.—The Secretary may clear a predetermined*
19 *change control plan submitted in a notification sub-*
20 *mitted under section 510(k) that describes planned*
21 *changes that may be made to the device (and that*
22 *would otherwise require a new notification), if—*

23 *“(A) the device remains safe and effective*
24 *without any such change; and*

3469

1 “(B) the device would remain substantially
2 equivalent to the predicate.

3 “(3) *SCOPE.*—The Secretary may require that a
4 change control plan include labeling required for safe
5 and effective use of the device as such device changes
6 pursuant to such plan, notification requirements if
7 the device does not function as intended pursuant to
8 such plan, and performance requirements for changes
9 made under the plan.

10 “(c) *PREDICATE DEVICES.*—In making a determina-
11 tion of substantial equivalence pursuant to section 513(i),
12 the Secretary shall not compare a device to changed versions
13 of a device implemented in accordance with an established
14 predetermined change control plan as a predicate device.
15 Only the version of the device cleared or approved, prior
16 to changes made under the predetermined change control
17 plan, may be used by a sponsor as a predicate device.”.

18 (b) *CONFORMING AMENDMENTS.*—

19 (1) *CLEARED DEVICES.*—Section 510(l)(1) of the
20 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
21 360(l)(1)) is amended, in the first sentence, by insert-
22 ing “, or with respect to a change that is consistent
23 with a predetermined change control plan cleared
24 under section 515C” before the period at the end.

3470

1 (2) *APPROVED DEVICES.—Section*
2 *515(d)(5)(A)(i) of the Federal Food, Drug, and Cos-*
3 *metic Act (21 U.S.C. 360e(d)(5)(A)(i)) is amended by*
4 *striking “A supplemental” and inserting “Unless the*
5 *change is consistent with a predetermined change con-*
6 *trol plan approved under section 515C, a supple-*
7 *mental”.*

8 (3) *DOCUMENTATION OF RATIONALE FOR SIG-*
9 *NIFICANT DECISIONS.—Section 517A(a)(1) of the Fed-*
10 *eral Food, Drug, and Cosmetic Act (21 U.S.C. 360g–*
11 *1(a)(1)) is amended to read as follows:*

12 “(1) *IN GENERAL.—The Secretary shall provide*
13 *a substantive summary of the scientific and regu-*
14 *latory rationale for any significant decision of the*
15 *Center for Devices and Radiological Health regarding*
16 *submission or review of a report under section 510(k),*
17 *a petition for classification under section 513(f), an*
18 *application under section 515, or an application for*
19 *an exemption under section 520(g), including docu-*
20 *mentation of significant controversies or differences of*
21 *opinion and the resolution of such controversies or*
22 *differences of opinion.”.*

3471

1 **SEC. 3309. SMALL BUSINESS FEE WAIVER.**

2 (a) *IN GENERAL.*—Section 738(a)(3)(B) of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C. 379j) is amend-
4 ed—

5 (1) by striking “No fee” and inserting the fol-
6 lowing:

7 “(i) *IN GENERAL.*—No fee”; and

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

9 “(ii) *SMALL BUSINESSES FEE WAIV-*
10 *ER.*—

11 “(I) *DEFINITION OF SMALL BUSI-*
12 *NESS.*—For purposes of this clause, the
13 term ‘small business’ means an entity
14 that reported \$1,000,000 or less of
15 gross receipts or sales in its most re-
16 cent Federal income tax return for a
17 taxable year, including such returns of
18 all of its affiliates.

19 “(II) *WAIVER.*—The Secretary
20 may grant a waiver of the fee required
21 under subparagraph (A) for the annual
22 registration (excluding the initial reg-
23 istration) of an establishment for a
24 year, beginning on October 1, 2024, if
25 the Secretary finds that the establish-
26 ment is a small business and paying

3472

1 *the fee for such year represents a fi-*
2 *nancial hardship to the establishment*
3 *as determined by the Secretary.*

4 “(III) *FIRMS SUBMITTING TAX*
5 *RETURNS TO THE UNITED STATES IN-*
6 *TERNAL REVENUE SERVICE.—The es-*
7 *tablishment shall support its claim*
8 *that it meets the definition under sub-*
9 *clause (I) by submission of a copy of*
10 *its most recent Federal income tax re-*
11 *turn for a taxable year, and a copy of*
12 *such returns of its affiliates, which*
13 *show an amount of gross sales or re-*
14 *ceipts that is less than the maximum*
15 *established in subclause (I). The estab-*
16 *lishment, and each of such affiliates,*
17 *shall certify that the information pro-*
18 *vided is a true and accurate copy of*
19 *the actual tax forms they submitted to*
20 *the Internal Revenue Service. If no tax*
21 *forms are submitted for any affiliate,*
22 *the establishment shall certify that the*
23 *establishment has no affiliates.*

24 “(IV) *FIRMS NOT SUBMITTING*
25 *TAX RETURNS TO THE UNITED STATES*

† HR 2617 EAS2

3473

1 *INTERNAL REVENUE SERVICE.—In the*
2 *case of an establishment that has not*
3 *previously submitted a Federal income*
4 *tax return, the establishment and each*
5 *of its affiliates shall demonstrate that*
6 *it meets the definition under subclause*
7 *(I) by submission of a signed certifi-*
8 *cation, in such form as the Secretary*
9 *may direct through a notice published*
10 *in the Federal Register, that the estab-*
11 *lishment or affiliate meets the criteria*
12 *for a small business and a certifi-*
13 *cation, in English, from the national*
14 *taxing authority, if extant, of the coun-*
15 *try in which the establishment or, if*
16 *applicable, affiliate is headquartered.*
17 *The certification from such taxing au-*
18 *thority shall bear the official seal of*
19 *such taxing authority and shall pro-*
20 *vide the establishment's or affiliate's*
21 *gross receipts or sales for the most re-*
22 *cent year in both the local currency of*
23 *such country and in United States dol-*
24 *lars, the exchange rate used in con-*
25 *verting such local currency to dollars,*

3474

1 *and the dates during which these re-*
2 *ceipts or sales were collected. The estab-*
3 *lishment shall also submit a statement*
4 *signed by the head of the establish-*
5 *ment's firm or by its chief financial of-*
6 *ficer that the establishment has sub-*
7 *mitted certifications for all of its affili-*
8 *ates, or that the establishment has no*
9 *affiliates.*

10 “(V) *REQUEST FOR WAIVER.—An*
11 *establishment seeking a fee waiver for a*
12 *year under this clause shall submit*
13 *supporting information to the Sec-*
14 *retary at least 60 days before the fee is*
15 *required pursuant to subparagraph*
16 *(C). The decision of the Secretary re-*
17 *garding whether an entity may receive*
18 *the waiver for such year is not review-*
19 *able.”.*

20 **(b) TAXING AUTHORITY.—***Section 738(d)(2)(B)(iii) of*
21 *the Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
22 *379j(d)(2)(B)(iii)) is amended by inserting “, if extant,”*
23 *after “national taxing authority”.*

3475

1 ***Subtitle D—Infant Formula***

2 ***SEC. 3401. PROTECTING INFANTS AND IMPROVING FOR-***
3 ***MULA SUPPLY.***

4 (a) *DEFINITIONS.—*

5 (1) *IN GENERAL.—In this section, the term “in-*
6 *fant formula” has the meaning given such term in*
7 *section 201(z) of the Federal Food, Drug, and Cos-*
8 *metic Act (21 U.S.C. 321(z)).*

9 (2) *CRITICAL FOOD.—Section 201 of the Federal*
10 *Food, Drug, and Cosmetic Act (21 U.S.C. 321) is*
11 *amended by adding at the end the following:*

12 *“(ss) The term ‘critical food’ means a food that is—*

13 *“(1) an infant formula; or*

14 *“(2) a medical food, as defined in section 5(b)(3)*
15 *of the Orphan Drug Act.”.*

16 (b) *OFFICE OF CRITICAL FOODS.—*

17 (1) *IN GENERAL.—The Secretary shall establish*
18 *within the Center for Food Safety and Applied Nutri-*
19 *tion an office to be known as the Office of Critical*
20 *Foods. The Secretary shall appoint a Director to lead*
21 *such Office.*

22 (2) *DUTIES.—The Office of Critical Foods shall*
23 *be responsible for oversight, coordination, and facili-*
24 *tation of activities related to critical foods, as defined*

3476

1 *in section 201(ss) of the Federal Food, Drug, and Cos-*
2 *metic Act, as added by subsection (a)(2).*

3 (c) *PREMARKET SUBMISSIONS OF INFANT FORMULA*
4 *TO ADDRESS SHORTAGES.*—Section 412 of the Federal
5 *Food, Drug, and Cosmetic Act (21 U.S.C. 350a) is amended*
6 *by adding at the end the following:*

7 “(j) *PREMARKET SUBMISSIONS TO ADDRESS SHORT-*
8 *AGES.*—

9 “(1) *IN GENERAL.*—The Secretary shall waive
10 *the 90-day premarket submission requirement under*
11 *subsection (c) and apply a 30-day premarket submis-*
12 *sion requirement for any person who intends to intro-*
13 *duce or deliver for introduction into interstate com-*
14 *merce any new infant formula.*

15 “(2) *EFFECTIVE PERIOD.*—The waiver authority
16 *under this subsection shall remain in effect—*

17 “(A) *for 90 days beginning on the date that*
18 *the Secretary distributes information under sec-*
19 *tion 424(a)(2) with respect to a shortage of in-*
20 *fant formula; or*

21 “(B) *such longer period as the Secretary de-*
22 *termines appropriate, to prevent or mitigate a*
23 *shortage of infant formula.”.*

24 (d) *REPORT.*—Not later than one year after the date
25 *of enactment of this Act, the Secretary shall submit a report*

3477

1 *to the Committee on Health, Education, Labor, and Pen-*
2 *sions of the Senate and the Committee on Energy and Com-*
3 *merce of the House of Representatives that includes—*

4 *(1) the number of premarket submissions for new*
5 *infant formula the Secretary has received under sec-*
6 *tion 412(d) of the Federal Food, Drug, and Cosmetic*
7 *Act (21 U.S.C. 350a(d)) each year since 2012;*

8 *(2) how many of such submissions received re-*
9 *quests from the Secretary for additional information;*

10 *(3) how long after receiving such submissions the*
11 *Secretary sent such requests for additional informa-*
12 *tion;*

13 *(4) what additional information the Secretary*
14 *requested of the persons submitting such submissions;*
15 *and*

16 *(5) the date each new infant formula described*
17 *in subparagraph (A) was first marketed, if available.*

18 *(e) INFANT FORMULA FLEXIBILITIES.—The Secretary*
19 *shall publish a list on the website of the Department of*
20 *Health and Human Services providing information on how*
21 *to identify appropriate substitutes for infant formula prod-*
22 *ucts in shortage that are relied upon by infants and other*
23 *individuals with inborn errors of metabolism or other seri-*
24 *ous health conditions.*

3478

1 (f) *INTERNATIONAL HARMONIZATION OF INFANT FOR-*
2 *MULA REQUIREMENTS.*—

3 (1) *IN GENERAL.*—*The Secretary*—

4 (A) *shall participate in meetings with rep-*
5 *resentatives from other countries to discuss meth-*
6 *ods and approaches to harmonizing regulatory*
7 *requirements for infant formula, including with*
8 *respect to inspections, labeling, and nutritional*
9 *requirements; and*

10 (B) *may enter into arrangements or agree-*
11 *ments regarding such requirements with other*
12 *countries, as appropriate, including arrange-*
13 *ments or agreements with a foreign government*
14 *or agency of a foreign government to recognize*
15 *the inspection of foreign establishments that*
16 *manufacture infant formula for export to the*
17 *United States.*

18 (2) *STUDY ON INFANT FORMULA.*—

19 (A) *IN GENERAL.*—*Not later than 60 days*
20 *after the date of enactment of this Act, the Sec-*
21 *retary shall seek to enter into an agreement with*
22 *the National Academies of Sciences, Engineering,*
23 *and Medicine (referred to in this paragraph as*
24 *the “National Academies”)* *to examine and re-*
25 *port on challenges in supply, market competi-*

3479

1 *tion, and regulation of infant formula in the*
2 *United States.*

3 *(B) CONTENTS OF THE REPORT.—The re-*
4 *port developed pursuant to the agreement under*
5 *subparagraph (A) shall—*

6 *(i) assess and evaluate—*

7 *(I) infant formula marketed in*
8 *the United States;*

9 *(II) any challenges in supply, or*
10 *market competition with respect to*
11 *such infant formula; and*

12 *(III) any differences between in-*
13 *fant formula marketed in the United*
14 *States and infant formula marketed in*
15 *the European Union, including with*
16 *respect to nutritional content and ap-*
17 *plicable labeling and other regulatory*
18 *requirements; and*

19 *(ii) include recommendations, includ-*
20 *ing for infant formula manufacturers, on*
21 *measures to address supply and market*
22 *competition in the United States.*

23 *(C) FINAL REPORT.—The agreement under*
24 *subparagraph (A) shall specify that the National*
25 *Academies shall, not later than 1 year after the*

3480

1 *date of enactment of this Act, complete such*
2 *study and submit a report on the results of such*
3 *study to the Committee on Health, Education,*
4 *Labor, and Pensions of the Senate and the Com-*
5 *mittee on Energy and Commerce of the House of*
6 *Representatives.*

7 (g) *TRANSPARENCY AND ACCOUNTABILITY TO SUP-*
8 *PORT INFANT FORMULA INNOVATION.—*

9 (1) *CONGRESSIONAL NOTIFICATION OF RE-*
10 *CALL.—Section 412 of the Federal Food, Drug, and*
11 *Cosmetic Act (21 U.S.C. 350a), as amended by sub-*
12 *section (c), is further amended by adding at the end*
13 *the following:*

14 “(k) *CONGRESSIONAL NOTIFICATION OF RECALL.—*

15 “(1) *IN GENERAL.—Not later than 24 hours after*
16 *the initiation of a recall of infant formula as de-*
17 *scribed in subsection (e), the Secretary shall submit to*
18 *the Committee on Health, Education, Labor, and*
19 *Pensions of the Senate and the Committee on Energy*
20 *and Commerce of the House of Representatives a noti-*
21 *fication of such recall.*

22 “(2) *CONTENTS.—A notification under para-*
23 *graph (1) shall include the following:*

24 “(A) *If the recall is required by the Food*
25 *and Drug Administration, a summary of the in-*

3481

1 *formation supporting a determination that the*
2 *adulterated or misbranded infant formula pre-*
3 *sents a risk to human health.*

4 *“(B) If the recall is voluntarily initiated by*
5 *the manufacturer, a summary of the information*
6 *provided to the Food and Drug Administration*
7 *by the manufacturer regarding infant formula*
8 *that has left the control of the manufacturer that*
9 *may be adulterated or misbranded.*

10 *“(C) Specification of when the Food and*
11 *Drug Administration was first made aware of*
12 *the instance or circumstances surrounding the*
13 *recall.*

14 *“(D) An initial estimate of the disruption*
15 *in domestic production that may result from the*
16 *recall.”.*

17 *(2) ANNUAL REPORT TO CONGRESS.—Section*
18 *412 of the Federal Food, Drug, and Cosmetic Act (21*
19 *U.S.C. 350a), as amended by paragraph (1), is fur-*
20 *ther amended by adding at the end the following:*

21 *“(l) ANNUAL REPORT TO CONGRESS.—*

22 *“(1) IN GENERAL.—Not later than March 30 of*
23 *each year, the Secretary shall submit a report to Con-*
24 *gress containing, with respect to the preceding cal-*
25 *endar year, the following information:*

3482

1 “(A) *The number of submissions received by*
2 *the Secretary under subsection (d).*

3 “(B) *The number of such submissions that*
4 *included any new ingredients that were not in-*
5 *cluded in any infant formula already on the*
6 *market.*

7 “(C) *The number of inspections conducted*
8 *by the Food and Drug Administration or any*
9 *agent thereof to evaluate compliance with the re-*
10 *quirements for infant formulas under subsection*
11 *(b).*

12 “(D) *The time between any inspection re-*
13 *ferred to in subparagraph (C) and any necessary*
14 *reinspection to evaluate compliance with the re-*
15 *quirements for infant formulas under subsection*
16 *(b).*

17 “(E) *A breakdown of the information de-*
18 *scribed in subparagraphs (A) through (D) be-*
19 *tween foreign and domestic manufacturers and*
20 *facilities.*

21 “(2) *CONFIDENTIALITY.—The Secretary shall en-*
22 *sure that the reports under paragraph (1) do not in-*
23 *clude any information that is a trade secret or con-*
24 *fidential information subject to section 552(b)(4) of*

3483

1 *title 5, United States Code, or section 1905 of title 18,*
2 *United States Code.”.*

3 (3) *NEW INFANT FORMULA SUBMISSIONS.—Section*
4 *412(d) of the Federal Food, Drug, and Cosmetic*
5 *Act (21 U.S.C. 350a(d)) is amended by adding at the*
6 *end the following:*

7 “(4) *The Secretary shall provide a response to a sub-*
8 *mission under this subsection not later than 45 days after*
9 *receiving such submission.”.*

10 (4) *LIST OF NUTRIENTS.—Section 412(i)(1) of*
11 *the Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
12 *350a(i)) is amended by striking “or, if revised by the*
13 *Secretary under paragraph (2), as so revised” and in-*
14 *serting the following: “, which shall be reviewed by*
15 *the Secretary every 4 years as appropriate. In review-*
16 *ing such table, the Secretary shall consider any new*
17 *scientific data or information related to infant for-*
18 *mula nutrients, including international infant for-*
19 *mula standards. The Secretary may revise the list of*
20 *nutrients and the required level for any nutrient re-*
21 *quired by the table”.*

22 (5) *GUIDANCE.—Not later than 1 year after the*
23 *date of enactment of this Act, the Secretary shall issue*
24 *guidance regarding information sponsors may con-*
25 *sider including in submissions required under section*

3484

1 *412(d) of the Federal Food, Drug, and Cosmetic Act*
2 *(21 U.S.C. 350a(d)), including considerations for*
3 *meeting each of the requirements of paragraphs (1),*
4 *(2), and (3) of subsection (d).*

5 (6) *TECHNICAL CORRECTION.—Section*
6 *412(c)(1)(B) of the Federal Food, Drug, and Cosmetic*
7 *Act (21 U.S.C. 350a(c)(1)(B)) is amended by striking*
8 *“subsection (c)(1)” and inserting “subsection (d)(1)”.*
9 *(h) RESPONSE TO RECALL.—*

10 (1) *MANUFACTURER SUBMISSION.—*

11 (A) *IN GENERAL.—Promptly after the initi-*
12 *ation of a recall of infant formula, the manufac-*
13 *turer of the recalled infant formula shall submit*
14 *information to the Secretary regarding such re-*
15 *call.*

16 (B) *CONTENTS.—A submission under sub-*
17 *paragraph (A) shall include the following:*

18 (i) *A plan (including an estimated*
19 *timeline, as applicable) of actions the man-*
20 *ufacturer will take, suited to the individual*
21 *circumstances of the particular recall, in-*
22 *cluding—*

23 (I) *to identify and address any*
24 *cause of, and contributing factor in,*

3485

1 *known or suspected adulteration or*
2 *known or suspected misbranding; and*

3 *(II) if appropriate, to restore op-*
4 *eration of the impacted facilities.*

5 *(ii) In the case that a recall of the*
6 *manufacturer's infant formula products,*
7 *and subsequent actions to respond to such*
8 *recall, impacts over 10 percent of the pro-*
9 *duction of the infant formula intended for*
10 *sale in the United States, a plan to backfill*
11 *the supply of the manufacturer's infant for-*
12 *mula supply if the current domestic supply*
13 *of such infant formula has fallen, or is ex-*
14 *pected to fall, below the expected demand for*
15 *the formula.*

16 (2) *REPORT TO CONGRESS.—*

17 (A) *IN GENERAL.—Promptly after a sub-*
18 *mission under paragraph (1) is received, the*
19 *Secretary shall provide such submission, together*
20 *with the information specified in subparagraph*
21 *(B), in a report to the Committee on Health,*
22 *Education, Labor, and Pensions of the Senate*
23 *and the Committee on Energy and Commerce of*
24 *the House of Representatives.*

3486

1 (B) *CONTENTS.*—*A report under subpara-*
2 *graph (A) shall include the following:*

3 (i) *Information concerning the current*
4 *domestic supply of infant formula, includ-*
5 *ing—*

6 (I) *a breakdown of the specific*
7 *types of formula involved; and*

8 (II) *an estimate of how long cur-*
9 *rent supplies will last.*

10 (ii) *If a submission or submissions*
11 *under paragraph (1) show that the recall*
12 *and subsequent actions to respond to the re-*
13 *call impact over 10 percent of the domestic*
14 *production of infant formula intended for*
15 *sale in the United States—*

16 (I) *actions to work with the im-*
17 *pacted manufacturer or other manufac-*
18 *turers to increase production; and*

19 (II) *specification of—*

20 (aa) *any additional authori-*
21 *ties needed regarding production*
22 *or importation to fill a supply*
23 *gap; and*

3487

1 *(bb) any supplemental fund-*
2 *ing necessary to address the short-*
3 *age.*

4 *(3) SUNSET.—This subsection shall cease to have*
5 *force or effect on September 30, 2026.*

6 *(i) COORDINATION WITH MANUFACTURER.—*

7 *(1) IN GENERAL.—*

8 *(A) COMMUNICATION FOLLOWING INSPEC-*
9 *TION.—Upon completing an inspection of an in-*
10 *fant formula manufacturing facility impacted by*
11 *a recall, the Secretary, acting through the Com-*
12 *missioner of Food and Drugs, shall provide the*
13 *manufacturer involved a list of any actions nec-*
14 *essary to—*

15 *(i) address deficiencies contributing to*
16 *the potential adulteration or misbranding of*
17 *product at the facility; and*

18 *(ii) safely restart production at the fa-*
19 *cility.*

20 *(B) RESPONSE TO MANUFACTURER.—Not*
21 *later than 7 days after receiving a written com-*
22 *munication from a manufacturer of infant for-*
23 *mula containing corrective actions to address*
24 *manufacturing deficiencies identified during an*
25 *inspection of a facility engaged in the manufac-*

3488

1 *turing of an infant formula impacted by a re-*
2 *call, the Secretary, acting through the Commis-*
3 *sioner of Food and Drugs, shall provide a sub-*
4 *stantive response to such communication con-*
5 *cerning the sufficiency of the proposed corrective*
6 *actions.*

7 (2) *INSPECTIONS.—The Secretary shall ensure*
8 *timely communication with a manufacturer of infant*
9 *formula following an inspection of a facility engaged*
10 *in the manufacturing of infant formula for consump-*
11 *tion in the United States. If a reinspection of a man-*
12 *ufacturer of an infant formula is required to ensure*
13 *that such manufacturer completed any remediation*
14 *actions or addressed any deficiencies, the Secretary*
15 *shall reinspect such facility in a timely manner. The*
16 *Secretary shall prioritize and expedite an inspection*
17 *or reinspection of an establishment that could help*
18 *mitigate or prevent a shortage of an infant formula.*

19 (3) *ANNUAL INSPECTIONS.—Not later than 6*
20 *months after the date of enactment of this Act, and*
21 *not less than once per calendar year thereafter, the*
22 *Secretary shall conduct inspections, including unan-*
23 *nounced inspections, of the facilities (including for-*
24 *foreign facilities) of each manufacturer of an infant for-*
25 *mula required to be registered under section*

3489

1 412(c)(1)(A) of the Federal Food, Drug, and Cosmetic
2 Act (21 U.S.C. 350a(c)(1)(A)), in accordance with a
3 risk-based approach and ensure timely and effective
4 internal coordination and alignment among the Of-
5 fice of Regulatory Affairs and the Center for Food
6 Safety and Applied Nutrition. In meeting the inspec-
7 tion requirements under this subsection, the Secretary
8 may rely on inspections conducted by foreign regu-
9 latory authorities, under arrangements or agreements,
10 and conducted by State agencies under contract,
11 memoranda of understanding, or any other obliga-
12 tion.

13 (j) NATIONAL STRATEGY ON INFANT FORMULA.—

14 (1) IN GENERAL.—The Secretary, in consultation
15 with the Secretary of Agriculture and other heads of
16 relevant departments and agencies, shall develop and
17 issue, not later than 90 days after the date of enact-
18 ment of this Act, a national strategy on infant for-
19 mula to increase the resiliency of the infant formula
20 supply chain, protect against future contamination
21 and other potential causes of supply disruptions and
22 shortages, and ensure parents and caregivers have ac-
23 cess to infant formula and information they need.

3490

1 (2) *IMMEDIATE NATIONAL STRATEGY.*—*The na-*
2 *tional strategy under paragraph (1) shall include ef-*
3 *forts—*

4 (A) *to increase the resiliency of the infant*
5 *formula supply chain in the short-term by—*

6 (i) *assessing causes of any supply dis-*
7 *ruption or shortage of infant formula in ex-*
8 *istence as of the date of enactment of this*
9 *Act and potential causes of future supply*
10 *disruptions and shortages;*

11 (ii) *assessing and addressing imme-*
12 *diate infant formula needs associated with*
13 *the shortage; and*

14 (iii) *developing a plan to increase in-*
15 *fant formula supply, including through in-*
16 *creased competition; and*

17 (B) *to ensure the development and updating*
18 *of education and communication materials for*
19 *parents and caregivers that cover—*

20 (i) *where and how to find infant for-*
21 *mula;*

22 (ii) *comparable infant formulas on the*
23 *market;*

24 (iii) *what to do if a specialty infant*
25 *formula is unavailable;*

3491

1 (iv) *safe practices for handling infant*
2 *formula; and*

3 (v) *other topics, as appropriate.*

4 (3) *LONG-TERM STRATEGY.*—*Not later than 90*
5 *days after the submission of the report described in*
6 *subsection (f)(2), the Secretary shall update the na-*
7 *tional strategy under paragraph (1) to include efforts*
8 *to improve preparedness against infant formula*
9 *shortages in the long-term by—*

10 (A) *outlining methods to improve informa-*
11 *tion-sharing between the Federal Government*
12 *and State and local governments, and other enti-*
13 *ties as appropriate, regarding shortages;*

14 (B) *recommending measures for protecting*
15 *the integrity of the infant formula supply and*
16 *preventing contamination;*

17 (C) *outlining methods to incentivize new in-*
18 *fant formula manufacturers to increase supply*
19 *and mitigate future shortages; and*

20 (D) *recommending other necessary authori-*
21 *ties to gain insight into the supply chain and*
22 *risk for shortages, and to incentivize new infant*
23 *formula manufacturers.*

24 (k) *MEANINGFUL DISRUPTION IN THE PRODUCTION OF*
25 *CRITICAL FOOD.*—*Chapter IV of the Federal Food, Drug,*

3492

1 *and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by*
2 *adding at the end the following:*

3 **“SEC. 424. REQUIREMENTS FOR CRITICAL FOOD.**

4 “(a) *NOTIFICATION OF MEANINGFUL DISRUPTION FOR*
5 *CRITICAL FOOD.—*

6 “(1) *IN GENERAL.—A manufacturer of a critical*
7 *food (as defined in section 201(ss)) shall notify the*
8 *Secretary of a permanent discontinuance in the man-*
9 *ufacture or an interruption of the manufacture of*
10 *such food that is likely to lead to a meaningful dis-*
11 *ruption in the supply of such food in the United*
12 *States, and the reasons for such discontinuance or*
13 *interruption, as soon as practicable, but not later*
14 *than 5 business days after such discontinuance or*
15 *such interruption.*

16 “(2) *DISTRIBUTION OF INFORMATION.—Not later*
17 *than 5 calendar days after receiving a notification*
18 *under paragraph (1), if the Secretary has determined*
19 *that such discontinuance or interruption has resulted,*
20 *or is likely to result, in a shortage of such critical*
21 *food, the Secretary shall distribute, to the Secretary of*
22 *Agriculture and to the maximum extent practicable to*
23 *the appropriate entities, as determined by the Sec-*
24 *retary through such means as the Secretary deter-*
25 *mines appropriate, information on such shortage.*

3493

1 “(3) *CONFIDENTIALITY*.—*Nothing in this sub-*
2 *section authorizes the Secretary to disclose any infor-*
3 *mation that is a trade secret or confidential informa-*
4 *tion subject to section 552(b)(4) of title 5, United*
5 *States Code, or section 1905 of title 18, United States*
6 *Code.*

7 “(4) *MEANINGFUL DISRUPTION*.—*In this sub-*
8 *section, the term ‘meaningful disruption’—*

9 “(A) *means a change in production that is*
10 *reasonably likely to lead to a significant reduc-*
11 *tion in the supply of a critical food by a manu-*
12 *facturer that affects the ability of the manufac-*
13 *turer to meet expected demand for its product;*
14 *and*

15 “(B) *does not include interruptions in man-*
16 *ufacturing due to matters such as routine main-*
17 *tenance, changes or discontinuance of flavors,*
18 *colors, or other insignificant formulation charac-*
19 *teristics, or insignificant changes in manufac-*
20 *turing so long as the manufacturer expects to re-*
21 *sume operations in a short period of time.*

22 “(b) *RISK MANAGEMENT PLANS*.—*Each manufacturer*
23 *of a critical food shall develop, maintain, and implement,*
24 *as appropriate, a redundancy risk management plan that*
25 *identifies and evaluates risks to the supply of the food, as*

3494

1 *applicable, for each establishment in which such food is*
2 *manufactured. A risk management plan under this sub-*
3 *section—*

4 “(1) *may identify and evaluate risks to the sup-*
5 *ply of more than one critical food, or critical food*
6 *category, manufactured at the same establishment;*

7 “(2) *may identify mechanisms by which the*
8 *manufacturer would mitigate the impacts of a supply*
9 *disruption through alternative production sites, alter-*
10 *native suppliers, stockpiling of inventory, or other*
11 *means; and*

12 “(3) *shall be subject to inspection and copying*
13 *by the Secretary pursuant to an inspection under sec-*
14 *tion 704.*

15 “(c) *FAILURE TO MEET REQUIREMENTS.—*

16 “(1) *IN GENERAL.—If a person fails to submit*
17 *information required under, and in accordance with,*
18 *subsection (a)—*

19 “(A) *the Secretary shall issue a letter to*
20 *such person informing such person of such fail-*
21 *ure; and*

22 “(B) *not later than 45 calendar days after*
23 *the issuance of a letter under subparagraph (A),*
24 *subject to paragraph (2), the Secretary shall*
25 *make available to the public on the website of the*

3495

1 *Food and Drug Administration, with appro-*
2 *priate redactions made to protect the informa-*
3 *tion described in subsection (a)(3)—*

4 “(i) the letter issued under subpara-

5 graph (A); and

6 “(ii) at the request of such person, any

7 response to such letter such person sub-

8 mitted to the Secretary.

9 “(2) *EXCEPTION.—If the Secretary determines*

10 *that the letter under paragraph (1) was issued in*

11 *error or, after review of such response, the person had*

12 *a reasonable basis for not submitting a notification as*

13 *required under subsection (a), the requirements of*

14 *paragraph (1)(B) shall not apply.”.*

15 *(l) SPECIALTY INFANT FORMULA FOR IMPORTATION.—*

16 *Section 412 of the Federal Food, Drug, and Cosmetic Act*

17 *(21 U.S.C. 350a), as amended by subsection (f)(2), is fur-*

18 *ther amended by adding at the end the following:*

19 “(m) *WAIVER OF REQUIREMENTS FOR IMPORTATION*

20 *OF SPECIALTY INFANT FORMULA.—*

21 “(1) *IN GENERAL.—The Secretary may, during*

22 *a shortage of specialty infant formula as determined*

23 *by the Secretary, waive any requirement under this*

24 *Act applicable to facilitate the importation of spe-*

3496

1 *cialty infant formula. Such a waiver may be applica-*
2 *ble to—*

3 *“(A) the importation of specialty infant for-*
4 *mula from any country that is determined by*
5 *the Secretary to be implementing and enforcing*
6 *requirements for infant formula that provide a*
7 *similar assurance of safety and nutritional ade-*
8 *quacy as the requirements of this Act; or*

9 *“(B) the distribution and sale of such im-*
10 *ported specialty infant formula.*

11 *“(2) RULE OF CONSTRUCTION.—Nothing in*
12 *paragraph (1) shall be construed to limit the author-*
13 *ity of the Secretary to require a recall of, or otherwise*
14 *impose restrictions and requirements under this Act*
15 *with respect to, specialty infant formula that is sub-*
16 *ject to a waiver under paragraph (1).*

17 *“(3) DEFINITION OF SPECIALTY INFANT FOR-*
18 *MULA.—In this subsection, the term ‘specialty infant*
19 *formula’ means infant formula described in sub-*
20 *section (h)(1).”.*

21 *(m) IMPORTATION FOR PERSONAL USE.—*

22 *(1) IN GENERAL.—Notwithstanding any provi-*
23 *sion of the Federal Food, Drug, and Cosmetic Act (21*
24 *U.S.C. 301 et seq.), during the 90-day period begin-*
25 *ning on the date of enactment of this Act, an indi-*

3497

vidual may, without prior notice to the Food and Drug Administration, import up to a 3-month supply of infant formula for personal use from—

(A) Canada;

(B) any country in the European Union; or

(C) any other country that is determined by the Secretary to be implementing and enforcing requirements for infant formula that provide a similar assurance of safety and nutritional adequacy as the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(2) *LIMITATIONS.*—Infant formula may be imported pursuant to paragraph (1) only if the infant formula—

(A) is exclusively for personal use and will not be commercialized or promoted; and

(B) does not present an unreasonable risk to human health.

(3) *REPORTING OF ADVERSE EVENTS.*—If a health care provider becomes aware of any adverse event which the health care provider reasonably suspects to be associated with infant formula imported pursuant to paragraph (1), the health care provider shall report such adverse event to the Commissioner of Food and Drugs.

3498

1 (4) *PUBLIC NOTICE.*—*The Secretary, acting*
2 *through the Commissioner of Food and Drugs, shall*
3 *post on the public website of the Food and Drug Ad-*
4 *ministration notice that—*

5 (A) *infant formula imported pursuant to*
6 *paragraph (1) may not have been manufactured*
7 *in a facility that has been inspected by the Food*
8 *and Drug Administration;*

9 (B) *the labeling of such infant formula may*
10 *not meet the standards and other requirements*
11 *applicable with respect to infant formula under*
12 *the Federal Food, Drug, and Cosmetic Act (21*
13 *U.S.C. 301 et seq.); and*

14 (C) *the nutritional content of infant for-*
15 *mula imported pursuant to paragraph (1) may*
16 *vary from that of infant formula meeting such*
17 *standards and other requirements.*

18 (5) *SENSE OF CONGRESS.*—*It is the sense of*
19 *Congress that persons considering the personal impor-*
20 *tation of infant formula should consult with their pe-*
21 *diatrician about such importation.*

22 ***Subtitle E—Cosmetics***

23 ***SEC. 3501. SHORT TITLE.***

24 *This subtitle may be cited as the “Modernization of*
25 *Cosmetics Regulation Act of 2022”.*

3499

1 **SEC. 3502. AMENDMENTS TO COSMETIC REQUIREMENTS.**

2 *Chapter VI of the Federal Food, Drug, and Cosmetic*
3 *Act (21 U.S.C. 361 et seq.) is amended by adding at the*
4 *end the following:*

5 **“SEC. 604. DEFINITIONS.**

6 *“In this chapter:*

7 *“(1) ADVERSE EVENT.—The term ‘adverse event’*
8 *means any health-related event associated with the*
9 *use of a cosmetic product that is adverse.*

10 *“(2) COSMETIC PRODUCT.—The term ‘cosmetic*
11 *product’ means a preparation of cosmetic ingredients*
12 *with a qualitatively and quantitatively set composi-*
13 *tion for use in a finished product.*

14 *“(3) FACILITY.—*

15 *“(A) IN GENERAL.—The term ‘facility’ in-*
16 *cludes any establishment (including an establish-*
17 *ment of an importer) that manufactures or proc-*
18 *esses cosmetic products distributed in the United*
19 *States.*

20 *“(B) Such term does not include any of the*
21 *following:*

22 *“(i) Beauty shops and salons, unless*
23 *such establishment manufactures or proc-*
24 *esses cosmetic products at that location.*

25 *“(ii) Cosmetic product retailers, in-*
26 *cluding individual sales representatives, di-*

3500

1 *rect sellers (as defined in section 3508(b)(2)*
2 *of the Internal Revenue Code of 1986), re-*
3 *tail distribution facilities, and pharmacies,*
4 *unless such establishment manufactures or*
5 *processes cosmetic products that are not sold*
6 *directly to consumers at that location.*

7 *“(iii) Hospitals, physicians’ offices,*
8 *and health care clinics.*

9 *“(iv) Public health agencies and other*
10 *nonprofit entities that provide cosmetic*
11 *products directly to the consumer.*

12 *“(v) Entities (such as hotels and air-*
13 *lines) that provide complimentary cosmetic*
14 *products to customers incidental to other*
15 *services.*

16 *“(vi) Trade shows and other venues*
17 *where cosmetic product samples are pro-*
18 *vided free of charge.*

19 *“(vii) An establishment that manufac-*
20 *tures or processes cosmetic products that are*
21 *solely for use in research or evaluation, in-*
22 *cluding for production testing and not of-*
23 *fered for retail sale.*

3501

1 “(viii) *An establishment that solely*
2 *performs one or more of the following with*
3 *respect to cosmetic products:*

4 “(I) *Labeling.*

5 “(II) *Relabeling.*

6 “(III) *Packaging.*

7 “(IV) *Repackaging.*

8 “(V) *Holding.*

9 “(VI) *Distributing.*

10 “(C) *CLARIFICATION.—For the purposes of*
11 *subparagraph (B)(viii), the terms ‘packaging’*
12 *and ‘repackaging’ do not include filling a prod-*
13 *uct container with a cosmetic product.*

14 “(4) *RESPONSIBLE PERSON.—The term ‘respon-*
15 *sible person’ means the manufacturer, packer, or dis-*
16 *tributor of a cosmetic product whose name appears on*
17 *the label of such cosmetic product in accordance with*
18 *section 609(a) of this Act or section 4(a) of the Fair*
19 *Packaging and Labeling Act.*

20 “(5) *SERIOUS ADVERSE EVENT.—The term ‘seri-*
21 *ous adverse event’ means an adverse event that—*

22 “(A) *results in—*

23 “(i) *death;*

24 “(ii) *a life-threatening experience;*

25 “(iii) *inpatient hospitalization;*

3502

1 “(iv) a persistent or significant dis-
2 ability or incapacity;

3 “(v) a congenital anomaly or birth de-
4 fect;

5 “(vi) an infection; or

6 “(vii) significant disfigurement (in-
7 cluding serious and persistent rashes,
8 second- or third-degree burns, significant
9 hair loss, or persistent or significant alter-
10 ation of appearance), other than as in-
11 tended, under conditions of use that are cus-
12 tomary or usual; or

13 “(B) requires, based on reasonable medical
14 judgment, a medical or surgical intervention to
15 prevent an outcome described in subparagraph
16 (A).

17 **“SEC. 605. ADVERSE EVENTS.**

18 “(a) *SERIOUS ADVERSE EVENT REPORTING REQUIRE-*
19 *MENTS.—The responsible person shall submit to the Sec-*
20 *retary any report received of a serious adverse event associ-*
21 *ated with the use, in the United States, of a cosmetic prod-*
22 *uct manufactured, packed, or distributed by such person.*

23 “(b) *SUBMISSION OF REPORTS.—*

24 “(1) *SERIOUS ADVERSE EVENT REPORT.—The*
25 *responsible person shall submit to the Secretary a se-*

3503

1 *rious adverse event report accompanied by a copy of*
2 *the label on or within the retail packaging of such*
3 *cosmetic product no later than 15 business days after*
4 *the report is received by the responsible person.*

5 “(2) *NEW MEDICAL INFORMATION.*—*The respon-*
6 *sible person shall submit to the Secretary any new*
7 *and material medical information, related to a seri-*
8 *ous adverse event report submitted to the Secretary in*
9 *accordance with paragraph (1), that is received by the*
10 *responsible person within 1 year of the initial report*
11 *to the Secretary, no later than 15 business days after*
12 *such information is received by such responsible per-*
13 *son.*

14 “(3) *CONSOLIDATION OF REPORTS.*—*The Sec-*
15 *retary shall develop systems to enable responsible per-*
16 *sons to submit a single report that includes duplicate*
17 *reports of, or new medical information related to, a*
18 *serious adverse event.*

19 “(c) *EXEMPTIONS.*—*The Secretary may establish by*
20 *regulation an exemption to any of the requirements of this*
21 *section if the Secretary determines that such exemption*
22 *would have no significant adverse effect on public health.*

23 “(d) *CONTACT INFORMATION.*—*The responsible person*
24 *shall receive reports of adverse events through the domestic*
25 *address, domestic telephone number, or electronic contact*

3504

1 *information included on the label in accordance with sec-*
2 *tion 609(a).*

3 “(e) *MAINTENANCE AND INSPECTION OF ADVERSE*
4 *EVENT RECORDS.*—

5 “(1) *MAINTENANCE.*—*The responsible person*
6 *shall maintain records related to each report of an*
7 *adverse event associated with the use, in the United*
8 *States, of a cosmetic product manufactured or distrib-*
9 *uted by such person received by such person, for a pe-*
10 *riod of 6 years, except that a responsible person that*
11 *is considered a small business for the purposes of sec-*
12 *tion 612, who does not engage in the manufacturing*
13 *or processing of the cosmetic products described in*
14 *subsection 612(b), shall maintain such records for a*
15 *period of 3 years.*

16 “(2) *INSPECTION.*—

17 “(A) *IN GENERAL.*—*The responsible person*
18 *shall permit an authorized person to have access*
19 *to records required to be maintained under this*
20 *section during an inspection pursuant to section*
21 *704.*

22 “(B) *AUTHORIZED PERSON.*—*For purposes*
23 *of this paragraph, the term ‘authorized person’*
24 *means an officer or employee of the Department*
25 *of Health and Human Services who has—*

3505

1 “(i) appropriate credentials, as deter-
2 mined by the Secretary; and

3 “(ii) been duly designated by the Sec-
4 retary to have access to the records required
5 under this section.

6 “(f) *FRAGRANCE AND FLAVOR INGREDIENTS.*—If the
7 Secretary has reasonable grounds to believe that an ingre-
8 dient or combination of ingredients in a fragrance or flavor
9 has caused or contributed to a serious adverse event re-
10 quired to be reported under this section, the Secretary may
11 request in writing a list of such ingredients or categories
12 of ingredients in the specific fragrances or flavors in the
13 cosmetic product, from the responsible person. The respon-
14 sible person shall ensure that the requested information is
15 submitted to the Secretary within 30 days of such request.
16 In response to a request under section 552 of title 5, United
17 States Code, information submitted to the Secretary under
18 this subsection shall be withheld under section 552(b)(3) of
19 title 5, United States Code.

20 “(g) *PROTECTED INFORMATION.*—A serious adverse
21 event report submitted to the Secretary under this section,
22 including any new medical information submitted under
23 subsection (b)(2), or an adverse event report, or any new
24 information, voluntarily submitted to the Secretary shall
25 be considered to be—

3506

1 “(1) a safety report under section 756 and may
2 be accompanied by a statement, which shall be a part
3 of any report that is released for public disclosure,
4 that denies that the report or the records constitute an
5 admission that the product involved caused or con-
6 tributed to the adverse event; and

7 “(2) a record about an individual under section
8 552a of title 5, United States Code (commonly re-
9 ferred to as the ‘Privacy Act of 1974’) and a medical
10 or similar file the disclosure of which would constitute
11 a violation of section 552 of such title 5 (commonly
12 referred to as the ‘Freedom of Information Act’), and
13 shall not be publicly disclosed unless all personally
14 identifiable information is redacted.

15 “(h) EFFECT OF SECTION.—

16 “(1) IN GENERAL.—Nothing in this section shall
17 affect the authority of the Secretary to provide ad-
18 verse event reports and information to any health,
19 food, or drug officer or employee of any State, terri-
20 tory, or political subdivision of a State or territory,
21 under a memorandum of understanding between the
22 Secretary and such State, territory, or political sub-
23 division.

24 “(2) PERSONALLY IDENTIFIABLE INFORMA-
25 TION.—Notwithstanding any other provision of law,

3507

1 *personally-identifiable information in adverse event*
2 *reports provided by the Secretary to any health, food,*
3 *or drug officer or employee of any State, territory, or*
4 *political subdivision of a State or territory, shall*
5 *not—*

6 *“(A) be made publicly available pursuant to*
7 *any State or other law requiring disclosure of*
8 *information or records; or*

9 *“(B) otherwise be disclosed or distributed to*
10 *any party without the written consent of the Sec-*
11 *retary and the person submitting such informa-*
12 *tion to the Secretary.*

13 *“(3) USE OF REPORTS.—Nothing in this section*
14 *shall permit a State, territory, or political subdivi-*
15 *sion of a State or territory, to use any safety report*
16 *received from the Secretary in a manner inconsistent*
17 *with this section.*

18 *“(4) RULE OF CONSTRUCTION.—The submission*
19 *of any report in compliance with this section shall*
20 *not be construed as an admission that the cosmetic*
21 *product involved caused or contributed to the relevant*
22 *adverse event.*

23 **“SEC. 606. GOOD MANUFACTURING PRACTICE.**

24 *“(a) IN GENERAL.—The Secretary shall by regulation*
25 *establish good manufacturing practices for facilities that*

3508

1 *are consistent, to the extent practicable, and appropriate,*
2 *with national and international standards, in accordance*
3 *with section 601. Any such regulations shall be intended*
4 *to protect the public health and ensure that cosmetic prod-*
5 *ucts are not adulterated. Such regulations may allow for*
6 *the Secretary to inspect records necessary to demonstrate*
7 *compliance with good manufacturing practices prescribed*
8 *by the Secretary under this paragraph during an inspection*
9 *conducted under section 704.*

10 “(b) *CONSIDERATIONS.—In establishing regulations*
11 *for good manufacturing practices under this section, the*
12 *Secretary shall take into account the size and scope of the*
13 *businesses engaged in the manufacture of cosmetics, and the*
14 *risks to public health posed by such cosmetics, and provide*
15 *sufficient flexibility to be practicable for all sizes and types*
16 *of facilities to which such regulations will apply. Such regu-*
17 *lations shall include simplified good manufacturing prac-*
18 *tice requirements for smaller businesses, as appropriate, to*
19 *ensure that such regulations do not impose undue economic*
20 *hardship for smaller businesses, and may include longer*
21 *compliance times for smaller businesses. Before issuing reg-*
22 *ulations to implement subsection (a), the Secretary shall*
23 *consult with cosmetics manufacturers, including smaller*
24 *businesses, consumer organizations, and other experts se-*
25 *lected by the Secretary.*

3509

1 “(c) *TIMEFRAME.*—*The Secretary shall publish a no-*
2 *tice of proposed rulemaking not later than 2 years after*
3 *the date of enactment of the Modernization of Cosmetics*
4 *Regulation Act of 2022 and shall publish a final such rule*
5 *not later than 3 years after such date of enactment.*

6 **“SEC. 607. REGISTRATION AND PRODUCT LISTING.**

7 “(a) *SUBMISSION OF REGISTRATION.*—

8 “(1) *INITIAL REGISTRATION.*—

9 “(A) *EXISTING FACILITIES.*—*Every person*
10 *that, on the date of enactment of the Moderniza-*
11 *tion of Cosmetics Regulation Act of 2022, owns*
12 *or operates a facility that engages in the manu-*
13 *facturing or processing of a cosmetic product for*
14 *distribution in the United States shall register*
15 *each facility with the Secretary not later than 1*
16 *year after date of enactment of such Act.*

17 “(B) *NEW FACILITIES.*—*Every person that*
18 *owns or operates a facility that first engages,*
19 *after the date of enactment of the Modernization*
20 *of Cosmetics Regulation Act of 2022, in manu-*
21 *facturing or processing of a cosmetic product for*
22 *distribution in the United States, shall register*
23 *with the Secretary such facility within 60 days*
24 *of first engaging in such activity or 60 days*

3510

1 *after the deadline for registration under subpara-*
2 *graph (A), whichever is later.*

3 “(2) *BIENNIAL RENEWAL OF REGISTRATION.*—A
4 *person required to register a facility under paragraph*
5 *(1) shall renew such registrations with the Secretary*
6 *biennially.*

7 “(3) *CONTRACT MANUFACTURERS.*—If a facility
8 *manufactures or processes cosmetic products on behalf*
9 *of a responsible person, the Secretary shall require*
10 *only a single registration for such facility even if such*
11 *facility is manufacturing or processing its own cos-*
12 *metic products or cosmetic products on behalf of more*
13 *than one responsible person. Such single registration*
14 *may be submitted to the Secretary by such facility or*
15 *any responsible person whose products are manufac-*
16 *tured or processed at such facility.*

17 “(4) *UPDATES TO CONTENT.*—A person that is
18 *required to register under subsection (a)(1) shall no-*
19 *tify the Secretary within 60 days of any changes to*
20 *information required under subsection (b)(2).*

21 “(5) *ABBREVIATED RENEWAL REGISTRATIONS.*—
22 *The Secretary shall provide for an abbreviated reg-*
23 *istration renewal process for any person that owns or*
24 *operates a facility that has not been required to sub-*
25 *mit updates under paragraph (4) for a registered fa-*

3511

1 *cility since submission of the most recent registration*
2 *of such facility under paragraph (1) or (2).*

3 “(b) *FORMAT; CONTENTS OF REGISTRATION.*—

4 “(1) *IN GENERAL.*—*Registration information*
5 *under this section may be submitted at such time and*
6 *in such manner as the Secretary may prescribe.*

7 “(2) *CONTENTS.*—*The registration under sub-*
8 *section (a) shall contain—*

9 “(A) *the facility’s name, physical address,*
10 *email address, and telephone number;*

11 “(B) *with respect to any foreign facility, the*
12 *contact for the United States agent of the facil-*
13 *ity, and, if available, the electronic contact infor-*
14 *mation;*

15 “(C) *the facility registration number, if*
16 *any, previously assigned by the Secretary under*
17 *subsection (d);*

18 “(D) *all brand names under which cosmetic*
19 *products manufactured or processed in the facil-*
20 *ity are sold; and*

21 “(E) *the product category or categories and*
22 *responsible person for each cosmetic product*
23 *manufactured or processed at the facility.*

24 “(c) *COSMETIC PRODUCT LISTING.*—

3512

1 “(1) *IN GENERAL.*—*For each cosmetic product,*
2 *the responsible person shall submit to the Secretary a*
3 *cosmetic product listing, or ensure that such submis-*
4 *sion is made, at such time and in such manner as*
5 *the Secretary may prescribe.*

6 “(2) *COSMETIC PRODUCT LISTING.*—*The respon-*
7 *sible person of a cosmetic product that is marketed on*
8 *the date of enactment of the Modernization of Cos-*
9 *metics Regulation Act of 2022 shall submit to the Sec-*
10 *retary a cosmetic product listing not later than 1*
11 *year after the date of enactment of the Modernization*
12 *of Cosmetics Regulation Act of 2022, or for a cosmetic*
13 *product that is first marketed after the date of enact-*
14 *ment of such Act, within 120 days of marketing such*
15 *product in interstate commerce. Thereafter, any up-*
16 *dates to such listing shall be made annually, con-*
17 *sistent with paragraphs (4) and (5).*

18 “(3) *ABBREVIATED RENEWAL.*—*The Secretary*
19 *shall provide for an abbreviated process for the re-*
20 *newal of any cosmetic product listing under this sub-*
21 *section with respect to which there has been no change*
22 *since the responsible person submitted the previous*
23 *listing.*

24 “(4) *CONTENTS OF LISTING.*—

3513

1 “(A) *IN GENERAL.*—*Each such cosmetic*
2 *product listing shall include—*

3 “(i) *the facility registration number of*
4 *each facility where the cosmetic product is*
5 *manufactured or processed;*

6 “(ii) *the name and contact number of*
7 *the responsible person and the name for the*
8 *cosmetic product, as such name appears on*
9 *the label;*

10 “(iii) *the applicable cosmetic category*
11 *or categories for the cosmetic product;*

12 “(iv) *a list of ingredients in the cos-*
13 *metic product, including any fragrances,*
14 *flavors, or colors, with each ingredient iden-*
15 *tified by the name, as required under sec-*
16 *tion 701.3 of title 21, Code of Federal Regu-*
17 *lations (or any successor regulations), or by*
18 *the common or usual name of the ingre-*
19 *dient; and*

20 “(v) *the product listing number, if any*
21 *previously assigned by the Secretary under*
22 *subsection (d).*

23 “(B) *FLEXIBLE LISTINGS.*—*A single listing*
24 *submission for a cosmetic product may include*
25 *multiple cosmetic products with identical formu-*

3514

1 *lations, or formulations that differ only with re-*
2 *spect to colors, fragrances or flavors, or quantity*
3 *of contents.*

4 “(5) *UPDATES TO CONTENT.*—A responsible per-
5 *son that is required to submit a cosmetic product list-*
6 *ing shall submit any updates to such cosmetic prod-*
7 *uct listing annually.*

8 “(6) *SUBMISSION.*—A responsible person may
9 *submit product listing information as part of a facil-*
10 *ity registration or separately.*

11 “(d) *FACILITY REGISTRATION AND PRODUCT LISTING*
12 *NUMBERS.*—At the time of the initial registration of any
13 *facility under subsection (a)(1) or initial listing of any cos-*
14 *metic product under (c)(1), the Secretary shall assign a fa-*
15 *cility registration number to the facility and a product list-*
16 *ing number to each cosmetic product. The Secretary shall*
17 *not make such product listing number publicly available.*

18 “(e) *CONFIDENTIALITY.*—In response to a request
19 *under section 552 of title 5, United States Code, informa-*
20 *tion described in subsection (b)(2)(D) or (c)(4)(A)(i) that*
21 *is derived from a registration or listing under this section*
22 *shall be withheld under section 552(b)(3) of title 5, United*
23 *States Code.*

24 “(f) *SUSPENSIONS.*—

3515

1 “(1) *SUSPENSION OF REGISTRATION OF A FACIL-*
2 *ITY.—The Secretary may suspend the registration of*
3 *a facility if the Secretary determines that a cosmetic*
4 *product manufactured or processed by a registered fa-*
5 *cility and distributed in the United States has a rea-*
6 *sonable probability of causing serious adverse health*
7 *consequences or death to humans and the Secretary*
8 *has a reasonable belief that other products manufac-*
9 *tured or processed by the facility may be similarly af-*
10 *ected because of a failure that cannot be isolated to*
11 *a product or products, or is sufficiently pervasive to*
12 *raise concerns about other products manufactured in*
13 *the facility.*

14 “(2) *NOTICE OF SUSPENSION.—Before sus-*
15 *pending a facility registration under this section, the*
16 *Secretary shall provide—*

17 “(A) *notice to the facility registrant of the*
18 *cosmetic product or other responsible person, as*
19 *appropriate, of the intent to suspend the facility*
20 *registration, which shall specify the basis of the*
21 *determination by the Secretary that the facility*
22 *registration should be suspended; and*

23 “(B) *an opportunity, within 5 business*
24 *days of the notice provided under subparagraph*
25 *(A), for the responsible person to provide a plan*

3516

1 *for addressing the reasons for possible suspension*
2 *of the facility registration.*

3 “(3) *HEARING ON SUSPENSION.—The Secretary*
4 *shall provide the registrant subject to an order under*
5 *paragraph (1) or (2) with an opportunity for an in-*
6 *formal hearing, to be held as soon as possible but not*
7 *later than 5 business days after the issuance of the*
8 *order, or such other time period agreed upon by the*
9 *Secretary and the registrant, on the actions required*
10 *for reinstatement of registration and why the reg-*
11 *istration that is subject to the suspension should be*
12 *reinstated. The Secretary shall reinstate a registra-*
13 *tion if the Secretary determines, based on evidence*
14 *presented, that adequate grounds do not exist to con-*
15 *tinue the suspension of the registration.*

16 “(4) *POST-HEARING CORRECTIVE ACTION*
17 *PLAN.—If, after providing opportunity for an infor-*
18 *mal hearing under paragraph (3), the Secretary de-*
19 *termines that the suspension of registration remains*
20 *necessary, the Secretary shall require the registrant to*
21 *submit a corrective action plan to demonstrate how*
22 *the registrant plans to correct the conditions found by*
23 *the Secretary. The Secretary shall review such plan*
24 *not later than 14 business days after the submission*
25 *of the corrective action plan or such other time period*

3517

1 *as determined by the Secretary, in consultation with*
2 *the registrant.*

3 “(5) *VACATING OF ORDER; REINSTATEMENT.*—
4 *Upon a determination by the Secretary that adequate*
5 *grounds do not exist to continue the suspension ac-*
6 *tions, the Secretary shall promptly vacate the suspen-*
7 *sion and reinstate the registration of the facility.*

8 “(6) *EFFECT OF SUSPENSION.*—*If the registra-*
9 *tion of the facility is suspended under this section, no*
10 *person shall introduce or deliver for introduction into*
11 *commerce in the United States cosmetic products from*
12 *such facility.*

13 “(7) *NO DELEGATION.*—*The authority conferred*
14 *by this section to issue an order to suspend a registra-*
15 *tion or vacate an order of suspension shall not be del-*
16 *egated to any officer or employee other than the Com-*
17 *missioner.*

18 **“SEC. 608. SAFETY SUBSTANTIATION.**

19 “(a) *SUBSTANTIATION OF SAFETY.*—*A responsible per-*
20 *son for a cosmetic product shall ensure, and maintain*
21 *records supporting, that there is adequate substantiation of*
22 *safety of such cosmetic product.*

23 “(b) *COAL-TAR HAIR DYE.*—*Subsection (a) shall not*
24 *apply to coal-tar hair dye that otherwise complies with the*
25 *requirements of section 601(a). A responsible person for a*

3518

1 *coal-tar hair dye shall maintain records related to the safe-*
2 *ty of such product.*

3 “(c) *DEFINITIONS.—For purposes of this section:*

4 “(1) *ADEQUATE SUBSTANTIATION OF SAFETY.—*

5 *The term ‘adequate substantiation of safety’ means*
6 *tests or studies, research, analyses, or other evidence*
7 *or information that is considered, among experts*
8 *qualified by scientific training and experience to*
9 *evaluate the safety of cosmetic products and their in-*
10 *redients, sufficient to support a reasonable certainty*
11 *that a cosmetic product is safe.*

12 “(2) *SAFE.—The term ‘safe’ means that the cos-*
13 *metic product, including any ingredient thereof, is*
14 *not injurious to users under the conditions of use pre-*
15 *scribed in the labeling thereof, or under such condi-*
16 *tions of use as are customary or usual. The Secretary*
17 *shall not consider a cosmetic ingredient or cosmetic*
18 *product injurious to users solely because it can cause*
19 *minor and transient reactions or minor and transient*
20 *skin irritations in some users. In determining for*
21 *purposes of this section whether a cosmetic product is*
22 *safe, the Secretary may consider, as appropriate and*
23 *available, the cumulative or other relevant exposure to*
24 *the cosmetic product, including any ingredient there-*
25 *of.*

1 **“SEC. 609. LABELING.**

2 “(a) *GENERAL REQUIREMENT.*—*Each cosmetic prod-*
3 *uct shall bear a label that includes a domestic address, do-*
4 *mestic phone number, or electronic contact information,*
5 *which may include a website, through which the responsible*
6 *person can receive adverse event reports with respect to such*
7 *cosmetic product.*

8 “(b) *FRAGRANCE ALLERGENS.*—*The responsible person*
9 *shall identify on the label of a cosmetic product each fra-*
10 *grance allergen included in such cosmetic product. Sub-*
11 *stances that are fragrance allergens for purposes of this sub-*
12 *section shall be determined by the Secretary by regulation.*
13 *The Secretary shall issue a notice of proposed rulemaking*
14 *promulgating the regulation implementing this requirement*
15 *not later than 18 months after the date of enactment of the*
16 *Modernization of Cosmetics Regulation Act of 2022, and not*
17 *later than 180 days after the date on which the public com-*
18 *ment period on the proposed rulemaking closes, shall issue*
19 *a final rulemaking. In promulgating regulations imple-*
20 *menting this subsection, the Secretary shall consider inter-*
21 *national, State, and local requirements for allergen disclo-*
22 *sure, including the substance and format of requirements*
23 *in the European Union, and may establish threshold levels*
24 *of amounts of substances subject to disclosure pursuant to*
25 *such regulations.*

26 “(c) *COSMETIC PRODUCTS FOR PROFESSIONAL USE.*—

3520

1 “(1) *DEFINITION OF PROFESSIONAL.*—*For pur-*
2 *poses of this subsection, the term ‘professional’ means*
3 *an individual who is licensed by an official State au-*
4 *thority to practice in the field of cosmetology, nail*
5 *care, barbering, or esthetics.*

6 “(2) *PROFESSIONAL USE LABELING.*—*A cosmetic*
7 *product introduced into interstate commerce and in-*
8 *tended to be used only by a professional shall bear a*
9 *label that—*

10 “(A) *contains a clear and prominent state-*
11 *ment that the product shall be administered or*
12 *used only by licensed professionals; and*

13 “(B) *is in conformity with the requirements*
14 *of the Secretary for cosmetics labeling under this*
15 *Act and section 4(a) of the Fair Packaging and*
16 *Labeling Act.*

17 **“SEC. 610. RECORDS.**

18 “(a) *IN GENERAL.*—*If the Secretary has a reasonable*
19 *belief that a cosmetic product, including an ingredient in*
20 *such cosmetic product, and any other cosmetic product that*
21 *the Secretary reasonably believes is likely to be affected in*
22 *a similar manner, is likely to be adulterated such that the*
23 *use or exposure to such product presents a threat of serious*
24 *adverse health consequences or death to humans, each re-*
25 *sponsible person and facility shall, at the request of an offi-*

3521

1 *cer or employee duly designated by the Secretary, permit*
2 *such officer or employee, upon presentation of appropriate*
3 *credentials and a written notice to such person, at reason-*
4 *able times and within reasonable limits and in a reasonable*
5 *manner, to have access to and copy all records relating to*
6 *such cosmetic product, and to any other cosmetic product*
7 *that the Secretary reasonably believes is likely to be affected*
8 *in a similar manner, that are needed to assist the Secretary*
9 *in determining whether the cosmetic product is adulterated*
10 *and presents a threat of serious adverse health consequences*
11 *or death to humans. This subsection shall not be construed*
12 *to extend to recipes or formulas for cosmetics, financial*
13 *data, pricing data, personnel data (other than data as to*
14 *qualification of technical and professional personnel per-*
15 *forming functions subject to this Act), research data (other*
16 *than safety substantiation data for cosmetic products and*
17 *their ingredients), or sales data (other than shipment data*
18 *regarding sales).*

19 “(b) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
20 *tion shall be construed to limit the authority of the Sec-*
21 *retary to inspect records or require establishment and*
22 *maintenance of records under any other provision of this*
23 *Act, including section 605 or 606.*

3522

1 **“SEC. 611. MANDATORY RECALL AUTHORITY.**

2 “(a) *IN GENERAL.*—If the Secretary determines that
3 *there is a reasonable probability that a cosmetic is adulter-*
4 *ated under section 601 or misbranded under section 602*
5 *and the use of or exposure to such cosmetic will cause seri-*
6 *ous adverse health consequences or death, the Secretary shall*
7 *provide the responsible person with an opportunity to vol-*
8 *untarily cease distribution and recall such article. If the*
9 *responsible person refuses to or does not voluntarily cease*
10 *distribution or recall such cosmetic within the time and*
11 *manner prescribed by the Secretary (if so prescribed), the*
12 *Secretary may, by order, require, as the Secretary deter-*
13 *mines necessary, such person to immediately cease distribu-*
14 *tion of such article.*

15 “(b) *HEARING.*—The Secretary shall provide the re-
16 sponsible person who is subject to an order under subsection
17 (a) with an opportunity for an informal hearing, to be held
18 not later than 10 days after the date of issuance of the order,
19 on whether adequate evidence exists to justify the order.

20 “(c) *ORDER RESOLUTION.*—After an order is issued
21 according to the process under subsections (a) and (b), the
22 Secretary shall, except as provided in subsection (d)—

23 “(1) *vacate the order, if the Secretary determines*
24 *that inadequate grounds exist to support the actions*
25 *required by the order;*

3523

1 “(2) *continue the order ceasing distribution of*
2 *the cosmetic until a date specified in such order; or*

3 “(3) *amend the order to require a recall of the*
4 *cosmetic, including any requirements to notify appro-*
5 *priate persons, a timetable for the recall to occur, and*
6 *a schedule for updates to be provided to the Secretary*
7 *regarding such recall.*

8 “(d) *ACTION FOLLOWING ORDER.—Any person who is*
9 *subject to an order pursuant to paragraph (2) or (3) of sub-*
10 *section (c) shall immediately cease distribution of or recall,*
11 *as applicable, the cosmetic and provide notification as re-*
12 *quired by such order.*

13 “(e) *NOTICE TO PERSONS AFFECTED.—If the Sec-*
14 *retary determines necessary, the Secretary may require the*
15 *person subject to an order pursuant to subsection (a) or an*
16 *amended order pursuant to paragraph (2) or (3) of sub-*
17 *section (c) to provide either a notice of a recall order for,*
18 *or an order to cease distribution of, such cosmetic, as appli-*
19 *cable, under this section to appropriate persons, including*
20 *persons who manufacture, distribute, import, or offer for*
21 *sale such product that is the subject of an order and to the*
22 *public.*

23 “(f) *PUBLIC NOTIFICATION.—In conducting a recall*
24 *under this section, the Secretary shall—*

3524

1 “(1) *ensure that a press release is published re-*
2 *garding the recall, and that alerts and public notices*
3 *are issued, as appropriate, in order to provide notifi-*
4 *cation—*

5 “(A) *of the recall to consumers and retailers*
6 *to whom such cosmetic was, or may have been,*
7 *distributed; and*

8 “(B) *that includes, at a minimum—*

9 “(i) *the name of the cosmetic subject to*
10 *the recall;*

11 “(ii) *a description of the risk associ-*
12 *ated with such article; and*

13 “(iii) *to the extent practicable, infor-*
14 *mation for consumers about similar cos-*
15 *metics that are not affected by the recall;*
16 *and*

17 “(2) *ensure publication, as appropriate, on the*
18 *website of the Food and Drug Administration of an*
19 *image of the cosmetic that is the subject of the press*
20 *release described in paragraph (1), if available.*

21 “(g) *NO DELEGATION.—The authority conferred by*
22 *this section to order a recall or vacate a recall order shall*
23 *not be delegated to any officer or employee other than the*
24 *Commissioner.*

3525

1 “(h) *EFFECT.*—*Nothing in this section shall affect the*
2 *authority of the Secretary to request or participate in a*
3 *voluntary recall, or to issue an order to cease distribution*
4 *or to recall under any other provision of this chapter.*

5 **“SEC. 612. SMALL BUSINESSES.**

6 “(a) *IN GENERAL.*—*Responsible persons, and owners*
7 *and operators of facilities, whose average gross annual sales*
8 *in the United States of cosmetic products for the previous*
9 *3-year period is less than \$1,000,000, adjusted for inflation,*
10 *and who do not engage in the manufacturing or processing*
11 *of the cosmetic products described in subsection (b), shall*
12 *be considered small businesses and not subject to the re-*
13 *quirements of section 606 or 607.*

14 “(b) *REQUIREMENTS APPLICABLE TO ALL MANUFAC-*
15 *TURERS AND PROCESSORS OF COSMETICS.*—*The exemp-*
16 *tions under subsection (a) shall not apply to any respon-*
17 *sible person or facility engaged in the manufacturing or*
18 *processing of any of the following products:*

19 “(1) *Cosmetic products that regularly come into*
20 *contact with mucus membrane of the eye under condi-*
21 *tions of use that are customary or usual.*

22 “(2) *Cosmetic products that are injected.*

23 “(3) *Cosmetic products that are intended for in-*
24 *ternal use.*

3526

1 “(4) *Cosmetic products that are intended to alter*
2 *appearance for more than 24 hours under conditions*
3 *of use that are customary or usual and removal by*
4 *the consumer is not part of such conditions of use*
5 *that are customary or usual.*

6 **“SEC. 613. EXEMPTION FOR CERTAIN PRODUCTS AND FA-**
7 **CILITIES.**

8 “(a) *IN GENERAL.—Notwithstanding any other provi-*
9 *sion of law, except as provided in subsection (b), a cosmetic*
10 *product or facility that is also subject to the requirements*
11 *of chapter V shall be exempt from the requirements of sec-*
12 *tions 605, 606, 607, 608, 609(a), 610, and 611.*

13 “(b) *EXCEPTION.—A facility described in subsection*
14 *(a) that also manufactures or processes cosmetic products*
15 *that are not subject to the requirements of chapter V shall*
16 *not be exempt from the requirements of sections 605, 606,*
17 *607, 608, 609(a), 610, and 611, with respect to such cos-*
18 *metic products.*

19 **“SEC. 614. PREEMPTION.**

20 “(a) *IN GENERAL.—No State or political subdivision*
21 *of a State may establish or continue in effect any law, regu-*
22 *lation, order, or other requirement for cosmetics that is dif-*
23 *ferent from or in addition to, or otherwise not identical*
24 *with, any requirement applicable under this chapter with*
25 *respect to registration and product listing, good manufac-*

3527

1 *turing practice, records, recalls, adverse event reporting, or*
2 *safety substantiation.*

3 “(b) *LIMITATION.*—*Nothing in the amendments to this*
4 *Act made by the Modernization of Cosmetics Regulation Act*
5 *of 2022 shall be construed to preempt any State statute,*
6 *public initiative, referendum, regulation, or other State ac-*
7 *tion, except as expressly provided in subsection (a). Not-*
8 *withstanding subsection (a), nothing in this section shall*
9 *be construed to prevent any State from prohibiting the use*
10 *or limiting the amount of an ingredient in a cosmetic prod-*
11 *uct, or from continuing in effect a requirement of any State*
12 *that is in effect at the time of enactment of the Moderniza-*
13 *tion of Cosmetics Regulation Act of 2022 for the reporting*
14 *to the State of an ingredient in a cosmetic product.*

15 “(c) *SAVINGS.*—*Nothing in the amendments to this Act*
16 *made by the Modernization of Cosmetics Regulation Act of*
17 *2022, nor any standard, rule, requirement, regulation, or*
18 *adverse event report shall be construed to modify, preempt,*
19 *or displace any action for damages or the liability of any*
20 *person under the law of any State, whether statutory or*
21 *based in common law.*

22 “(d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
23 *tion shall be construed to amend, expand, or limit the provi-*
24 *sions under section 752.”.*

3528

1 **SEC. 3503. ENFORCEMENT AND CONFORMING AMEND-**
2 **MENTS.**

3 (a) *IN GENERAL.*—

4 (1) *PROHIBITED ACTS.*—Section 301 of the Fed-
5 eral Food, Drug, and Cosmetic Act (21 U.S.C. 331),
6 as amended by section 3210, is further amended—

7 (A) by adding at the end the following:

8 “(hhh) The failure to register or submit listing infor-
9 mation in accordance with section 607.

10 “(iii) The refusal or failure to follow an order under
11 section 611.”; and

12 (B) in paragraph (d), by striking “or 564”
13 and inserting “, 564, or 607”.

14 (2) *ADULTERATED PRODUCTS.*—Section 601 of
15 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
16 361) is amended by adding at the end the following:

17 “(f) If it has been manufactured or processed under
18 conditions that do not meet the good manufacturing prac-
19 tice requirements of section 606.

20 “(g) If it is a cosmetic product, and the cosmetic prod-
21 uct, including each ingredient in the cosmetic product, does
22 not have adequate substantiation for safety, as defined in
23 section 608(c).”.

24 (3) *MISBRANDED COSMETICS.*—Section 602(b) of
25 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
26 362(b)) is amended—

3529

1 (A) by striking “and (2)” and inserting
2 “(2)”; and

3 (B) by inserting after “numerical count”
4 the following: “; and (3) the information re-
5 quired under section 609”.

6 (4) *ADVERSE EVENT REPORTING.*—*The Federal*
7 *Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)*
8 *is amended—*

9 (A) in section 301(e) (21 U.S.C. 331(e))—
10 (i) by striking “564, 703” and insert-
11 ing “564, 605, 703”; and

12 (ii) by striking “564, 760” and insert-
13 ing “564, 605, 611, 760”;

14 (B) in section 301(ii) (21 U.S.C. 331(ii))—
15 (i) by striking “760 or 761) or” and
16 inserting “604, 760, or 761) or”; and

17 (ii) by inserting “or required under
18 section 605(a)” after “report (as defined
19 under section 760 or 761”;

20 (C) in section 801(a) (21 U.S.C. 381(a))—
21 (i) by striking “under section 760 or
22 761” and inserting “under section 605, 760,
23 or 761”;

3530

1 (ii) by striking “defined in such sec-
2 tion 760 or 761” and inserting “defined in
3 section 604, 760, or 761”;

4 (iii) by striking “of such section 760 or
5 761” and inserting “of such section 605,
6 760, or 761”; and

7 (iv) by striking “described in such sec-
8 tion 760 or 761” and inserting “described
9 in such section 605, 760, or 761”; and

10 (D) in section 801(b) (21 U.S.C. 381(b))—

11 (i) by striking “requirements of sec-
12 tions 760 or 761,” and inserting “require-
13 ments of section 605, 760, or 761”;

14 (ii) by striking “as defined in section
15 760 or 761” and inserting “as defined in
16 section 604, 760, or 761”; and

17 (iii) by striking “with section 760 or
18 761” and inserting “with section 605, 760,
19 or 761”.

20 (b) *EFFECTIVE DATES.*—

21 (1) *IN GENERAL.*—The amendments made by
22 subsection (a) shall take effect on the date that is 1
23 year after the date of enactment of this Act.

24 (2) *LABELING REQUIREMENT.*—Section 609(a) of
25 the Federal Food, Drug, and Cosmetic Act, as added

3531

1 *by section 802, shall take effect on the date that is 2*
2 *years after the date of enactment of this Act.*

3 *(c) CONFIDENTIALITY.—*

4 *(1) IN GENERAL.—The Secretary shall take ap-*
5 *propriate measures to ensure that there are in effect*
6 *effective procedures to prevent the unauthorized dis-*
7 *closure of any trade secret or confidential commercial*
8 *information that is obtained by the Secretary of*
9 *Health and Human Services pursuant to this subtitle,*
10 *including the amendments made by this subtitle.*

11 *(2) CLARIFICATION.—Nothing in this subtitle,*
12 *including the amendments made by this subtitle, shall*
13 *be construed to authorize the disclosure of information*
14 *that is prohibited from disclosure under section 301(j)*
15 *of the Federal Food, Drug, and Cosmetic Act (21*
16 *U.S.C. 331(j)) or section 1905 of title 18, United*
17 *States Code, or that is subject to withholding under*
18 *section 552(b)(4) of title 5, United States Code.*

19 **SEC. 3504. RECORDS INSPECTION.**

20 *Section 704(a)(1) of the Federal Food, Drug, and Cos-*
21 *metic Act (21 U.S.C. 374(a)(1)) is amended by inserting*
22 *after the second sentence the following: “In the case of a*
23 *facility (as defined in section 604) that manufactures or*
24 *processes cosmetic products, the inspection shall extend to*
25 *all records and other information described in sections 605,*

3532

1 606, and 610, when the standard for records inspection
2 under such section applies.”.

3 **SEC. 3505. TALC-CONTAINING COSMETICS.**

4 *The Secretary of Health and Human Services—*

5 *(1) not later than one year after the date of en-*
6 *actment of this Act, shall promulgate proposed regula-*
7 *tions to establish and require standardized testing*
8 *methods for detecting and identifying asbestos in talc-*
9 *containing cosmetic products; and*

10 *(2) not later than 180 days after the date on*
11 *which the public comment period on the proposed reg-*
12 *ulations closes, shall issue such final regulations.*

13 **SEC. 3506. PFAS IN COSMETICS.**

14 *(a) IN GENERAL.—The Secretary of Health and*
15 *Human Services (referred to in this section as the “Sec-*
16 *retary”)* shall assess the use of perfluoroalkyl and
17 polyfluoroalkyl substances in cosmetic products and the sci-
18 entific evidence regarding the safety of such use in cosmetic
19 products, including any risks associated with such use. In
20 conducting such assessment, the Secretary may, as appro-
21 priate, consult with the National Center for Toxicological
22 Research.

23 *(b) REPORT.—Not later than 3 years after enactment*
24 *of this Act, the Secretary shall publish on the website of*

3533

1 *the Food and Drug Administration a report summarizing*
2 *the results of the assessment conducted under subsection (a).*

3 **SEC. 3507. SENSE OF THE CONGRESS ON ANIMAL TESTING.**

4 *It is the sense of the Congress that animal testing*
5 *should not be used for the purposes of safety testing on cos-*
6 *metic products and should be phased out with the exception*
7 *of appropriate allowances.*

8 **SEC. 3508. FUNDING.**

9 *There is authorized to be appropriated \$14,200,000 for*
10 *fiscal year 2023, \$25,960,000 for fiscal year 2024, and*
11 *\$41,890,000 for each of fiscal years 2025 through 2027, for*
12 *purposes of conducting the activities under this subtitle (in-*
13 *cluding the amendments made by this subtitle) and hiring*
14 *personnel required to carry out this subtitle (including the*
15 *amendments made by this subtitle).*

16 ***Subtitle F—Cross-Cutting***
17 ***Provisions***

18 **CHAPTER 1—CLINICAL TRIAL DIVERSITY**
19 **AND MODERNIZATION**

20 **SEC. 3601. DIVERSITY ACTION PLANS FOR CLINICAL STUD-**
21 **IES.**

22 *(a) DRUGS.—Section 505 of the Federal Food, Drug,*
23 *and Cosmetic Act (21 U.S.C. 355) is amended by adding*
24 *at the end the following:*

3534

1 “(z)(1) *With respect to a clinical investigation of a*
2 *new drug that is a phase 3 study, as defined in section*
3 *312.21(c) of title 21, Code of Federal Regulations (or suc-*
4 *cessor regulations), or, as appropriate, another pivotal*
5 *study of a new drug (other than bioavailability or bio-*
6 *equivalence studies), the sponsor of such drug shall submit*
7 *to the Secretary a diversity action plan.*

8 “(2) *Such diversity action plan shall include—*

9 “(A) *the sponsor’s goals for enrollment in such*
10 *clinical study;*

11 “(B) *the sponsor’s rationale for such goals; and*

12 “(C) *an explanation of how the sponsor intends*
13 *to meet such goals.*

14 “(3) *The sponsor shall submit to the Secretary such*
15 *diversity action plan, in the form and manner specified by*
16 *the Secretary in guidance, as soon as practicable but not*
17 *later than the date on which the sponsor submits the pro-*
18 *tocol to the Secretary for such a phase 3 study or other*
19 *pivotal study of the drug. The sponsor may submit modi-*
20 *fications to the diversity action plan. Any such modifica-*
21 *tions shall be in the form and manner specified by the Sec-*
22 *retary in guidance.*

23 “(4)(A) *On the initiative of the Secretary or at the*
24 *request of a sponsor, the Secretary may waive any require-*
25 *ment in paragraph (1), (2), or (3) if the Secretary deter-*

3535

1 *mines that a waiver is necessary based on what is known*
2 *or what can be determined about the prevalence or incidence*
3 *of the disease or condition for which the new drug is under*
4 *investigation (including in terms of the patient population*
5 *that may use the drug), if conducting a clinical investiga-*
6 *tion in accordance with a diversity action plan would oth-*
7 *erwise be impracticable, or if such waiver is necessary to*
8 *protect public health during a public health emergency.*

9 “(B) *The Secretary shall issue a written response*
10 *granting or denying a request from a sponsor for a waiver*
11 *within 60 days of receiving such request.*

12 “(5) *No diversity action plan shall be required for a*
13 *submission described in section 561.”.*

14 (b) *DEVICES.—Section 520(g) of the Federal Food,*
15 *Drug, and Cosmetic Act (21 U.S.C. 360j(g)) is amended*
16 *by adding at the end the following:*

17 “(9)(A)(i) *The sponsor of a device for which submis-*
18 *sion of an application for an investigational device exemp-*
19 *tion is required shall submit to the Secretary in such appli-*
20 *cation a diversity action plan for clinical studies of the de-*
21 *vice, in the form and manner specified in guidance issued*
22 *by the Secretary.*

23 “(ii) *The sponsor of a device for which submission of*
24 *an application for an investigational device exemption is*
25 *not required, except for a device being studied as described*

3536

1 *in section 812.2(c) of title 21, Code of Federal Regulations*
2 *(or successor regulations), shall develop a diversity action*
3 *plan for any clinical study with respect to the device. Such*
4 *diversity action plan shall be submitted to the Secretary*
5 *in any premarket notification under section 510(k), request*
6 *for classification under section 513(f)(2), or application for*
7 *premarket approval under section 515 for such device.*

8 “(B) *A diversity action plan under clause (i) or (ii)*
9 *of subparagraph (A) shall include—*

10 “(i) *the sponsor’s goals for enrollment in the*
11 *clinical study;*

12 “(ii) *the sponsor’s rationale for such goals; and*

13 “(iii) *an explanation of how the sponsor intends*
14 *to meet such goals.*

15 “(C)(i) *On the initiative of the Secretary or at the re-*
16 *quest of a sponsor, the Secretary may waive any require-*
17 *ment in subparagraph (A) or (B) if the Secretary deter-*
18 *mines that a waiver is necessary based on what is known*
19 *or can be determined about the prevalence or incidence of*
20 *the disease or condition for which the device is under inves-*
21 *tigation (including in terms of the patient population that*
22 *may use the device), if conducting a clinical investigation*
23 *in accordance with a diversity action plan would otherwise*
24 *be impracticable, or if such waiver is necessary to protect*
25 *public health during a public health emergency.*

3537

1 “(ii) *The Secretary shall issue a written response*
2 *granting or denying a request from a sponsor for a waiver*
3 *within 60 days of receiving such request.*

4 “(D) *No diversity action plan shall be required for a*
5 *submission described in section 561.*”.

6 **SEC. 3602. GUIDANCE ON DIVERSITY ACTION PLANS FOR**
7 **CLINICAL STUDIES.**

8 (a) *IN GENERAL.*—*The Secretary shall update or issue*
9 *guidance relating to—*

10 (1) *the format and content of the diversity action*
11 *plans required by sections 505(z) and 520(g)(9) of the*
12 *Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
13 *355(z); 360j(g)(9)) (as amended by section 3601) per-*
14 *taining to the sponsor’s goals for clinical study enroll-*
15 *ment, disaggregated by age group, sex, and racial and*
16 *ethnic demographic characteristics of clinically rel-*
17 *evant study populations, and may include character-*
18 *istics such as geographic location and socioeconomic*
19 *status, including with respect to—*

20 (A) *the rationale for the sponsor’s enroll-*
21 *ment goals, which may include—*

22 (i) *the estimated prevalence or inci-*
23 *dence in the United States of the disease or*
24 *condition for which the drug or device is*
25 *being investigated in the relevant clinical*

3538

1 *trial, if such estimated prevalence or inci-*
2 *dence is known or can be determined based*
3 *on available data;*

4 *(ii) what is known about the disease or*
5 *condition for which the drug or device is*
6 *being investigated;*

7 *(iii) any relevant pharmacokinetic or*
8 *pharmacogenomic data;*

9 *(iv) what is known about the patient*
10 *population for such disease or condition, in-*
11 *cluding, to the extent data is available—*

12 *(I) demographic information,*
13 *which may include age group, sex,*
14 *race, geographic location, socio-*
15 *economic status, and ethnicity;*

16 *(II) non-demographic factors, in-*
17 *cluding co-morbidities affecting the pa-*
18 *tient population; and*

19 *(III) potential barriers to enroll-*
20 *ing diverse participants, such as pa-*
21 *tient population size, geographic loca-*
22 *tion, and socioeconomic status; and*

23 *(v) any other data or information rel-*
24 *evant to selecting appropriate enrollment*
25 *goals, disaggregated by demographic sub-*

† **HR 2617 EAS2**

3539

1 *group, such as the inclusion of pregnant*
2 *and lactating women; and*

3 *(B) an explanation for how the sponsor in-*
4 *tends to meet such goals, including demographic-*
5 *specific outreach and enrollment strategies,*
6 *study-site selection, clinical study inclusion and*
7 *exclusion practices, and any diversity training*
8 *for study personnel;*

9 *(2) submission of any modifications to the diver-*
10 *sity action plan;*

11 *(3) considerations for the public posting by a*
12 *sponsor of key information from the diversity action*
13 *plan that would be useful to patients and providers*
14 *on the sponsor's website, as appropriate;*

15 *(4) criteria that the Secretary will consider in*
16 *assessing whether to grant a sponsor's request to*
17 *waive the requirement to submit a diversity action*
18 *plan under section 505(z)(4) or 520(g)(9)(C) of the*
19 *Federal Food, Drug, and Cosmetic Act (as amended*
20 *by section 3601); and*

21 *(5) how sponsors may include in regular reports*
22 *otherwise required by the Secretary—*

23 *(A) the sponsor's progress in meeting the*
24 *goals referred to in paragraph (1)(A); and*

3540

1 (B) any updates needed to be made to a di-
2 versity action plan referred to in paragraph (1)
3 to help meet goals referred to in paragraph
4 (1)(A); and

5 (C) if the sponsor does not expect to meet
6 goals referred to in paragraph (1)(A), the spon-
7 sor's reasons for why the sponsor does not expect
8 to meet such goals.

9 (b) *ISSUANCE.*—The Secretary shall—

10 (1) not later than 12 months after the date of en-
11 actment of this Act, issue new draft guidance or up-
12 date existing draft guidance described in subsection
13 (a); and

14 (2) not later than 9 months after closing the
15 comment period on such draft guidance, finalize such
16 guidance.

17 (c) *APPLICABILITY.*—Sections 505(z) and 520(g)(9) of
18 the Federal Food, Drug, and Cosmetic Act, as added by sec-
19 tion 3601, shall apply only with respect to clinical inves-
20 tigations for which enrollment commences after the date
21 that is 180 days after the publication of final guidance re-
22 quired under this section.

3541

1 **SEC. 3603. PUBLIC WORKSHOPS TO ENHANCE CLINICAL**
2 **STUDY DIVERSITY.**

3 (a) *IN GENERAL.*—Not later than one year after the
4 date of enactment of this Act, the Secretary, in consultation
5 with drug sponsors, medical device sponsors, clinical re-
6 search organizations, academia, patients, and other stake-
7 holders, shall convene one or more public workshops to so-
8 licit input from stakeholders on increasing the enrollment
9 of historically underrepresented populations in clinical
10 studies and encouraging clinical study participation that
11 reflects the prevalence of the disease or condition among de-
12 mographic subgroups, where appropriate, and other topics,
13 including—

14 (1) *how and when to collect and present the*
15 *prevalence or incidence data on a disease or condition*
16 *by demographic subgroup, including possible sources*
17 *for such data and methodologies for assessing such*
18 *data;*

19 (2) *considerations for the dissemination, as ap-*
20 *propriate, after approval, of information to the public*
21 *on clinical study enrollment demographic data;*

22 (3) *the establishment of goals for enrollment in*
23 *clinical trials, including the relevance of the estimated*
24 *prevalence or incidence, as applicable, in the United*
25 *States of the disease or condition for which the drug*
26 *or device is being developed; and*

† HR 2617 EAS2

3542

1 (4) *approaches to support inclusion of underrep-*
2 *resented populations and to encourage clinical study*
3 *participation that reflects the population expected to*
4 *use the drug or device under study, including with re-*
5 *spect to—*

6 (A) *the establishment of inclusion and ex-*
7 *clusion criteria for certain subgroups, such as*
8 *pregnant and lactating women and individuals*
9 *with disabilities, including intellectual or devel-*
10 *opmental disabilities or mental illness;*

11 (B) *considerations regarding informed con-*
12 *sent with respect to individuals with intellectual*
13 *or developmental disabilities or mental illness,*
14 *including ethical and scientific considerations;*

15 (C) *the appropriate use of decentralized*
16 *trials or digital health tools;*

17 (D) *clinical endpoints;*

18 (E) *biomarker selection; and*

19 (F) *studying analysis.*

20 (b) *PUBLIC DOCKET.—The Secretary shall establish a*
21 *public comment period to receive written comments related*
22 *to the topics addressed during each public workshop con-*
23 *vened under this section. The public comment period shall*
24 *remain open for 60 days following the date on which each*
25 *public workshop is convened.*

3543

1 (c) *REPORT.*—Not later than 180 days after the close
2 of the public comment period for each public workshop con-
3 vened under this section, the Secretary shall make available
4 on the public website of the Food and Drug Administration
5 a report on the topics discussed at such workshop. The re-
6 port shall include a summary of topics and responses to
7 any recommendations raised in such workshop.

8 **SEC. 3604. ANNUAL SUMMARY REPORT ON PROGRESS TO**
9 **INCREASE DIVERSITY IN CLINICAL STUDIES.**

10 (a) *IN GENERAL.*—Beginning not later than 2 years
11 after the date of enactment of this Act, and each year there-
12 after, the Secretary shall submit to the Congress, and pub-
13 lish on the public website of the Food and Drug Administra-
14 tion, a report that—

15 (1) summarizes, in aggregate, the diversity ac-
16 tion plans received pursuant to section 505(z) or
17 520(g)(9) of the Federal Food, Drug, and Cosmetic
18 Act, as added by section 3601; and

19 (2) contains information, in the aggregate, on—

20 (A) for drugs, biological products, and de-
21 vices approved, licensed, cleared, or classified
22 under section 505, 515, 510(k), or 513(f)(2) of
23 the Federal Food, Drug, and Cosmetic Act (21
24 U.S.C. 355; 360e; 360(k); and 360(f)(2)), or sec-
25 tion 351(a) of the Public Health Service Act (42

3544

1 *U.S.C. 262(a)), whether the clinical studies con-*
2 *ducted with respect to such applications met the*
3 *demographic subgroup enrollment goals from the*
4 *diversity action plan submitted for such applica-*
5 *tions; and*

6 *(B) the reasons provided, if any, for why*
7 *enrollment goals from submitted diversity action*
8 *plans were not met.*

9 *(b) CONFIDENTIALITY.—Nothing in this section shall*
10 *be construed as authorizing the Secretary to disclose any*
11 *information that is a trade secret or confidential informa-*
12 *tion subject to section 552(b)(4) of title 5, United States*
13 *Code, or section 1905 of title 18, United States Code.*

14 **SEC. 3605. PUBLIC MEETING ON CLINICAL STUDY FLEXI-**
15 **BILITIES INITIATED IN RESPONSE TO COVID–**
16 **19 PANDEMIC.**

17 *(a) IN GENERAL.—Not later than 180 days after the*
18 *date on which the COVID–19 emergency period ends, the*
19 *Secretary shall convene a public meeting to discuss the rec-*
20 *ommendations provided by the Food and Drug Administra-*
21 *tion during the COVID–19 emergency period to mitigate*
22 *disruption of clinical studies, including recommendations*
23 *detailed in the guidance entitled “Conduct of Clinical*
24 *Trials of Medical Products During the COVID–19 Public*
25 *Health Emergency, Guidance for Industry, Investigators,*

3545

1 *and Institutional Review Boards”, as updated on August*
2 *8, 2021, and by any subsequent updates to such guidance.*
3 *The Secretary shall invite to such meeting representatives*
4 *from the pharmaceutical and medical device industries who*
5 *sponsored clinical studies during the COVID–19 emergency*
6 *period and organizations representing patients.*

7 (b) *TOPICS.—Not later than 90 days after the date on*
8 *which the public meeting under subsection (a) is convened,*
9 *the Secretary shall make available on the public website of*
10 *the Food and Drug Administration a report on the topics*
11 *discussed at such meeting. Such topics shall include discus-*
12 *sion of—*

13 (1) *the actions sponsors took to utilize such rec-*
14 *ommendations and the frequency at which such rec-*
15 *ommendations were employed;*

16 (2) *the characteristics of the sponsors, studies,*
17 *and patient populations impacted by such rec-*
18 *ommendations;*

19 (3) *a consideration of how recommendations in-*
20 *tended to mitigate disruption of clinical studies dur-*
21 *ing the COVID–19 emergency period, including any*
22 *recommendations to consider decentralized clinical*
23 *studies when appropriate, may have affected access to*
24 *clinical studies for certain patient populations, espe-*

3546

1 *cially unrepresented or underrepresented racial and*
2 *ethnic minorities; and*

3 *(4) recommendations for incorporating certain*
4 *clinical study disruption mitigation recommendations*
5 *into current or additional guidance to improve clin-*
6 *ical study access and enrollment of diverse patient*
7 *populations.*

8 *(c) COVID–19 EMERGENCY PERIOD DEFINED.—In*
9 *this section, the term “COVID–19 emergency period” has*
10 *the meaning given the term “emergency period” in section*
11 *1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–*
12 *5(g)(1)(B)).*

13 **SEC. 3606. DECENTRALIZED CLINICAL STUDIES.**

14 *(a) GUIDANCE.—The Secretary shall—*

15 *(1) not later than 1 year after the date of enact-*
16 *ment of this Act, issue or revise draft guidance that*
17 *includes recommendations to clarify and advance the*
18 *use of decentralized clinical studies to support the de-*
19 *velopment of drugs and devices, including rec-*
20 *ommendations for how to advance the use of flexible*
21 *and novel clinical trial designs and to help improve*
22 *trial participant engagement, recruitment, enroll-*
23 *ment, and retention of a meaningfully diverse clinical*
24 *population, including with respect to race, ethnicity,*

3547

1 *age, sex, and geographic location, when appropriate;*
2 *and*

3 *(2) not later than 1 year after closing the com-*
4 *ment period on such draft guidance, finalize such*
5 *guidance.*

6 *(b) CONTENT OF GUIDANCE.—The guidance under sub-*
7 *section (a) shall address the following:*

8 *(1) Recommendations related to digital health*
9 *technology or other assessment options, such as tele-*
10 *health, local laboratories, local health care providers,*
11 *or other options for remote data collection, could sup-*
12 *port decentralized clinical studies, including guidance*
13 *on considerations for selecting technological platforms*
14 *and mediums, data collection and use, data integrity*
15 *and security, and communication to study partici-*
16 *pants through digital technology.*

17 *(2) Recommendations for subject recruitment, re-*
18 *tention, and engagement, including considerations for*
19 *sponsors to minimize or reduce burdens for clinical*
20 *study participants through the use of digital health*
21 *technology, telehealth, local health care providers and*
22 *laboratories, health care provider home visits, direct-*
23 *to-participant engagement, electronic informed con-*
24 *sent, or other means, as appropriate.*

3548

1 (3) *Recommendations with respect to the evalua-*
2 *tion of data collected within a decentralized clinical*
3 *study setting.*

4 (4) *Recommendations for methods of remote data*
5 *collection, including clinical trial participant experi-*
6 *ence data, through the use of digital health tech-*
7 *nologies, telemedicine, local laboratories, local health*
8 *care providers, or other options for data collection.*

9 (5) *Considerations for sponsors to minimize or*
10 *reduce burdens for clinical trial participants associ-*
11 *ated with participating in a clinical trial, such as the*
12 *use of digital technologies, telemedicine, local labora-*
13 *tories, local health care providers, or other data collec-*
14 *tion or assessment options, health care provider home*
15 *visits, direct-to-participant shipping of investiga-*
16 *tional drugs and devices, and electronic informed con-*
17 *sent, as appropriate.*

18 (6) *Recommendations regarding conducting de-*
19 *centralized clinical trials to facilitate and encourage*
20 *meaningful diversity among clinical trial partici-*
21 *pants, including with respect to race, ethnicity, age,*
22 *sex, and geographic location, as appropriate.*

23 (7) *Recommendations for strategies and methods*
24 *for recruiting, retaining, and engaging with clinical*
25 *trial participants, including communication regard-*

† HR 2617 EAS2

3549

1 *ing the role of clinical trial participants and commu-*
2 *nity partners to facilitate clinical trial recruitment*
3 *and engagement, including with respect to diverse*
4 *and underrepresented populations, as appropriate.*

5 *(8) Considerations for review and oversight by*
6 *sponsors and institutional review boards, including*
7 *remote trial oversight.*

8 *(9) Recommendations for decentralized clinical*
9 *trial protocol designs and processes for evaluating*
10 *such proposed clinical trial designs.*

11 *(10) Recommendations related to digital health*
12 *technology and other remote assessment tools that*
13 *may support decentralized clinical trials, including*
14 *guidance on appropriate technological platforms and*
15 *tools, data collection and use, data integrity, and*
16 *communication to clinical trial participants through*
17 *such technology.*

18 *(11) A description of the manner in which the*
19 *Secretary will assess or evaluate data collected within*
20 *a decentralized clinical trial to support the develop-*
21 *ment of the drug or device, if the manner is different*
22 *from that used for a nondecentralized trial.*

23 *(12) Considerations for sponsors to validate dig-*
24 *ital technologies and establish appropriate clinical*
25 *endpoints for use in decentralized trials.*

3550

1 (13) *Considerations for privacy and security of*
2 *personally identifiable information of trial partici-*
3 *pants.*

4 (14) *Considerations for conducting clinical trials*
5 *using centralized approaches in conjunction with de-*
6 *centralized approaches.*

7 (c) *DEFINITION.—In this section, the term “decentral-*
8 *ized clinical study” means a clinical study in which some*
9 *or all of the study-related activities occur at a location sepa-*
10 *rate from the investigator’s location.*

11 **SEC. 3607. MODERNIZING CLINICAL TRIALS.**

12 (a) *CLARIFYING THE USE OF DIGITAL HEALTH TECH-*
13 *NOLOGIES IN CLINICAL TRIALS.—*

14 (1) *IN GENERAL.—Not later than 1 year after*
15 *the date of enactment of this Act, the Secretary shall*
16 *issue or revise draft guidance regarding the appro-*
17 *priate use of digital health technologies in clinical*
18 *trials to help improve recruitment for, retention in,*
19 *participation in, and data collection during, clinical*
20 *trials, and provide for novel clinical trial designs uti-*
21 *lizing such technology for purposes of supporting the*
22 *development of, and review of applications for, drugs*
23 *and devices. Not later than 18 months after the public*
24 *comment period on such draft guidance ends, the Sec-*

3551

1 *retary shall issue a revised draft guidance or final*
2 *guidance.*

3 (2) *CONTENT.—The guidance described in para-*
4 *graph (1) shall include—*

5 (A) *recommendations for data collection*
6 *methodologies by which sponsors may incor-*
7 *porate the use of digital health technologies in*
8 *clinical trials to collect data remotely from trial*
9 *participants;*

10 (B) *considerations for privacy and security*
11 *protections for data collected during a clinical*
12 *trial, including—*

13 (i) *recommendations for the protection*
14 *of trial participant data that are collected*
15 *or used in research using digital health*
16 *technologies;*

17 (ii) *compliance with the regulations*
18 *promulgated under section 264(c) of the*
19 *Health Insurance Portability and Account-*
20 *ability Act of 1996 (42 U.S.C. 1320d–2*
21 *note), subpart B of part 50 of title 21, Code*
22 *of Federal Regulations, subpart C of part*
23 *56 of title 21, Code of Federal Regulations,*
24 *the Federal policy for the protection of*
25 *human subjects under subpart A of part 46*

3552

1 *of title 45, Code of Federal Regulations*
2 *(commonly known as the “Common Rule”),*
3 *and part 2 of title 42, Code of Federal Reg-*
4 *ulations (or any successor regulations); and*
5 *(iii) recommendations for the protec-*
6 *tion of clinical trial participant data*
7 *against cybersecurity threats, as applicable;*
8 *(C) considerations on data collection meth-*
9 *ods to help increase recruitment of clinical trial*
10 *participants and the level of participation of*
11 *such participants, reduce burden on clinical trial*
12 *participants, and optimize data quality;*
13 *(D) recommendations for the use of elec-*
14 *tronic methods to obtain informed consent from*
15 *clinical trial participants, taking into consider-*
16 *ation applicable Federal law, including subpart*
17 *B of part 50 of title 21, Code of Federal Regula-*
18 *tions (or successor regulations), and, as appro-*
19 *priate, State law;*
20 *(E) best practices for communication be-*
21 *tween sponsors and the Secretary on the develop-*
22 *ment of data collection methods;*
23 *(F) the appropriate format to submit such*
24 *data to the Secretary;*

3553

1 (G) a description of the manner in which
2 the Secretary may assess or evaluate data col-
3 lected through digital health technologies to sup-
4 port the development of the drug or device;

5 (H) recommendations regarding the data
6 and information needed to demonstrate that a
7 digital health technology is fit-for-purpose for a
8 clinical trial, and a description of how the Sec-
9 retary will evaluate such data and information;
10 and

11 (I) recommendations for increasing access
12 to, and the use of, digital health technologies in
13 clinical trials to facilitate the inclusion of di-
14 verse and underrepresented populations, as ap-
15 propriate, including considerations for access to,
16 and the use of, digital health technologies in clin-
17 ical trials by people with disabilities and pedi-
18 atric populations.

19 (b) SEAMLESS AND CONCURRENT CLINICAL TRIALS.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, the Secretary shall
22 issue or revise draft guidance on the use of seamless,
23 concurrent, and other innovative clinical trial designs
24 to support the expedited development and review of
25 applications for drugs, as appropriate. Not later than

† HR 2617 EAS2

3554

1 *18 months after the public comment period on such*
2 *draft guidance ends, the Secretary shall issue a re-*
3 *vised draft guidance or final guidance.*

4 (2) *CONTENT.—The guidance described in para-*
5 *graph (1) shall include—*

6 (A) *recommendations on the use of expan-*
7 *sion cohorts and other seamless clinical trial de-*
8 *signs to assess different aspects of product can-*
9 *didates in one continuous trial, including how*
10 *such clinical trial designs can be used as part of*
11 *meeting the substantial evidence standard under*
12 *section 505(d) of the Federal Food, Drug, and*
13 *Cosmetic Act (21 U.S.C. 355(d));*

14 (B) *recommendations on the use of clinical*
15 *trial designs that involve the concurrent conduct*
16 *of different or multiple clinical trial phases, and*
17 *the concurrent conduct of preclinical testing, to*
18 *expedite the development of new drugs and facili-*
19 *tate the timely collection of data;*

20 (C) *recommendations for how to streamline*
21 *trial logistics and facilitate the efficient collec-*
22 *tion and analysis of clinical trial data, includ-*
23 *ing any planned interim analyses and how such*
24 *analyses could be used to streamline the product*
25 *development and review processes;*

3555

1 (D) considerations to assist sponsors in en-
2 suring the rights, safety, and welfare of clinical
3 trial participants, maintaining compliance with
4 good clinical practice regulations, minimizing
5 risks to clinical trial data integrity, and ensur-
6 ing the reliability of clinical trial results;

7 (E) recommendations for communication
8 between sponsors and the Food and Drug Ad-
9 ministration on the development of seamless,
10 concurrent, or other adaptive clinical trial de-
11 signs, including review of, and feedback on, clin-
12 ical trial protocols; and

13 (F) a description of the manner in which
14 the Secretary will assess or evaluate data col-
15 lected through seamless, concurrent, or other
16 adaptive clinical trial designs to support the de-
17 velopment of drugs.

18 (c) *INTERNATIONAL HARMONIZATION.*—The Secretary
19 shall, as appropriate, work with foreign regulators pursu-
20 ant to memoranda of understanding or other arrangements
21 governing the exchange of information to facilitate inter-
22 national harmonization of the regulation and use of decen-
23 tralized clinical trials, digital technology in clinical trials,
24 and seamless, concurrent, and other adaptive or innovative
25 clinical trial designs.

3556

1 **CHAPTER 2—INSPECTIONS**

2 **SEC. 3611. DEVICE INSPECTIONS.**

3 (a) *IN GENERAL.*—Section 704(a)(1) of the Federal
4 *Food, Drug, and Cosmetic Act* (21 U.S.C. 374(a)(1)) is
5 amended by striking “restricted devices” each place it ap-
6 pears and inserting “devices”.

7 (b) *RECORDS OR OTHER INFORMATION.*—

8 (1) *ESTABLISHMENTS.*—Section 704(a)(4)(A) of
9 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
10 374(a)(4)(A)) is amended—

11 (A) by striking “an establishment that is
12 engaged in the manufacture, preparation, propa-
13 gation, compounding, or processing of a drug”
14 and inserting “an establishment that is engaged
15 in the manufacture, preparation, propagation,
16 compounding, or processing of a drug or device,
17 or a site or facility that is subject to inspection
18 under paragraph (5)(C),”; and

19 (B) by striking “records requested.” and in-
20 serting the following: “records or other informa-
21 tion requested and a rationale for requesting
22 such records or other information in advance of,
23 or in lieu of, an inspection.”.

24 (2) *GUIDANCE.*—

3557

1 (A) *IN GENERAL.*—*The Secretary shall issue*
2 *or update guidance describing—*

3 (i) *circumstances in which the Sec-*
4 *retary intends to issue requests for records*
5 *or other information in advance of, or in*
6 *lieu of, an inspection under section*
7 *704(a)(4) of the Federal Food, Drug, and*
8 *Cosmetic Act, as amended by paragraph*
9 *(1);*

10 (ii) *processes for responding to such re-*
11 *quests electronically or in physical form;*
12 *and*

13 (iii) *factors the Secretary intends to*
14 *consider in evaluating whether such records*
15 *and other information are provided within*
16 *a reasonable timeframe, within reasonable*
17 *limits, and in a reasonable manner, ac-*
18 *counting for resource and other limitations*
19 *that may exist, including for small busi-*
20 *nesses.*

21 (B) *TIMING.*—*The Secretary shall—*

22 (i) *not later than 1 year after the date*
23 *of enactment of this Act, issue draft guid-*
24 *ance under subparagraph (A); and*

3558

1 (ii) not later than 1 year after the close
2 of the comment period for such draft guid-
3 ance, issue final guidance under subpara-
4 graph (A).

5 **SEC. 3612. BIORESEARCH MONITORING INSPECTIONS.**

6 (a) *IN GENERAL.*—Section 704(a) of the Federal Food,
7 Drug, and Cosmetic Act (21 U.S.C. 374(a)) is amended by
8 adding at the end the following:

9 “(5)(A) The Secretary may, to ensure the accuracy and
10 reliability of studies and records or other information de-
11 scribed in subparagraph (B) and to assess compliance with
12 applicable requirements under this Act or the Public Health
13 Service Act, enter sites and facilities specified in subpara-
14 graph (C) in order to inspect such records or other informa-
15 tion.

16 “(B) An inspection under this paragraph shall extend
17 to all records and other information related to the studies
18 and submissions described in subparagraph (E), including
19 records and information related to the conduct, results, and
20 analyses of, and the protection of human and animal trial
21 participants participating in, such studies.

22 “(C)(i) The sites and facilities subject to inspection by
23 the Secretary under this paragraph are those owned or op-
24 erated by a person described in clause (ii) and which are
25 (or were) utilized by such person in connection with—

3559

1 “(I) developing an application or other submis-
2 sion to the Secretary under this Act or the Public
3 Health Service Act related to marketing authorization
4 for a product described in paragraph (1);

5 “(II) preparing, conducting, or analyzing the re-
6 sults of a study described in subparagraph (E); or

7 “(III) holding any records or other information
8 described in subparagraph (B).

9 “(ii) A person described in this clause is—

10 “(I) the sponsor of an application or submission
11 specified in subparagraph (E);

12 “(II) a person engaged in any activity described
13 in clause (i) on behalf of such a sponsor, through a
14 contract, grant, or other business arrangement with
15 such sponsor;

16 “(III) an institutional review board, or other in-
17 dividual or entity, engaged by contract, grant, or
18 other business arrangement with a nonsponsor in pre-
19 paring, collecting, or analyzing records or other infor-
20 mation described in subparagraph (B); or

21 “(IV) any person not otherwise described in this
22 clause that conducts, or has conducted, a study de-
23 scribed in subparagraph (E) yielding records or other
24 information described in subparagraph (B).

3560

1 “(D)(i) Subject to clause (ii), an entity that owns or
2 operates any site or facility subject to inspection under this
3 paragraph shall provide the Secretary with access to records
4 and other information described in subparagraph (B) that
5 is held by or under the control of such entity, including—

6 “(I) permitting the Secretary to record or copy
7 such information for purposes of this paragraph;

8 “(II) providing the Secretary with access to any
9 electronic information system utilized by such entity
10 to hold, process, analyze, or transfer any records or
11 other information described in subparagraph (B); and

12 “(III) permitting the Secretary to inspect the fa-
13 cilities, equipment, written procedures, processes, and
14 conditions through which records or other information
15 described in subparagraph (B) is or was generated,
16 held, processed, analyzed, or transferred.

17 “(ii) Nothing in clause (i) shall negate, supersede, or
18 otherwise affect the applicability of provisions, under this
19 or any other Act, preventing or limiting the disclosure of
20 confidential commercial information or other information
21 considered proprietary or trade secret.

22 “(iii) An inspection under this paragraph shall be con-
23 ducted at reasonable times and within reasonable limits
24 and in a reasonable manner.

3561

1 “(E) *The studies and submissions described in this*
2 *subparagraph are each of the following:*

3 “(i) *Clinical and nonclinical studies submitted*
4 *to the Secretary in support of, or otherwise related to,*
5 *applications and other submissions to the Secretary*
6 *under this Act or the Public Health Service Act for*
7 *marketing authorization of a product described in*
8 *paragraph (1).*

9 “(ii) *Postmarket safety activities conducted*
10 *under this Act or the Public Health Service Act.*

11 “(iii) *Any other clinical investigation of—*

12 “(I) *a drug subject to section 505 or 512 of*
13 *this Act or section 351 of the Public Health*
14 *Service Act; or*

15 “(II) *a device subject to section 520(g).*

16 “(iv) *Any other submissions made under this Act*
17 *or the Public Health Service Act with respect to*
18 *which the Secretary determines an inspection under*
19 *this paragraph is warranted in the interest of public*
20 *health.*

21 “(F) *This paragraph clarifies the authority of the Sec-*
22 *retary to conduct inspections of the type described in this*
23 *paragraph and shall not be construed as a basis for infer-*
24 *ring that, prior to the date of enactment of this paragraph,*
25 *the Secretary lacked the authority to conduct such inspec-*

3562

1 tions, including under this Act or the Public Health Service
2 Act.”.

3 (b) *REVIEW OF PROCESSES AND PRACTICES; GUID-*
4 *ANCE FOR INDUSTRY.*—

5 (1) *IN GENERAL.*—*The Secretary shall—*

6 (A) *review processes and practices in effect*
7 *as of the date of enactment of this Act applicable*
8 *to inspections of foreign and domestic sites and*
9 *facilities described in subparagraph (C)(i) of sec-*
10 *tion 704(a)(5) of the Federal Food, Drug, and*
11 *Cosmetic Act, as added by subsection (a); and*

12 (B) *evaluate whether any updates are need-*
13 *ed to facilitate the consistency of such processes*
14 *and practices.*

15 (2) *GUIDANCE.*—

16 (A) *IN GENERAL.*—*The Secretary shall issue*
17 *guidance describing the processes and practices*
18 *applicable to inspections of sites and facilities*
19 *described in subparagraph (C)(i) of section*
20 *704(a)(5) of the Federal Food, Drug, and Cos-*
21 *metic Act, as added by subsection (a), including*
22 *with respect to the types of records and informa-*
23 *tion required to be provided, best practices for*
24 *communication between the Food and Drug Ad-*
25 *ministration and industry in advance of or dur-*

3563

1 *ing an inspection or request for records or other*
2 *information, and other inspections-related con-*
3 *duct, to the extent not specified in existing pub-*
4 *licly available Food and Drug Administration*
5 *guides and manuals for such inspections.*

6 *(B) TIMING.—The Secretary shall—*

7 *(i) not later than 18 months after the*
8 *date of enactment of this Act, issue draft*
9 *guidance under subparagraph (A); and*

10 *(ii) not later than 1 year after the close*
11 *of the public comment period for such draft*
12 *guidance, issue final guidance under sub-*
13 *paragraph (A).*

14 **SEC. 3613. IMPROVING FOOD AND DRUG ADMINISTRATION**
15 **INSPECTIONS.**

16 *(a) RISK FACTORS FOR ESTABLISHMENTS.—Section*
17 *510(h)(4) of the Federal Food, Drug, and Cosmetic Act (21*
18 *U.S.C. 360(h)(4)) is amended—*

19 *(1) by redesignating subparagraph (F) as sub-*
20 *paragraph (G); and*

21 *(2) by inserting after subparagraph (E) the fol-*
22 *lowing:*

23 *“(F) The compliance history of establish-*
24 *ments in the country or region in which the es-*
25 *tablishment is located that are subject to regula-*

3564

1 *tion under this Act, including the history of vio-*
2 *lations related to products exported from such*
3 *country or region that are subject to such regula-*
4 *tion.”.*

5 *(b) USE OF RECORDS.—Section 704(a)(4) of the Fed-*
6 *eral Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)(4))*
7 *is amended—*

8 *(1) by redesignating subparagraph (C) as sub-*
9 *paragraph (D); and*

10 *(2) by inserting after subparagraph (B) the fol-*
11 *lowing:*

12 *“(C) The Secretary may rely on any records or other*
13 *information that the Secretary may inspect under this sec-*
14 *tion to satisfy requirements that may pertain to a*
15 *preapproval or risk-based surveillance inspection, or to re-*
16 *solve deficiencies identified during such inspections, if ap-*
17 *plicable and appropriate.”.*

18 *(c) RECOGNITION OF FOREIGN GOVERNMENT INSPEC-*
19 *TIONS.—Section 809 of the Federal Food, Drug, and Cos-*
20 *metic Act (21 U.S.C. 384e) is amended—*

21 *(1) in subsection (a)(1), by inserting*
22 *“preapproval or” before “risk-based inspections”; and*

23 *(2) by adding at the end the following:*

24 *“(c) PERIODIC REVIEW.—*

3565

1 “(1) *IN GENERAL.*—Beginning not later than 1
2 year after the date of the enactment of the Food and
3 Drug Omnibus Reform Act of 2022, the Secretary
4 shall periodically assess whether additional arrange-
5 ments and agreements with a foreign government or
6 an agency of a foreign government, as allowed under
7 this section, are appropriate.

8 “(2) *REPORTS TO CONGRESS.*—Beginning not
9 later than 4 years after the date of the enactment of
10 the Food and Drug Omnibus Reform Act of 2022, and
11 every 4 years thereafter, the Secretary shall submit to
12 the Committee on Energy and Commerce of the House
13 of Representatives and the Committee on Health,
14 Education, Labor, and Pensions of the Senate a re-
15 port describing the findings and conclusions of each
16 review conducted under paragraph (1).”.

17 **SEC. 3614. GAO REPORT ON INSPECTIONS OF FOREIGN ES-**
18 **TABLISHMENTS MANUFACTURING DRUGS.**

19 (a) *IN GENERAL.*—Not later than 18 months after the
20 date of the enactment of this Act, the Comptroller General
21 of the United States shall submit to the Committee on En-
22 ergy and Commerce of the House of Representatives and
23 the Committee on Health, Education, Labor, and Pensions
24 of the Senate a report on inspections conducted by—

3566

1 (1) *the Secretary of foreign establishments pursu-*
2 *ant to subsections (h) and (i) of section 510 and sec-*
3 *tion 704 of the Federal Food, Drug, and Cosmetic Act*
4 *(21 U.S.C. 360; 374); or*

5 (2) *a foreign government or an agency of a for-*
6 *ign government pursuant to section 809 of such Act*
7 *(21 U.S.C. 384e).*

8 (b) *CONTENTS.—The report conducted under sub-*
9 *section (a) shall include—*

10 (1) *what alternative tools, including remote in-*
11 *spections or remote evaluations, other countries are*
12 *utilizing to facilitate inspections of foreign establish-*
13 *ments;*

14 (2) *how frequently trusted foreign regulators con-*
15 *duct inspections of foreign facilities that could be use-*
16 *ful to the Food and Drug Administration to review*
17 *in lieu of its own inspections;*

18 (3) *how frequently and under what cir-*
19 *cumstances, including for what types of inspections,*
20 *the Secretary utilizes existing agreements or arrange-*
21 *ments under section 809 of the Federal Food, Drug,*
22 *and Cosmetic Act (21 U.S.C. 384e) and whether the*
23 *use of such agreements could be appropriately ex-*
24 *panded;*

3567

1 (4) *whether the Secretary has accepted reports of*
2 *inspections of facilities in China and India conducted*
3 *by entities with which they have entered into such an*
4 *agreement or arrangement;*

5 (5) *what additional foreign governments or agen-*
6 *cies of foreign governments the Secretary has consid-*
7 *ered entering into a mutual recognition agreement*
8 *with and, if applicable, reasons why the Secretary de-*
9 *clined to enter into a mutual recognition agreement*
10 *with such foreign governments or agencies;*

11 (6) *what tools, if any, the Secretary used to fa-*
12 *cilitate inspections of domestic facilities that could*
13 *also be effectively utilized to appropriately inspect*
14 *foreign facilities;*

15 (7) *what steps the Secretary has taken to iden-*
16 *tify and evaluate tools and strategies the Secretary*
17 *may use to continue oversight with respect to inspec-*
18 *tions when in-person inspections are disrupted;*

19 (8) *how the Secretary is considering incor-*
20 *porating alternative tools into the inspection activi-*
21 *ties conducted pursuant to the Federal Food, Drug,*
22 *and Cosmetic Act (21 U.S.C. 301 et seq.); and*

23 (9) *what steps the Secretary has taken to iden-*
24 *tify and evaluate how the Secretary may use alter-*

3568

1 *native tools to address workforce shortages to carry*
2 *out such inspection activities.*

3 **SEC. 3615. UNANNOUNCED FOREIGN FACILITY INSPEC-**
4 **TIONS PILOT PROGRAM.**

5 *(a) IN GENERAL.—The Secretary shall conduct a pilot*
6 *program under which the Secretary increases the conduct*
7 *of unannounced surveillance inspections of foreign human*
8 *drug establishments and evaluates the differences between*
9 *such inspections of domestic and foreign human drug estab-*
10 *lishments, including the impact of announcing inspections*
11 *to persons who own or operate foreign human drug estab-*
12 *lishments in advance of an inspection. Such pilot program*
13 *shall evaluate—*

14 *(1) differences in the number and type of viola-*
15 *tions of section 501(a)(2)(B) of the Federal Food,*
16 *Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(B))*
17 *identified as a result of unannounced and announced*
18 *inspections of foreign human drug establishments and*
19 *any other significant differences between each type of*
20 *inspection;*

21 *(2) costs and benefits associated with conducting*
22 *announced and unannounced inspections of foreign*
23 *human drug establishments;*

24 *(3) barriers to conducting unannounced inspec-*
25 *tions of foreign human drug establishments and any*

3569

1 *challenges to achieving parity between domestic and*
2 *foreign human drug establishment inspections; and*

3 *(4) approaches for mitigating any negative ef-*
4 *fects of conducting announced inspections of foreign*
5 *human drug establishments.*

6 *(b) PILOT PROGRAM SCOPE.—The inspections evalu-*
7 *ated under the pilot program under this section shall be*
8 *routine surveillance inspections and shall not include in-*
9 *spections conducted as part of the Secretary’s evaluation*
10 *of a request for approval to market a drug submitted under*
11 *the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301*
12 *et seq.) or the Public Health Service Act (42 U.S.C. 201*
13 *et seq.).*

14 *(c) PILOT PROGRAM INITIATION.—The Secretary shall*
15 *initiate the pilot program under this section not later than*
16 *180 days after the date of enactment of this Act.*

17 *(d) REPORT.—The Secretary shall, not later than 180*
18 *days following the completion of the pilot program under*
19 *this section, make available on the website of the Food and*
20 *Drug Administration a final report on the pilot program*
21 *under this section, including—*

22 *(1) findings and any associated recommenda-*
23 *tions with respect to the evaluation under subsection*
24 *(a), including any recommendations to address iden-*

3570

1 *tified barriers to conducting unannounced inspections*
2 *of foreign human drug establishments;*

3 *(2) findings and any associated recommenda-*
4 *tions regarding how the Secretary may achieve parity*
5 *between domestic and foreign human drug inspec-*
6 *tions; and*

7 *(3) the number of unannounced inspections dur-*
8 *ing the pilot program that would not be unannounced*
9 *under practices in use as of the date of the enactment*
10 *of this Act.*

11 **SEC. 3616. ENHANCING COORDINATION AND TRANS-**
12 **PARENCY ON INSPECTIONS.**

13 *(a) COORDINATION.—Section 506D of the Federal*
14 *Food, Drug, and Cosmetic Act (21 U.S.C. 356d) is amend-*
15 *ed—*

16 *(1) by adding at the end the following:*

17 *“(g) COORDINATION.—The Secretary shall ensure*
18 *timely and effective internal coordination and alignment*
19 *among the field investigators of the Food and Drug Admin-*
20 *istration and the staff of the Center for Drug Evaluation*
21 *and Research’s Office of Compliance and Drug Shortage*
22 *Program regarding—*

23 *“(1) the reviews of reports shared pursuant to*
24 *section 704(b)(2); and*

3571

1 “(2) *any feedback or corrective or preventive ac-*
2 *tions in response to such reports.*”; and

3 (2) *by amending subsection (f) to read as follows:*

4 “(f) *TEMPORARY SUNSET.—Subsection (a) shall cease*
5 *to be effective on the date that is 5 years after the date of*
6 *enactment of the Food and Drug Administration Safety*
7 *and Innovation Act. Subsections (b), (c), and (e) shall not*
8 *be in effect during the period beginning 5 years after the*
9 *date of enactment of the Food and Drug Administration*
10 *Safety and Innovation Act and ending on the date of enact-*
11 *ment of the Food and Drug Omnibus Reform Act of 2022.*
12 *Subsections (b), (c), and (e) shall be in effect beginning on*
13 *the date of enactment of the Food and Drug Omnibus Re-*
14 *form Act of 2022.*”.

15 (b) *REPORTING.—*

16 (1) *AMENDMENTS.—Section 506C–1(a) of the*
17 *Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
18 *356c–1(a)) is amended—*

19 (A) *by redesignating paragraphs (3)*
20 *through (7) as paragraphs (5) through (9), re-*
21 *spectively;*

22 (B) *by inserting after paragraph (2) the fol-*
23 *lowing:*

24 “(3) *describes the coordination and alignment*
25 *activities undertaken pursuant to section 506D(g);*

3572

1 “(4) provides the number of reports that were re-
2 quired under section 704(b)(2) to be sent to the ap-
3 propriate offices of the Food and Drug Administra-
4 tion with expertise regarding drug shortages, and the
5 number of such reports that were sent;” and

6 (C) in paragraph (5)(A), as so redesignated,
7 by striking “paragraph (7)” and inserting
8 “paragraph (9)”.

9 (2) *APPLICABILITY.*—The amendments made by
10 paragraph (1) shall apply with respect to reports sub-
11 mitted under section 506C–1 of the Federal Food,
12 Drug, and Cosmetic Act (21 U.S.C. 356c–1) on or
13 after March 31, 2024.

14 (c) *REPORTING OF MUTUAL RECOGNITION AGREE-*
15 *MENTS FOR INSPECTIONS AND REVIEW ACTIVITIES.*—Sec-
16 tion 510(h) of the Federal Food, Drug, and Cosmetic Act
17 (21 U.S.C. 360(h)) is amended—

18 (1) in paragraph (6)—

19 (A) in the matter preceding subparagraph
20 (A), by striking “Beginning in 2014, not” and
21 inserting “Not”;

22 (B) by amending subparagraph (A) to read
23 as follows:

3573

1 “(A)(i) the number of domestic and foreign
2 establishments registered pursuant to this section
3 in the previous fiscal year;

4 “(ii) the number of such registered establish-
5 ments in each region of interest;

6 “(iii) the number of such domestic establish-
7 ments and the number of such foreign establish-
8 ments, including the number of establishments in
9 each region of interest, that the Secretary in-
10 spected in the previous fiscal year;

11 “(iv) the number of inspections to support
12 actions by the Secretary on applications under
13 section 505 of this Act or section 351 of the Pub-
14 lic Health Service Act, including the number of
15 inspections to support actions by the Secretary
16 on supplemental applications, including changes
17 to manufacturing processes, the Secretary con-
18 ducted in the previous fiscal year;

19 “(v) the number of routine surveillance in-
20 spections the Secretary conducted in the previous
21 fiscal year, including in each region of interest;

22 “(vi) the number of for-cause inspections the
23 Secretary conducted in the previous fiscal year,
24 not including inspections described in clause
25 (iv), including in each region of interest; and

† HR 2617 EAS2

3574

1 “(vii) the number of inspections the Sec-
2 retary has recognized pursuant to an agreement
3 entered into pursuant to section 809, or other-
4 wise recognized, for each of the types of inspec-
5 tions described in clauses (v) and (vi), including
6 for inspections of establishments in each region
7 of interest.”;

8 (C) in subparagraph (B), by striking “;
9 and” and inserting a semicolon;

10 (D) in subparagraph (C), by striking the
11 period and inserting “; and”; and

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

13 “(D) the status of the efforts of the Food
14 and Drug Administration to expand its recogni-
15 tion of inspections conducted or recognized by
16 foreign regulatory authorities under section 809,
17 including any obstacles to expanding the use of
18 such recognition.”; and

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

20 “(7) REGION OF INTEREST.—For purposes of
21 paragraph (6)(A), the term ‘region of interest’ means
22 a foreign geographic region or country, including the
23 People’s Republic of China, India, the European
24 Union, the United Kingdom, and any other country

3575

1 or geographic region, as the Secretary determines ap-
2 propriate.”.

3 **SEC. 3617. ENHANCING TRANSPARENCY OF DRUG FACILITY**
4 **INSPECTION TIMELINES.**

5 Section 902 of the FDA Reauthorization Act of 2017
6 (21 U.S.C. 355 note) is amended to read as follows:

7 **“SEC. 902. ANNUAL REPORT ON INSPECTIONS.**

8 “Not later than 120 days after the end of each fiscal
9 year, the Secretary of Health and Human Services shall
10 post on the website of the Food and Drug Administration
11 information related to inspections of facilities necessary for
12 approval of a drug under subsection (c) or (j) of section
13 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
14 355) or approval of a device under section 515 of such Act
15 (21 U.S.C. 360e) that were conducted during the previous
16 fiscal year. Such information shall include the following:

17 “(1) The median time following a request from
18 staff of the Food and Drug Administration reviewing
19 an application or report to the beginning of the in-
20 spection, including—

21 “(A) the median time for drugs described in
22 505(j)(11)(A)(i) of the Federal Food, Drug, and
23 Cosmetic Act (21 U.S.C. 355(j)(11)(A)(i));

24 “(B) the median time for drugs for which a
25 notification has been submitted in accordance

3576

1 *with section 506C(a) of such Act (21 U.S.C.*
2 *356c(a)) during the previous fiscal year; and*

3 *“(C) the median time for drugs on the drug*
4 *shortage list in effect under section 506E of such*
5 *Act (21 U.S.C. 356e) at the time of such request.*

6 *“(2) The median time from the issuance of a re-*
7 *port pursuant to section 704(b) of the Federal Food,*
8 *Drug, and Cosmetic Act (21 U.S.C. 374(b)) to the*
9 *sending of a warning letter, issuance of an import*
10 *alert, or holding of a regulatory meeting for inspec-*
11 *tions for which the Secretary concluded that regu-*
12 *latory or enforcement action was indicated, including*
13 *the median time for each category of drugs listed in*
14 *subparagraphs (A) through (C) of paragraph (1).*

15 *“(3) The median time from the sending of a*
16 *warning letter, issuance of an import alert, or hold-*
17 *ing of a regulatory meeting related to conditions ob-*
18 *served by the Secretary during an inspection, to the*
19 *time at which the Secretary concludes that corrective*
20 *actions to resolve such conditions have been taken.*

21 *“(4) The number of facilities that failed to im-*
22 *plement adequate corrective or preventive actions fol-*
23 *lowing a report issued pursuant to such section*
24 *704(b), resulting in a withhold recommendation for*
25 *an application under review, including the number of*

3577

1 *such facilities manufacturing each category of drugs*
2 *listed in subparagraphs (A) through (C) of paragraph*
3 *(1).”.*

4 **CHAPTER 3—MISCELLANEOUS**

5 **SEC. 3621. REGULATION OF CERTAIN PRODUCTS AS DRUGS.**

6 *Section 503 of the Federal Food, Drug, and Cosmetic*
7 *Act (21 U.S.C. 353) is amended by adding at the end the*
8 *following:*

9 *“(h)(1) Any contrast agent, radioactive drug, or OTC*
10 *monograph drug shall be deemed to be a drug under section*
11 *201(g) and not a device under section 201(h).*

12 *“(2) For purposes of this subsection:*

13 *“(A) The term ‘contrast agent’ means an article*
14 *that is intended for use in conjunction with a medical*
15 *imaging device, and—*

16 *“(i) is a diagnostic radiopharmaceutical, as*
17 *defined in sections 315.2 and 601.31 of title 21,*
18 *Code of Federal Regulations (or any successor*
19 *regulations); or*

20 *“(ii) is a diagnostic agent that improves the*
21 *visualization of structure or function within the*
22 *body by increasing the relative difference in sig-*
23 *nal intensity within the target tissue, structure,*
24 *or fluid.*

3578

1 “(B) The term ‘radioactive drug’ has the mean-
2 ing given such term in section 310.3(n) of title 21,
3 Code of Federal Regulations (or any successor regula-
4 tions), except that such term does not include—

5 “(i) an implant or article similar to an im-
6 plant;

7 “(ii) an article that applies radiation from
8 outside of the body; or

9 “(iii) the radiation source of an article de-
10 scribed in clause (i) or (ii).

11 “(C) The term ‘OTC monograph drug’ has the
12 meaning given such term in section 744L.

13 “(3) Nothing in this subsection shall be construed as
14 allowing for the classification of a product as a drug (as
15 defined in section 201(g)) if such product—

16 “(A) is not described in paragraph (1); and

17 “(B) meets the definition of a device under sec-
18 tion 201(h),

19 unless another provision of this Act otherwise indicates a
20 different classification.

21 “(4) The Secretary shall waive the application fee
22 under sections 736 and 744B for applications for drugs that
23 are—

3579

1 “(A) on the date of enactment of the Prescription
2 *Drug User Fee Amendments of 2022, legally marketed*
3 *as devices; and*

4 “(B) deemed drugs pursuant to paragraph (1)”.

5 **SEC. 3622. WOMEN’S HEALTH RESEARCH ROADMAP.**

6 *Not later than 2 years after the date of enactment of*
7 *this Act, the Office of Women’s Health of the Food and Drug*
8 *Administration, established under section 1011 of the Fed-*
9 *eral Food, Drug, and Cosmetic Act (21 U.S.C. 399b),*
10 *shall—*

11 (1) *review and, as appropriate, update the Wom-*
12 *en’s Health Research Roadmap issued in December*
13 *2015; and*

14 (2) *brief the Committee on Health, Education,*
15 *Labor, and Pensions of the Senate and the Committee*
16 *on Energy and Commerce of the House of Representa-*
17 *tives on the review and, as appropriate, any resulting*
18 *update.*

19 **SEC. 3623. STRATEGIC WORKFORCE PLAN AND REPORT.**

20 *Chapter VII of the Federal Food, Drug, and Cosmetic*
21 *Act (21 U.S.C. 371 et seq.) is amended by inserting after*
22 *section 714A the following:*

23 **“SEC. 714B. STRATEGIC WORKFORCE PLAN AND REPORT.**

24 “(a) *IN GENERAL.—Not later than September 30,*
25 *2023, and at least every 4 years thereafter, the Secretary*

3580

1 *shall develop, begin implementation of, and submit to the*
2 *appropriate committees of Congress and post on the website*
3 *of the Food and Drug Administration, a coordinated strat-*
4 *egy and report to provide direction for the activities and*
5 *programs of the Secretary to recruit, hire, train, develop,*
6 *and retain the workforce needed to fulfill the public health*
7 *mission of the Food and Drug Administration, including*
8 *to facilitate collaboration across centers, to keep pace with*
9 *new biomedical, technological, and scientific advancements,*
10 *and support the development, review, and regulation of*
11 *medical products. Each such report shall be known as the*
12 *‘Food and Drug Administration Strategic Workforce Plan’.*

13 “(b) *USE OF THE FOOD AND DRUG ADMINISTRATION*
14 *STRATEGIC WORKFORCE PLAN.—Each center within the*
15 *Food and Drug Administration shall develop and update,*
16 *as appropriate, a strategic plan that will be informed by*
17 *the Food and Drug Administration Strategic Workforce*
18 *Plans developed under subsection (a).*

19 “(c) *CONTENTS OF THE FOOD AND DRUG ADMINISTRA-*
20 *TION STRATEGIC WORKFORCE PLAN.—Each Food and*
21 *Drug Administration Strategic Workforce Plan under sub-*
22 *section (a) shall—*

23 “(1) *include agency-wide human capital stra-*
24 *tegic goals and priorities for recruiting, hiring, train-*

3581

1 *ing, developing, and retaining a qualified workforce*
2 *for the Food and Drug Administration;*

3 *“(2) establish specific actions the Secretary will*
4 *take to achieve such strategic goals and priorities and*
5 *address the workforce needs of the Food and Drug Ad-*
6 *ministration in the forthcoming fiscal years;*

7 *“(3) identify challenges and risks the Secretary*
8 *will face in meeting its strategic goals and priorities,*
9 *and the actions the Secretary will take to overcome*
10 *those challenges and mitigate those risks;*

11 *“(4) establish performance measures, bench-*
12 *marks, or other elements that the Secretary will use*
13 *to measure and evaluate progress in achieving such*
14 *strategic goals and priorities and the effectiveness of*
15 *such strategic goals and priorities; and*

16 *“(5) define functions, capabilities, and gaps in*
17 *such workforce and identify strategies to recruit, hire,*
18 *train, develop, and retain such workforce.*

19 *“(d) CONSIDERATIONS.—In developing each Food and*
20 *Drug Administration Strategic Workforce Plan under sub-*
21 *section (a), the Secretary shall consider—*

22 *“(1) the number of employees (including senior*
23 *leadership and non-senior leadership employees) eligi-*
24 *ble for retirement, the expertise of such employees,*
25 *and the employing center of such employees;*

3582

1 “(2) the vacancy and turnover rates for employ-
2 ees with different types of expertise and from different
3 centers, including any changes or trends related to
4 such rates;

5 “(3) the results of the Federal Employee View-
6 point Survey for employees of the Food and Drug Ad-
7 ministration, including any changes or trends related
8 to such results;

9 “(4) rates of pay for different types of positions,
10 including rates for different types of expertise within
11 the same field (such as differences in pay between dif-
12 ferent medical specialists), and how such rates of pay
13 impact the ability of the Secretary to achieve the stra-
14 tegic goals and priorities described in subsection (c);

15 “(5) the statutory hiring authorities used to hire
16 Food and Drug Administration employees, and the
17 time to hire across different hiring authorities; and

18 “(6) any other timely and relevant information,
19 as the Secretary determines appropriate.

20 “(e) EVALUATION OF PROGRESS.—Each Food and
21 Drug Administration Strategic Workforce Plan issued pur-
22 suant to subsection (a), with the exception of the first such
23 Food and Drug Administration Strategic Workforce Plan,
24 shall include an evaluation of—

3583

1 “(1) the progress the Secretary has made, based
2 on the performance measures, benchmarks, and other
3 elements that measure successful recruitment, hiring,
4 training, development, and retention activities; and

5 “(2) whether actions taken in response to the
6 Plan improved the capacity of the Food and Drug
7 Administration to achieve the strategic goals and pri-
8 orities described in subsection (c)(1).

9 “(f) *ADDITIONAL CONSIDERATIONS.*—The Food and
10 Drug Administration Strategic Workforce Plan issued in
11 fiscal year 2023 shall address the effect of the COVID–19
12 pandemic on hiring, retention, and other workforce chal-
13 lenges for the Food and Drug Administration, including
14 protecting such workforce during public health emer-
15 gencies.”.

16 **SEC. 3624. ENHANCING FOOD AND DRUG ADMINISTRATION**
17 **HIRING AUTHORITY FOR SCIENTIFIC, TECH-**
18 **NICAL, AND PROFESSIONAL PERSONNEL.**

19 Section 714A of the Federal Food, Drug, and Cosmetic
20 Act (21 U.S.C. 379d–3a) is amended—

21 (1) in subsection (a)—

22 (A) by inserting “, including cross-cutting
23 operational positions,” after “professional posi-
24 tions”; and

3584

1 (B) by inserting “and the regulation of food
2 and cosmetics” after “medical products”; and
3 (2) in subsection (d)(1)—

4 (A) in the matter preceding subparagraph
5 (A)—

6 (i) by striking “the 21st Century Cures
7 Act” and inserting “the Food and Drug
8 Omnibus Reform Act of 2022”; and

9 (ii) by striking “that examines the ex-
10 tent” and all that follows through “, includ-
11 ing” and inserting “that includes”;

12 (B) in subparagraph (A)—

13 (i) by inserting “updated” before
14 “analysis”; and

15 (ii) by striking “; and” and inserting
16 a semicolon;

17 (C) by redesignating subparagraph (B) as
18 subparagraph (C);

19 (D) by inserting after subparagraph (A) the
20 following:

21 “(B) an analysis of how the Secretary has
22 used the authorities provided under this section,
23 and a plan for how the Secretary will use the
24 authority under this section, and other applica-

3585

1 *ble hiring authorities, for employees of the Food*
2 *and Drug Administration; and”;* and

3 *(E) in the matter preceding clause (i) of*
4 *subparagraph (C), as so redesignated, by striking*
5 *“a recruitment” and inserting “an updated re-*
6 *cruitment”.*

7 **SEC. 3625. FACILITIES MANAGEMENT.**

8 *(a) PDUFA AUTHORITY.—Section 736(g)(2) of the*
9 *Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
10 *379h(g)(2)) is amended—*

11 *(1) in subparagraph (A)(ii)—*

12 *(A) by striking “shall be available to de-*
13 *fray” and inserting the following: “shall be*
14 *available—*

15 *“(I) for fiscal year 2023, to de-*
16 *fray”;*

17 *(B) by striking the period and inserting “;*
18 *and”;* and

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

20 *“(II) for fiscal year 2024 and*
21 *each subsequent fiscal year, to defray*
22 *the costs of the resources allocated for*
23 *the process for the review of human*
24 *drug applications (including such costs*
25 *for an additional number of full-time*

3586

1 *equivalent positions in the Department*
2 *of Health and Human Services to be*
3 *engaged in such process), only if the*
4 *sum of the amounts allocated by the*
5 *Secretary for such costs, excluding costs*
6 *paid from fees collected under this sec-*
7 *tion, plus other costs for the mainte-*
8 *nance, renovation, and repair of facili-*
9 *ties and acquisition, maintenance, and*
10 *repair of fixtures, furniture, and other*
11 *necessary materials and supplies in*
12 *connection with the process for the re-*
13 *view of human drug applications, is no*
14 *less than the amount allocated for such*
15 *costs, excluding any such costs paid*
16 *from fees collected under this section,*
17 *for fiscal year 1997, multiplied by the*
18 *adjustment factor.”; and*

19 *(2) in subparagraph (B), by striking “for the*
20 *process for the review of human drug applications”*
21 *and inserting “as described in subclause (I) or (II) of*
22 *such subparagraph, as applicable”.*

23 *(b) BSUFA AUTHORITY.—Section 744H(f)(2) of the*
24 *Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–*
25 *52(f)(2)) is amended—*

3587

1 (1) *in subparagraph (B)(i)—*

2 (A) *by striking “available for a fiscal year*
3 *beginning after fiscal year 2012” and inserting*
4 *the following: “available—*

5 *“(I) for fiscal year 2023,”;*

6 (B) *by striking “the fiscal year involved.”*
7 *and inserting “such fiscal year; and”; and*

8 (C) *by adding at the end the following:*

9 *“(II) for fiscal year 2024 and*
10 *each subsequent fiscal year, to defray*
11 *the costs of the process for the review of*
12 *biosimilar biological product applica-*
13 *tions (including such costs for an addi-*
14 *tional number of full-time equivalent*
15 *positions in the Department of Health*
16 *and Human Services to be engaged in*
17 *such process), only if the sum of the*
18 *amounts allocated by the Secretary for*
19 *such costs, excluding costs paid from*
20 *fees collected under this section, plus*
21 *other costs for the maintenance, ren-*
22 *ovation, and repair of facilities and*
23 *acquisition, maintenance, and repair*
24 *of fixtures, furniture, and other nec-*
25 *essary materials and supplies in con-*

3588

1 *nection with the process for the review*
2 *of biosimilar biological product appli-*
3 *cations, is no less than \$20,000,000,*
4 *multiplied by the adjustment factor*
5 *applicable to the fiscal year involved.”;*
6 *and*

7 *(2) in subparagraph (C), by striking “subpara-*
8 *graph (B) in any fiscal year if the costs described in*
9 *such subparagraph” and inserting “subparagraph*
10 *(B)(i) in any fiscal year if the costs allocated as de-*
11 *scribed in subclause (I) or (II) of such subparagraph,*
12 *as applicable,”.*

13 *(c) GDUFA AUTHORITY.—Section 744B of the Federal*
14 *Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42) is*
15 *amended—*

16 *(1) in subsection (e)(2), by striking*
17 *“744A(11)(C)” and inserting “744A(12)(C)”;* and

18 *(2) in subsection (i)(2)—*

19 *(A) in subparagraph (A)(ii)—*

20 *(i) by striking “available for a fiscal*
21 *year beginning after fiscal year 2012” and*
22 *inserting the following: “available—*
23 *“(I) for fiscal year 2023,”;*

3589

1 (ii) by striking “the fiscal year in-
2 volved.” and inserting “such fiscal year;
3 and”; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(II) for fiscal year 2024 and
7 each subsequent fiscal year, to defray
8 the costs of human generic drug activi-
9 ties (including such costs for an addi-
10 tional number of full-time equivalent
11 positions in the Department of Health
12 and Human Services to be engaged in
13 such activities), only if the sum of the
14 amounts allocated by the Secretary for
15 such costs, excluding costs paid from
16 fees collected under this section, plus
17 other costs for the maintenance, ren-
18 ovation, and repair of facilities and
19 acquisition, maintenance, and repair
20 of fixtures, furniture, and other nec-
21 essary materials and supplies in con-
22 nection with human generic drug ac-
23 tivities, is no less than \$97,000,000
24 multiplied by the adjustment factor de-

3590

1 *fined in section 744A(3) applicable to*
2 *the fiscal year involved.”; and*

3 *(B) in subparagraph (B), by striking “for*
4 *human generic activities” and inserting “as de-*
5 *scribed in subclause (I) or (II) of such subpara-*
6 *graph, as applicable,”.*

7 *(d) MDUFA AUTHORITY.—Section 738 of the Federal*
8 *Food, Drug, and Cosmetic Act (21 U.S.C. 379j), as amend-*
9 *ed by section 3309, is further amended—*

10 *(1) in subsection (e)(2)(B)(iii), by inserting “, if*
11 *extant,” after “national taxing authority”;*

12 *(2) in subsection (h)(2)—*

13 *(A) in subparagraph (A)(ii)—*

14 *(i) by striking “shall be available to*
15 *defray” and inserting the following: “shall*
16 *be available—*

17 *“(I) for fiscal year 2023, to de-*
18 *fray”;*

19 *(ii) by striking the period and insert-*
20 *ing “; and”; and*

21 *(iii) by adding at the end the fol-*
22 *lowing:*

23 *“(II) for fiscal year 2024 and*
24 *each subsequent fiscal year, to defray*
25 *the costs of the resources allocated for*

3591

1 *the process for the review of device ap-*
2 *plications (including such costs for an*
3 *additional number of full-time equiva-*
4 *lent positions in the Department of*
5 *Health and Human Services to be en-*
6 *gaged in such process), only if the sum*
7 *of the amounts allocated by the Sec-*
8 *retary for such costs, excluding costs*
9 *paid from fees collected under this sec-*
10 *tion, plus other costs for the mainte-*
11 *nance, renovation, and repair of facili-*
12 *ties and acquisition, maintenance, and*
13 *repair of fixtures, furniture and other*
14 *necessary materials and supplies in*
15 *connection with the process for the re-*
16 *view of device applications, is no less*
17 *than the amount allocated for such*
18 *costs, excluding any such costs paid*
19 *from fees collected under this section,*
20 *for fiscal year 2009 multiplied by the*
21 *adjustment factor.”; and*

22 *(B) in subparagraph (B)(i), in the matter*
23 *preceding subclause (I), by striking “for the*
24 *process for the review of device applications” and*

3592

1 *inserting “as described in subclause (I) or (II) of*
2 *such subparagraph, as applicable”; and*
3 *(3) in subsection (g)(3), by striking “737(9)(C)”*
4 *and inserting “737(10)(C)”.*

5 *(e) TECHNICAL CORRECTION.—*

6 *(1) IN GENERAL.—Section 905(b)(2) of the FDA*
7 *Reauthorization Act of 2017 (Public Law 115–52) is*
8 *amended by striking “Section 738(h) of the Federal*
9 *Food, Drug, and Cosmetic Act (21 U.S.C. 379j(h)) is*
10 *amended” and inserting “Subsection (g) of section*
11 *738 of the Federal Food, Drug, and Cosmetic Act (21*
12 *U.S.C. 379j), as so redesignated by section*
13 *203(f)(2)(B)(i), is amended”.*

14 *(2) EFFECTIVE DATE.—The amendment made by*
15 *paragraph (1) shall take effect as though included in*
16 *the enactment of section 905 of the FDA Reauthori-*
17 *zation Act of 2017 (Public Law 115–52).*

18 **SEC. 3626. USER FEE PROGRAM TRANSPARENCY AND AC-**
19 **COUNTABILITY.**

20 *(a) PDUFA.—*

21 *(1) REAUTHORIZATION; REPORTING REQUIRE-*
22 *MENTS.—Section 736B(a) of the Federal Food, Drug,*
23 *and Cosmetic Act (21 U.S.C. 379h–2(a)) is amend-*
24 *ed—*

25 *(A) in paragraph (1)—*

3593

1 (i) in subparagraph (B)—
2 (I) in clause (vii), by striking “;
3 and” and inserting a semicolon;
4 (II) in clause (viii), by striking
5 the period and inserting “; and”; and
6 (III) by adding at the end the fol-
7 lowing:
8 “(ix) the number of investigational
9 new drug applications submitted per fiscal
10 year, including for each review division.”;
11 and
12 (ii) by adding at the end the following
13 flush text:
14 “Nothing in subparagraph (B) shall be construed to
15 authorize the disclosure of information that is prohib-
16 ited from disclosure under section 301(j) of this Act
17 or section 1905 of title 18, United States Code, or
18 that is subject to withholding under section 552(b)(4)
19 of title 5, United States Code.”;
20 (B) by adding at the end of paragraph
21 (3)(B) the following:
22 “(v) For fiscal years 2023 and 2024, of
23 the meeting requests from sponsors for
24 which the Secretary has determined that a
25 face-to-face meeting is appropriate, the

3594

1 *number of face-to-face meetings requested by*
2 *sponsors to be conducted in person (in such*
3 *manner as the Secretary shall prescribe on*
4 *the website of the Food and Drug Adminis-*
5 *tration), and the number of such in-person*
6 *meetings granted by the Secretary, with*
7 *both such numbers disaggregated by the rel-*
8 *evant agency center.”; and*
9 *(C) in paragraph (4)—*

10 *(i) by amending subparagraph (A) to*
11 *read as follows:*

12 *“(A) data, analysis, and discussion of the*
13 *changes in the number of individuals hired as*
14 *agreed upon in the letters described in section*
15 *1001(b) of the Prescription Drug User Fee*
16 *Amendments of 2022 and the number of remain-*
17 *ing vacancies, the number of full-time equiva-*
18 *lents funded by fees collected pursuant to section*
19 *736, and the number of full-time equivalents*
20 *funded by budget authority at the Food and*
21 *Drug Administration by each division within the*
22 *Center for Drug Evaluation and Research, the*
23 *Center for Biologics Evaluation and Research,*
24 *the Office of Regulatory Affairs, and the Office*
25 *of the Commissioner;”;*

3595

1 (ii) by amending subparagraph (B) to
2 read as follows:

3 “(B) data, analysis, and discussion of the
4 changes in the fee revenue amounts and costs for
5 the process for the review of human drug appli-
6 cations, including identifying—

7 “(i) drivers of such changes; and

8 “(ii) changes in the average total cost
9 per full-time equivalent in the prescription
10 drug review program;”;

11 (iii) in subparagraph (C), by striking
12 the period and inserting “; and”; and

13 (iv) by adding at the end the following:

14 “(D) data, analysis, and discussion of the
15 changes in the average full-time equivalent hours
16 required to complete review of each type of
17 human drug application.”.

18 (2) *REAUTHORIZATION*.—Section 736B(f) of the
19 *Federal Food, Drug, and Cosmetic Act* (21 U.S.C.
20 379h–2(f)) is amended—

21 (A) by redesignating paragraphs (4)
22 through (6) as paragraphs (5) through (7), re-
23 spectively;

24 (B) by inserting after paragraph (3) the fol-
25 lowing:

3596

1 “(4) *UPDATES TO CONGRESS.*—*The Secretary, in*
2 *consultation with regulated industry, shall provide*
3 *regular updates on negotiations on the reauthoriza-*
4 *tion of this part to the Committee on Health, Edu-*
5 *cation, Labor, and Pensions of the Senate and the*
6 *Committee on Energy and Commerce of the House of*
7 *Representatives.*”; and

8 *(C) in paragraph (7), as so redesignated—*
9 *(i) in subparagraph (A)—*

10 *(I) by striking “Before presenting*
11 *the recommendations developed under*
12 *paragraphs (1) through (5) to the Con-*
13 *gress, the” and inserting “The”; and*

14 *(II) by inserting “, not later than*
15 *30 days after each such negotiation*
16 *meeting” before the period at the end;*
17 *and*

18 *(ii) in subparagraph (B), by inserting*
19 *“, in sufficient detail,” after “shall summa-*
20 *rize”.*

21 *(b) MDUFA.—*

22 *(1) REAUTHORIZATION; REPORTING REQUIRE-*
23 *MENTS.—Section 738A(a)(1)(A) of the Federal Food,*
24 *Drug, and Cosmetic Act (21 U.S.C. 379j–1(a)(1)(A))*
25 *is amended—*

3597

1 (A) in clause (ii)—

2 (i) in subclause (II), by striking “;
3 and” and inserting a semicolon;

4 (ii) in subclause (III), by striking the
5 period and inserting a semicolon; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(IV) the number of investiga-
9 tional device exemption applications
10 submitted under section 520(g) per fis-
11 cal year, including for each review di-
12 vision; and

13 “(V) the number of expedited de-
14 velopment and priority review requests
15 and designations under section 515B
16 per fiscal year, including for each re-
17 view division.

18 Nothing in this clause shall be construed to
19 authorize the disclosure of information that
20 is prohibited from disclosure under section
21 301(j) of this Act or section 1905 of title 18,
22 United States Code, or that is subject to
23 withholding under section 552(b)(4) of title
24 5, United States Code.”; and

3598

1 *(B) in clause (iv) (relating to rationale for*
2 *MDUFA program changes)—*

3 *(i) by amending subclause (I) to read*
4 *as follows:*

5 *“(I) data, analysis, and discus-*
6 *sion of the changes in the number of*
7 *individuals hired as agreed upon in*
8 *the letters described in section 2001(b)*
9 *of the Medical Device User Fee Amend-*
10 *ments of 2022 and the number of re-*
11 *maining vacancies, the number of full-*
12 *time equivalents funded by fees col-*
13 *lected pursuant to section 738, and the*
14 *number of full time equivalents funded*
15 *by budget authority at the Food and*
16 *Drug Administration by each division*
17 *within the Center for Devices and Ra-*
18 *diological Health, the Center for Bio-*
19 *logics Evaluation and Research, the*
20 *Office of Regulatory Affairs, and the*
21 *Office of the Commissioner;”;*

22 *(ii) by amending subclause (II) to read*
23 *as follows:*

24 *“(II) data, analysis, and discus-*
25 *sion of the changes in the fee revenue*

3599

1 *amounts and costs for the process for*
2 *the review of device applications, in-*
3 *cluding identifying—*

4 *“(aa) drivers of such changes;*
5 *and*

6 *“(bb) changes in the average*
7 *total cost per full-time equivalent*
8 *in the medical device review pro-*
9 *gram;”;*

10 *(iii) in subclause (III), by striking the*
11 *period and inserting “; and”; and*

12 *(iv) by adding at the end the following:*

13 *“(IV) data, analysis, and discus-*
14 *sion of the changes in the average full-*
15 *time equivalent hours required to com-*
16 *plete review of medical device applica-*
17 *tion types.”.*

18 *(2) REAUTHORIZATION.—Section 738A(b) of the*
19 *Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
20 *379j–1(b)) is amended—*

21 *(A) by redesignating paragraphs (4)*
22 *through (6) as paragraphs (5) through (7), re-*
23 *spectively;*

24 *(B) by inserting after paragraph (3) the fol-*
25 *lowing:*

3600

1 “(4) *UPDATES TO CONGRESS.*—*The Secretary, in*
2 *consultation with regulated industry, shall provide*
3 *regular updates on negotiations on the reauthoriza-*
4 *tion of this part to the Committee on Health, Edu-*
5 *cation, Labor, and Pensions of the Senate and the*
6 *Committee on Energy and Commerce of the House of*
7 *Representatives.*”; and

8 (C) *in paragraph (7), as so redesignated—*
9 (i) *in subparagraph (A)—*

10 (I) *by striking “Before presenting*
11 *the recommendations developed under*
12 *paragraphs (1) through (5) to the Con-*
13 *gress, the” and inserting “The”; and*

14 (II) *by inserting “, not later than*
15 *30 days after each such negotiation*
16 *meeting” before the period at the end;*
17 *and*

18 (ii) *in subparagraph (B), by inserting*
19 *“, in sufficient detail,” after “shall summa-*
20 *rize”.*

21 (c) *GDUFA.*—

22 (1) *REAUTHORIZATION; REPORTING REQUIRE-*
23 *MENTS.*—*Section 744C(a)(3) of the Federal Food,*
24 *Drug, and Cosmetic Act (21 U.S.C. 379j–43(a)(3)) is*
25 *amended—*

3601

1 (A) by amending subparagraph (A) to read
2 as follows:

3 “(A) data, analysis, and discussion of the
4 changes in the number of individuals hired as
5 agreed upon in the letters described in section
6 3001(b) of the Generic Drug User Fee Amend-
7 ments of 2022 and the number of remaining va-
8 cancies, the number of full-time equivalents fund-
9 ed by fees collected pursuant to section 744B,
10 and the number of full time equivalents funded
11 by budget authority at the Food and Drug Ad-
12 ministration by each division within the Center
13 for Drug Evaluation and Research, the Center
14 for Biologics Evaluation and Research, the Office
15 of Regulatory Affairs, and the Office of the Com-
16 missioner;”;

17 (B) by amending subparagraph (B) to read
18 as follows:

19 “(B) data, analysis, and discussion of the
20 changes in the fee revenue amounts and costs for
21 human generic drug activities, including—

22 “(i) identifying drivers of such
23 changes; and

3602

1 “(ii) changes in the total average cost
2 per full-time equivalent in the generic drug
3 review program;”;

4 (C) in subparagraph (C), by striking the
5 period at the end and inserting “; and”; and

6 (D) by adding at the end the following:

7 “(D) data, analysis, and discussion of the
8 changes in the average full-time equivalent hours
9 required to complete review of each type of abbrevi-
10 ated new drug application.”.

11 (2) REAUTHORIZATION.—Section 744C(f) of the
12 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
13 379j–43(f)) is amended—

14 (A) by redesignating paragraphs (4)
15 through (6) as paragraphs (5) through (7), re-
16 spectively;

17 (B) by inserting after paragraph (3) the fol-
18 lowing:

19 “(4) UPDATES TO CONGRESS.—The Secretary, in
20 consultation with regulated industry, shall provide
21 regular updates on negotiations on the reauthoriza-
22 tion of this part to the Committee on Health, Edu-
23 cation, Labor, and Pensions of the Senate and the
24 Committee on Energy and Commerce of the House of
25 Representatives.”; and

3603

1 (C) in paragraph (7), as so redesignated—

2 (i) in subparagraph (A)—

3 (I) by striking “Before presenting
4 the recommendations developed under
5 paragraphs (1) through (5) to the Con-
6 gress, the” and inserting “The”; and

7 (II) by inserting “, not later than
8 30 days after each such negotiation
9 meeting” before the period at the end;
10 and

11 (ii) in subparagraph (B), by inserting
12 “, in sufficient detail,” after “shall summa-
13 rize”.

14 (d) BSUFA.—

15 (1) REAUTHORIZATION; REPORTING REQUIRE-
16 MENTS.—Section 744I(a)(4) of the Federal Food,
17 Drug, and Cosmetic Act (21 U.S.C. 379j–53(a)(4)) is
18 amended—

19 (A) by amending subparagraph (A) to read
20 as follows:

21 “(A) data, analysis, and discussion of the
22 changes in the number of individuals hired as
23 agreed upon in the letters described in section
24 4001(b) of the Biosimilar User Fee Amendments
25 of 2022 and the number of remaining vacancies,

3604

1 *the number of full-time equivalents funded by*
2 *fees collected pursuant to section 744H, and the*
3 *number of full time equivalents funded by budget*
4 *authority at the Food and Drug Administration*
5 *by each division within the Center for Drug*
6 *Evaluation and Research, the Center for Bio-*
7 *logics Evaluation and Research, the Office of*
8 *Regulatory Affairs, and the Office of the Com-*
9 *missioner;”;*

10 *(B) by amending subparagraph (B) to read*
11 *as follows:*

12 *“(B) data, analysis, and discussion of the*
13 *changes in the fee revenue amounts and costs for*
14 *the process for the review of biosimilar biological*
15 *product applications, including identifying—*

16 *“(i) drivers of such changes; and*

17 *“(ii) changes in the average total cost*
18 *per full-time equivalent in the biosimilar*
19 *biological product review program;”;*

20 *(C) in subparagraph (C), by striking the*
21 *period at the end and inserting “; and”; and*

22 *(D) by adding at the end the following:*

23 *“(D) data, analysis, and discussion of the*
24 *changes in the average full-time equivalent hours*

3605

1 *required to complete review of each type of bio-*
2 *similar biological product application.”.*

3 (2) *REAUTHORIZATION.*—Section 744I(f) of the
4 *Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
5 *379j–53(f)) is amended—*

6 (A) *by redesignating paragraphs (2) and*
7 (3) *as paragraphs (5) and (6), respectively;*

8 (B) *by inserting after paragraph (1) the fol-*
9 *lowing:*

10 “(2) *PRIOR PUBLIC INPUT.*—*Prior to beginning*
11 *negotiations with the regulated industry on the reau-*
12 *thorization of this part, the Secretary shall—*

13 “(A) *publish a notice in the Federal Reg-*
14 *ister requesting public input on the reauthoriza-*
15 *tion;*

16 “(B) *hold a public meeting at which the*
17 *public may present its views on the reauthoriza-*
18 *tion;*

19 “(C) *provide a period of 30 days after the*
20 *public meeting to obtain written comments from*
21 *the public suggesting changes to this part; and*

22 “(D) *publish the comments on the Food and*
23 *Drug Administration’s website.*

24 “(3) *PERIODIC CONSULTATION.*—*Not less fre-*
25 *quently than once every month during negotiations*

3606

1 *with the regulated industry, the Secretary shall hold*
2 *discussions with representatives of patient and con-*
3 *sumer advocacy groups to continue discussions of*
4 *their views on the reauthorization and their sugges-*
5 *tions for changes to this part as expressed under*
6 *paragraph (2).*

7 “(4) *UPDATES TO CONGRESS.*—*The Secretary, in*
8 *consultation with regulated industry, shall provide*
9 *regular updates on negotiations on the reauthoriza-*
10 *tion of this part to the Committee on Health, Edu-*
11 *cation, Labor, and Pensions of the Senate and the*
12 *Committee on Energy and Commerce of the House of*
13 *Representatives.”; and*

14 *(C) by adding at the end the following:*

15 “(7) *MINUTES OF NEGOTIATION MEETINGS.*—

16 “(A) *PUBLIC AVAILABILITY.*—*The Secretary*
17 *shall make publicly available, on the public*
18 *website of the Food and Drug Administration,*
19 *minutes of all negotiation meetings conducted*
20 *under this subsection between the Food and Drug*
21 *Administration and the regulated industry, not*
22 *later than 30 days after each such negotiation*
23 *meeting.*

24 “(B) *CONTENT.*—*The minutes described*
25 *under subparagraph (A) shall summarize, in suf-*

3607

1 *ficient detail, any substantive proposal made by*
2 *any party to the negotiations as well as signifi-*
3 *cant controversies or differences of opinion dur-*
4 *ing the negotiations and their resolution.”.*

5 **SEC. 3627. IMPROVING INFORMATION TECHNOLOGY SYS-**
6 **TEMS OF THE FOOD AND DRUG ADMINISTRA-**
7 **TION.**

8 *(a) FDA STRATEGIC INFORMATION TECHNOLOGY*
9 *PLAN.—*

10 *(1) IN GENERAL.—Not later than September 30,*
11 *2023, and at least every 4 years thereafter, the Sec-*
12 *retary shall develop and submit to the appropriate*
13 *committees of Congress and post on the website of the*
14 *Food and Drug Administration, a coordinated infor-*
15 *mation technology strategic plan to modernize the in-*
16 *formation technology systems of the Food and Drug*
17 *Administration. Each such report shall be known as*
18 *the “Food and Drug Administration Strategic Infor-*
19 *mation Technology Plan”. The first such report may*
20 *include the Data and Technology Modernization*
21 *Strategy, as set forth in the letters described in sec-*
22 *tion 1001(b) of the FDA User Fee Reauthorization*
23 *Act of 2022 (division F of Public Law 117–180).*

3608

1 (2) *CONTENT OF STRATEGIC PLAN.*—*The Food*
2 *and Drug Administration Strategic Information*
3 *Technology Plan under paragraph (1) shall include—*

4 (A) *agency-wide strategic goals and prior-*
5 *ities for modernizing the information technology*
6 *systems of the Food and Drug Administration to*
7 *maximize the efficiency and effectiveness of such*
8 *systems for enabling the Food and Drug Admin-*
9 *istration to fulfill its public health mission;*

10 (B) *specific activities and strategies for*
11 *achieving the goals and priorities identified*
12 *under subparagraph (A), and specific milestones,*
13 *metrics, and performance measures for assessing*
14 *progress against such strategic goals and prior-*
15 *ities;*

16 (C) *specific activities and strategies for im-*
17 *proving and streamlining internal coordination*
18 *and communication within the Food and Drug*
19 *Administration, including for activities and*
20 *communications related to signals of potential*
21 *public health concerns;*

22 (D) *challenges and risks the Food and Drug*
23 *Administration will face in meeting its strategic*
24 *goals and priorities, and the activities the Food*

3609

1 *and Drug Administration will undertake to over-*
2 *come those challenges and mitigate those risks;*

3 *(E) the ways in which the Food and Drug*
4 *Administration will use the Plan to guide and*
5 *coordinate the projects and activities of the Food*
6 *and Drug Administration across its offices and*
7 *centers; and*

8 *(F) a skills inventory, needs assessment, gap*
9 *analysis, and initiatives to address skills gaps as*
10 *part of a strategic approach to information tech-*
11 *nology human capital planning.*

12 *(3) EVALUATION OF PROGRESS.—Each Food and*
13 *Drug Administration Strategic Information Tech-*
14 *nology Plan issued pursuant to this subsection, with*
15 *the exception of the first such Food and Drug Admin-*
16 *istration Strategic Information Technology Plan,*
17 *shall include an evaluation of—*

18 *(A) the progress the Secretary has made,*
19 *based on the metrics, benchmarks, and other*
20 *milestones that measure successful development*
21 *and implementation of information technology*
22 *systems; and*

23 *(B) whether actions taken in response to the*
24 *previous Plan improved the capacity of the Food*
25 *and Drug Administration to achieve the strategic*

† HR 2617 EAS2

3610

1 *goals and priorities set forth in such previous*
2 *Plans.*

3 *(b) GAO REPORT.—*

4 *(1) IN GENERAL.—Not later than September 30,*
5 *2026, the Comptroller General of the United States*
6 *shall submit to the Committee on Health, Education,*
7 *Labor, and Pensions of the Senate and the Committee*
8 *on Energy and Commerce of the House of Representa-*
9 *tives a report assessing the implementation of the*
10 *Food and Drug Administration Strategic Information*
11 *Technology Plan adopted pursuant to subsection (a).*

12 *(2) CONTENT OF REPORT.—The report required*
13 *under paragraph (1) shall include an assessment of—*

14 *(A) the development and implementation of*
15 *the Food and Drug Administration Strategic In-*
16 *formation Technology Plan, including the suffi-*
17 *ciency of the plan, progress of the Food and*
18 *Drug Administration in meeting the results-ori-*
19 *ented goals, milestones, and performance meas-*
20 *ures identified in such plan and any gaps in*
21 *such implementation;*

22 *(B) the efficiency and effectiveness of the*
23 *Food and Drug Administration's expenditures*
24 *on information technology systems over the pre-*
25 *ceding 10 fiscal years, including the implementa-*

3611

1 *tion by the Food and Drug Administration of*
2 *the Technology Modernization Action Plan and*
3 *Data Modernization Action Plan;*

4 *(C) challenges posed by the information*
5 *technology systems of the Food and Drug Admin-*
6 *istration for carrying out the Food and Drug*
7 *Administration's public health mission, includ-*
8 *ing on meeting user fee agreement performance*
9 *goals, conducting inspections, responding to*
10 *identified safety concerns, and keeping pace with*
11 *new scientific and medical advances; and*

12 *(D) recommendations for the Food and*
13 *Drug Administration to address the identified*
14 *challenges, improve its implementation of the*
15 *Food and Drug Administration Strategic Infor-*
16 *mation Technology Plan, and to otherwise im-*
17 *prove the Food and Drug Administration's infor-*
18 *mation technology systems.*

19 **SEC. 3628. REPORTING ON MAILROOM AND OFFICE OF THE**
20 **EXECUTIVE SECRETARIAT OF THE FOOD AND**
21 **DRUG ADMINISTRATION.**

22 *(a) REPORT.—Not later than 90 days after the date*
23 *of enactment of this Act, the Secretary shall report to the*
24 *Committee on Health, Education, Labor, and Pensions of*

3612

1 *the Senate and the Committee on Energy and Commerce*
2 *of the House of Representatives on—*

3 *(1) information related to policies, procedures,*
4 *and activities of the mailroom and the Office of the*
5 *Executive Secretariat of the Food and Drug Adminis-*
6 *tration, including—*

7 *(A) taking receipt, tracking, managing, and*
8 *prioritizing confidential informant complaints;*

9 *(B) taking receipt of common carrier pack-*
10 *ages to the Food and Drug Administration;*

11 *(C) the organizational structure and man-*
12 *agement of the mailroom;*

13 *(D) the organizational structure and man-*
14 *agement of the Office of the Executive Secre-*
15 *tariat;*

16 *(E) the total number of employees and con-*
17 *tractors in the mailroom including those working*
18 *remotely and those working in person;*

19 *(F) the total number of employees and con-*
20 *tractors in the Office of the Executive Secre-*
21 *tariat;*

22 *(G) the number of vacant positions in the*
23 *mailroom;*

24 *(H) the number of vacant positions in the*
25 *Office of the Executive Secretariat;*

3613

1 *(I) the average number of days for response*
2 *to correspondence received by the Office of the*
3 *Secretariat;*

4 *(J) the extent to which there is a backlog of*
5 *common carrier packages received by the mail-*
6 *room and the number of common carrier pack-*
7 *ages in any backlog;*

8 *(K) the extent to which there is a backlog of*
9 *correspondence in the Office of the Executive Sec-*
10 *retariat that has not been appropriately re-*
11 *sponded to by the Food and Drug Administra-*
12 *tion and the number of correspondence or com-*
13 *mon carrier packages in any backlog;*

14 *(L) a rationale for the failure of the Office*
15 *of the Executive Secretariat to respond to cor-*
16 *respondence in any backlog and the position of*
17 *the decision-making official who determined not*
18 *to respond to such correspondence;*

19 *(M) the number of whistleblower correspond-*
20 *ence received, including within each agency cen-*
21 *ter;*

22 *(N) the amount of resources expended for*
23 *the mailroom, including a breakdown of budget*
24 *authority and user fee dollars;*

3614

1 (O) the amount of resources expended for
2 the Office of the Executive Secretariat and cor-
3 respondence-related activities, including a break-
4 down of budget authority and user fee dollars;
5 and

6 (P) the performance of third-party contrac-
7 tors responsible for correspondence-related activi-
8 ties with respect to the receipt and tracking of
9 correspondence, and efforts by the Food and
10 Drug Administration to improve performance by
11 such contractors; and

12 (2) the development and implementation of new
13 or revised policies and procedures of the Food and
14 Drug Administration to monitor and ensure—

15 (A) the effective receipt, tracking, man-
16 aging, and prioritization of such complaints;
17 and

18 (B) the effective receipt of common carrier
19 packages to the Food and Drug Administration.

20 (b) ANNUAL REPORT.—Not later than the end of each
21 of fiscal years 2023 and 2024, the Secretary shall issue a
22 report to the Committee on Health, Education, Labor, and
23 Pensions of the Senate and the Committee on Energy and
24 Commerce of the House of Representatives on the implemen-
25 tation of the new or revised policies of the Food and Drug

3615

1 *Administration reported under subsection (a)(2), and since*
2 *such implementation—*

3 *(1) the volume of incoming common carrier*
4 *packages to the mailroom;*

5 *(2) the volume of incoming correspondence to the*
6 *Office of the Executive Secretariat;*

7 *(3) the extent to which new backlogs occur in the*
8 *processing of common carrier packages received by the*
9 *mailroom;*

10 *(4) the extent to which new backlogs occur in the*
11 *processing of correspondence received by the Office of*
12 *the Executive Secretariat;*

13 *(5) the length of time required to resolve each*
14 *such backlog;*

15 *(6) any known issues of unreasonable delays in*
16 *correspondence being provided to the intended recipi-*
17 *ent, or in correspondence being lost, and the measures*
18 *taken to remedy such delays or lost items;*

19 *(7) the average number of days it takes to re-*
20 *spond to correspondence received by the Office of the*
21 *Executive Secretariat;*

22 *(8) the resources expended by the mailroom, in-*
23 *cluding a breakdown of budget authority and user fee*
24 *dollars; and*

3616

1 (9) *the resources expended by the Office of the*
2 *Executive Secretariat on correspondence-related ac-*
3 *tivities, including a breakdown of budget authority*
4 *and user fee dollars.*

5 (c) *GAO REPORT.*—*Not later than 18 months after the*
6 *date of enactment of this Act, the Comptroller General of*
7 *the United States shall submit to the Committee on Health,*
8 *Education, Labor, and Pensions of the Senate and the Com-*
9 *mittee on Energy and Commerce of the House of Represent-*
10 *atives a report assessing the policies and practices of the*
11 *Division of Executive Operations of the Office of the Execu-*
12 *tive Secretariat of the Food and Drug Administration with*
13 *respect to the receipt, tracking, managing, and*
14 *prioritization of correspondence.*

15 **SEC. 3629. FACILITATING THE USE OF REAL WORLD EVI-**
16 **DENCE.**

17 (a) *GUIDANCE.*—*Not later than 1 year after the date*
18 *of enactment of this Act, the Secretary shall issue or revise*
19 *existing guidance on considerations for the use of real world*
20 *data and real world evidence to support regulatory deci-*
21 *sion-making, as follows:*

22 (1) *With respect to drugs, such guidance shall*
23 *address the use of such data and evidence to support*
24 *the approval of a drug application under section 505*
25 *of the Federal Food, Drug, and Cosmetic Act (21*

3617

1 *U.S.C. 355) or a biological product application under*
2 *section 351 of the Public Health Service Act (42*
3 *U.S.C. 262), and to support an investigational use*
4 *exemption submission under section 505(i) of the Fed-*
5 *eral Food, Drug, and Cosmetic Act (21 U.S.C. 355(i))*
6 *or section 351(a)(3) of the Public Health Service Act*
7 *(42 U.S.C. 262(a)(3)). Such guidance shall include*
8 *considerations for the inclusion, in such applications*
9 *and submissions, of real world data and real world*
10 *evidence obtained as a result of the use of drugs au-*
11 *thorized for emergency use under section 564 of the*
12 *Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
13 *360bbb-3), and considerations for standards and*
14 *methodologies for collection and analysis of real world*
15 *evidence included in such applications and submis-*
16 *sions, as appropriate.*

17 *(2) With respect to devices, such guidance shall*
18 *address the use of such data and evidence to support*
19 *the approval, clearance, or classification of a device*
20 *pursuant to an application or submission submitted*
21 *under section 510(k), 513(f)(2), or 515 of the Federal*
22 *Food, Drug, and Cosmetic Act (21 U.S.C. 360(k),*
23 *360c(f)(2), 360e), to support an investigational use*
24 *exemption submission under section 520(g) of such*
25 *Act (21 U.S.C. 360j(g)), and to support a determina-*

3618

1 *tion by the Secretary for purposes of section 353 of*
2 *the Public Health Service Act (42 U.S.C. 263a) (in-*
3 *cluding the category described under subsection (d)(3)*
4 *of such section). Such guidance shall include consider-*
5 *ations for the inclusion, in such applications and sub-*
6 *missions, of real world data and real world evidence*
7 *obtained as a result of the use of devices authorized*
8 *for emergency use under section 564 of the Federal*
9 *Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3),*
10 *including considerations related to a determination*
11 *under section 353(d)(3) of the Public Health Service*
12 *Act (42 U.S.C. 263a(d)(3)), and considerations for*
13 *standards and methodologies for collection and anal-*
14 *ysis of real world evidence included in such applica-*
15 *tions, submissions, or determinations, as appropriate.*

16 *(b) REPORT TO CONGRESS.—Not later than 2 years*
17 *after the end of the public health emergency declared by the*
18 *Secretary under section 319 of the Public Health Service*
19 *Act (42 U.S.C. 247d) on January 31, 2020, with respect*
20 *to COVID–19, the Secretary shall submit a report to the*
21 *Committee on Health, Education, Labor, and Pensions of*
22 *the Senate and the Committee on Energy and Commerce*
23 *of the House of Representatives on—*

24 *(1) the number of applications, submissions, or*
25 *requests submitted for clearance, approval, or author-*

3619

1 *ization under section 505, 510(k), 513(f)(2), or 515 of*
2 *the Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
3 *355, 360(k), 360c(f)(2), 360e) or section 351 of the*
4 *Public Health Service Act (42 U.S.C. 262), for which*
5 *an authorization under section 564 of the Federal*
6 *Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3)*
7 *was previously granted;*

8 *(2) of the number of applications so submitted,*
9 *the number of such applications—*

10 *(A) for which real world evidence was sub-*
11 *mitted and used to support a regulatory deci-*
12 *sion; and*

13 *(B) for which real world evidence was sub-*
14 *mitted and determined to be insufficient to sup-*
15 *port a regulatory decision; and*

16 *(3) a summary explanation of why, in the case*
17 *of applications described in paragraph (2)(B), real*
18 *world evidence could not be used to support regu-*
19 *latory decisions.*

20 *(c) INFORMATION DISCLOSURE.—Nothing in this sec-*
21 *tion shall be construed to authorize the disclosure of infor-*
22 *mation that is prohibited from disclosure under section*
23 *1905 of title 18, United States Code, or subject to with-*
24 *holding under subsection (b)(4) of section 552 of title 5,*

3620

1 *United States Code (commonly referred to as the “Freedom*
2 *of Information Act”)*.

3 **SEC. 3630. FACILITATING EXCHANGE OF PRODUCT INFOR-**
4 **MATION PRIOR TO APPROVAL.**

5 (a) *IN GENERAL.*—Section 502 of the Federal Food,
6 Drug, and Cosmetic Act (21 U.S.C. 352) is amended—

7 (1) in paragraph (a)—

8 (A) by striking “drugs for coverage” and in-
9 serting “drugs or devices for coverage”; and

10 (B) by striking “drug” each place it ap-
11 pears and inserting “drug or device”, respec-
12 tively;

13 (2) in paragraphs (a)(1) and (a)(2)(B), by strik-
14 ing “under section 505 or under section 351 of the
15 Public Health Service Act” and inserting “under sec-
16 tion 505, 510(k), 513(f)(2), or 515 of this Act or sec-
17 tion 351 of the Public Health Service Act”;

18 (3) in paragraph (a)(1)—

19 (A) by striking “under section 505 or under
20 section 351(a) of the Public Health Service Act”
21 and inserting “under section 505, 510(k),
22 513(f)(2), or 515 of this Act or section 351 of the
23 Public Health Service Act”; and

24 (B) by striking “in section 505(a) or in
25 subsections (a) and (k) of section 351 of the Pub-

3621

1 *lic Health Service Act” and inserting “in section*
2 *505, 510(k), 513(f)(2), or 515 of this Act or sec-*
3 *tion 351 of the Public Health Service Act”; and*
4 *(4) by adding at the end the following:*

5 *“(gg)(1) Unless its labeling bears adequate directions*
6 *for use in accordance with paragraph (f), except that (in*
7 *addition to drugs or devices that conform with exemptions*
8 *pursuant to such paragraph) no drug or device shall be*
9 *deemed to be misbranded under such paragraph through the*
10 *provision of truthful and not misleading product informa-*
11 *tion to a payor, formulary committee, or other similar enti-*
12 *ty with knowledge and expertise in the area of health care*
13 *economic analysis carrying out its responsibilities for the*
14 *selection of drugs or devices for coverage or reimbursement*
15 *if the product information relates to an investigational*
16 *drug or device or investigational use of a drug or device*
17 *that is approved, cleared, granted marketing authorization,*
18 *or licensed under section 505, 510(k), 513(f)(2), or 515 of*
19 *this Act or section 351 of the Public Health Service Act*
20 *(as applicable), provided—*

21 *“(A) the product information includes—*

22 *“(i) a clear statement that the investiga-*
23 *tional drug or device or investigational use of a*
24 *drug or device has not been approved, cleared,*
25 *granted marketing authorization, or licensed*

3622

1 *under section 505, 510(k), 513(f)(2), or 515 of*
2 *this Act or section 351 of the Public Health*
3 *Service Act (as applicable) and that the safety*
4 *and effectiveness of such drug or device for such*
5 *use has not been established;*

6 *“(ii) information related to the stage of de-*
7 *velopment of the drug or device involved, such*
8 *as—*

9 *“(I) the status of any study or studies*
10 *in which the investigational drug or device*
11 *or investigational use is being investigated;*

12 *“(II) how the study or studies relate to*
13 *the overall plan for the development of the*
14 *drug or device; and*

15 *“(III) whether an application, pre-*
16 *market notification, or request for classi-*
17 *fication for the investigational drug or de-*
18 *vice or investigational use has been sub-*
19 *mitted to the Secretary and when such a*
20 *submission is planned;*

21 *“(iii) in the case of information that in-*
22 *cludes factual presentations of results from stud-*
23 *ies, which shall not be selectively presented, a de-*
24 *scription of—*

3623

1 “(I) all material aspects of study de-
2 sign, methodology, and results; and

3 “(II) all material limitations related to
4 the study design, methodology, and results;

5 “(iv) where applicable, a prominent state-
6 ment disclosing the indication or indications for
7 which the Secretary has approved, granted mar-
8 keting authorization, cleared, or licensed the
9 product pursuant to section 505, 510(k),
10 513(f)(2), or 515 of this Act or section 351 of the
11 Public Health Service Act, and a copy of the
12 most current required labeling; and

13 “(v) updated information, if previously
14 communicated information becomes materially
15 outdated as a result of significant changes or as
16 a result of new information regarding the prod-
17 uct or its review status; and

18 “(B) the product information does not include—

19 “(i) information that represents that an un-
20 approved product—

21 “(I) has been approved, cleared, grant-
22 ed marketing authorization, or licensed
23 under section 505, 510(k), 513(f)(2), or 515
24 of this Act or section 351 of the Public
25 Health Service Act (as applicable); or

3624

1 “(II) has otherwise been determined to
2 be safe or effective for the purpose or pur-
3 poses for which the drug or device is being
4 studied; or

5 “(ii) information that represents that an
6 unapproved use of a drug or device that has been
7 so approved, granted marketing authorization,
8 cleared, or licensed—

9 “(I) is so approved, granted marketing
10 authorization, cleared, or licensed; or

11 “(II) that the product is safe or effec-
12 tive for the use or uses for which the drug
13 or device is being studied.

14 “(2) For purposes of this paragraph, the term ‘product
15 information’ includes—

16 “(A) information describing the drug or device
17 (such as drug class, device description, and features);

18 “(B) information about the indication or indica-
19 tions being investigated;

20 “(C) the anticipated timeline for a possible ap-
21 proval, clearance, marketing authorization, or licen-
22 sure pursuant to section 505, 510(k), 513, or 515 of
23 this Act or section 351 of the Public Health Service
24 Act;

25 “(D) drug or device pricing information;

3625

1 “(E) patient utilization projections;
2 “(F) product-related programs or services; and
3 “(G) factual presentations of results from studies
4 that do not characterize or make conclusions regard-
5 ing safety or efficacy.”.

6 (b) *GAO STUDY AND REPORT.*—Beginning on the date
7 that is 5 years and 6 months after the date of enactment
8 of this Act, the Comptroller General of the United States
9 shall conduct a study on the provision and use of informa-
10 tion pursuant to section 502(gg) of the Federal Food, Drug,
11 and Cosmetic Act, as added by this subsection (a), between
12 manufacturers of drugs and devices (as defined in section
13 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
14 321)) and entities described in such section 502(gg). Such
15 study shall include an analysis of the following:

16 (1) *The types of information communicated be-*
17 *tween such manufacturers and payors.*

18 (2) *The manner of communication between such*
19 *manufacturers and payors.*

20 (3)(A) *Whether such manufacturers file an ap-*
21 *plication for approval, marketing authorization,*
22 *clearance, or licensing of a new drug or device or the*
23 *new use of a drug or device that is the subject of com-*
24 *munication between such manufacturers and payors*

3626

1 *under section 502(gg) of the Federal Food, Drug, and*
2 *Cosmetic Act, as added by subsection (a).*

3 *(B) How frequently the Food and Drug Admin-*
4 *istration approves, grants marketing authorization,*
5 *clears, or licenses the new drug or device or new use.*

6 *(C) The timeframe between the initial commu-*
7 *nications permitted under section 502(gg) of the Fed-*
8 *eral Food, Drug, and Cosmetic Act, as added by sub-*
9 *section (a), regarding an investigational drug or de-*
10 *vice or investigational use, and the initial marketing*
11 *of such drug or device.*

12 **SEC. 3631. STREAMLINING BLOOD DONOR INPUT.**

13 *Chapter 35 of title 44, United States Code, shall not*
14 *apply to the collection of information to which a response*
15 *is voluntary and that is initiated by the Secretary to solicit*
16 *information from blood donors or potential blood donors to*
17 *support the development of recommendations by the Sec-*
18 *retary, acting through the Commissioner of Food and*
19 *Drugs, concerning blood donation.*

3627

1 ***TITLE IV—MEDICARE***
2 ***PROVISIONS***
3 ***Subtitle A—Medicare Extenders***

4 ***SEC. 4101. EXTENSION OF INCREASED INPATIENT HOS-***
5 ***PITAL PAYMENT ADJUSTMENT FOR CERTAIN***
6 ***LOW-VOLUME HOSPITALS.***

7 (a) *IN GENERAL.*—Section 1886(d)(12) of the Social
8 Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

9 (1) in subparagraph (B), in the matter pre-
10 ceding clause (i), by striking “during the portion of
11 fiscal year 2023 beginning on December 24, 2022,
12 and ending on September 30, 2023, and in fiscal year
13 2024” and inserting “in fiscal year 2025”;

14 (2) in subparagraph (C)(i)—

15 (A) in the matter preceding subclause (I)—

16 (i) by striking “or portion of a fiscal
17 year”; and

18 (ii) by striking “through 2022 and the
19 portion of fiscal year 2023 beginning on
20 October 1, 2022, and ending on December
21 23, 2022’ ” and inserting “through 2024”;

22 (B) in subclause (III), by striking “through
23 2022 and the portion of fiscal year 2023 begin-
24 ning on October 1, 2022, and ending on Decem-

3628

1 *ber 23, 2022’” and inserting “through 2024”;*
2 *and*

3 *(C) in subclause (IV), by striking “the por-*
4 *tion of fiscal year 2023 beginning on December*
5 *24, 2022, and ending on September 30, 2023,*
6 *and fiscal year 2024” and inserting “fiscal year*
7 *2025”; and*

8 *(3) in subparagraph (D)—*

9 *(A) in the matter preceding clause (i), by*
10 *striking “through 2022 or during the portion of*
11 *fiscal year 2023 beginning on October 1, 2022,*
12 *and ending on December 23, 2022’” and insert-*
13 *ing “through 2024”; and*

14 *(B) in clause (ii), by striking “through*
15 *2022 and the portion of fiscal year 2023 begin-*
16 *ning on October 1, 2022, and ending on Decem-*
17 *ber 23, 2022’” and inserting “through 2024”.*

18 *(b) IMPLEMENTATION.—Notwithstanding any other*
19 *provision of law, the Secretary of Health and Human Serv-*
20 *ices may implement the provisions of, including the amend-*
21 *ments made by, this section by program instruction or oth-*
22 *erwise.*

3629

1 **SEC. 4102. EXTENSION OF THE MEDICARE-DEPENDENT**
2 **HOSPITAL PROGRAM.**

3 (a) *IN GENERAL.*—Section 1886(d)(5)(G) of the Social
4 Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

5 (1) in clause (i), by striking “December 24,
6 2022” and inserting “October 1, 2024”; and

7 (2) in clause (ii)(II), by striking “December 24,
8 2022” and inserting “October 1, 2024”.

9 (b) *CONFORMING AMENDMENTS.*—

10 (1) *EXTENSION OF TARGET AMOUNTS.*—Section
11 1886(b)(3)(D) of the Social Security Act (42 U.S.C.
12 1395ww(b)(3)(D)) is amended—

13 (A) in the matter preceding clause (i), by
14 striking “December 24, 2022” and inserting “Oc-
15 tober 1, 2024”; and

16 (B) in clause (iv), by striking “fiscal year
17 2022 and the portion of fiscal year 2023 begin-
18 ning on October 1, 2022, and ending on Decem-
19 ber 23, 2022,” and inserting “fiscal year 2024”.

20 (2) *PERMITTING HOSPITALS TO DECLINE RE-*
21 *CLASSIFICATION.*—Section 13501(e)(2) of the *Omnibus Budget Reconciliation Act of 1993* (42 U.S.C.
22 1395ww note) is amended by striking “fiscal year
23 2000 through fiscal year 2022, or the portion of fiscal
24 year 2023 beginning on October 1, 2022, and ending
25

3630

1 *on December 23, 2022” and inserting “or fiscal year*
2 *2000 through fiscal year 2024”.*

3 **SEC. 4103. EXTENSION OF ADD-ON PAYMENTS FOR AMBU-**
4 **LANCE SERVICES.**

5 *Section 1834(l) of the Social Security Act (42 U.S.C.*
6 *1395m(l)) is amended—*

7 *(1) in paragraph (12)(A), by striking “January*
8 *1, 2023” and inserting “January 1, 2025”; and*

9 *(2) in paragraph (13), by striking “January 1,*
10 *2023” in each place it appears and inserting “Janu-*
11 *ary 1, 2025” in each such place.*

12 **Subtitle B—Other Expiring**
13 **Medicare Provisions**

14 **SEC. 4111. EXTENDING INCENTIVE PAYMENTS FOR PARTICI-**
15 **PATION IN ELIGIBLE ALTERNATIVE PAYMENT**
16 **MODELS.**

17 *(a) IN GENERAL.—Section 1833(z) of the Social Secu-*
18 *rity Act (42 U.S.C. 1395l(z)) is amended—*

19 *(1) in paragraph (1)(A)—*

20 *(A) by striking “2024” and inserting*
21 *“2025”; and*

22 *(B) by inserting “(or, with respect to 2025,*
23 *3.5 percent)” after “5 percent”;*

24 *(2) in paragraph (2)—*

25 *(A) in subparagraph (B)—*

3631

1 (i) in the header, by striking “2024”
2 and inserting “2025”; and

3 (ii) in the matter preceding clause (i),
4 by striking “2024” and inserting “2025”;
5 (B) in subparagraph (C)—

6 (i) in the header, by striking “2025”
7 and inserting “2026”; and

8 (ii) in the matter preceding clause (i),
9 by striking “2025” and inserting “2026”;
10 and

11 (C) in subparagraph (D), by striking “2023
12 and 2024” and inserting “2023, 2024, and
13 2025”; and

14 (3) in paragraph (4)(B), by inserting “(or, with
15 respect to 2025, 3.5 percent)” after “5 percent”.

16 (b) CONFORMING AMENDMENTS.—Section
17 1848(q)(1)(C)(iii) of the Social Security Act (42 U.S.C.
18 1395w–4(q)(1)(C)(iii)) is amended—

19 (1) in subclause (II), by striking “2024” and in-
20 serting “2025”; and

21 (2) in subclause (III), by striking “2025” and
22 inserting “2026”.

3632

1 **SEC. 4112. EXTENSION OF SUPPORT FOR PHYSICIANS AND**
2 **OTHER PROFESSIONALS IN ADJUSTING TO**
3 **MEDICARE PAYMENT CHANGES.**

4 *Section 1848 of the Social Security Act (42 U.S.C.*
5 *1395w-4) is amended—*

6 *(1) in subsection (c)(2)(B)(iv)(V), by striking*
7 *“2021 or 2022” and inserting “2021, 2022, 2023, or*
8 *2024”; and*

9 *(2) in subsection (t)—*

10 *(A) in the subsection header, by striking*
11 *“2021 AND 2022” and inserting “2021*
12 *THROUGH 2024”;*

13 *(B) in paragraph (1)—*

14 *(i) in the matter preceding subpara-*
15 *graph (A), by striking “during 2021 and*
16 *2022” and inserting “during 2021, 2022,*
17 *2023, and 2024”; and*

18 *(ii) in subparagraph (A), by striking*
19 *at the end “and”;*

20 *(iii) in subparagraph (B), by striking*
21 *at the end the period and inserting a semi-*
22 *colon; and*

23 *(iv) by adding at the end the following*
24 *new subparagraphs:*

3633

1 “(C) such services furnished on or after
2 January 1, 2023, and before January 1, 2024,
3 by 2.5 percent; and

4 “(D) such services furnished on or after
5 January, 1, 2024, and before January 1, 2025,
6 by 1.25 percent.”; and

7 (C) in paragraph (2)(C)—

8 (i) in the subparagraph header, by
9 striking “2021 AND 2022” and inserting “2021
10 THROUGH 2024”;

11 (ii) by striking “for services furnished
12 in 2021 or 2022” and inserting “for services
13 furnished in 2021, 2022, 2023, or 2024”;
14 and

15 (iii) by striking “or 2022, respectively”
16 and inserting “, 2022, 2023, or 2024, re-
17 spectively”.

18 **SEC. 4113. ADVANCING TELEHEALTH BEYOND COVID-19.**

19 (a) *REMOVING GEOGRAPHIC REQUIREMENTS AND EX-*
20 *PANDING ORIGINATING SITES FOR TELEHEALTH SERV-*
21 *ICES.—Section 1834(m) of the Social Security Act (42*
22 *U.S.C. 1395m(m)) is amended—*

23 (1) in paragraph (2)(B)(iii)—

24 (A) by striking “With” and inserting “In
25 the case that the emergency period described in

3634

1 *section 1135(g)(1)(B) ends before December 31,*
2 *2024, with”; and*

3 *(B) by striking “that are furnished during*
4 *the 151-day period beginning on the first day*
5 *after the end of the emergency period described*
6 *in section 1135(g)(1)(B)” and inserting “that*
7 *are furnished during the period beginning on the*
8 *first day after the end of such emergency period*
9 *and ending December 31, 2024”; and*
10 *(2) in paragraph (4)(C)(iii)—*

11 *(A) by striking “With” and inserting “In*
12 *the case that the emergency period described in*
13 *section 1135(g)(1)(B) ends before December 31,*
14 *2024, with”; and*

15 *(B) by striking “that are furnished during*
16 *the 151-day period beginning on the first day*
17 *after the end of the emergency period described*
18 *in section 1135(g)(1)(B)” and inserting “that*
19 *are furnished during the period beginning on the*
20 *first day after the end of such emergency period*
21 *and ending on December 31, 2024”.*

22 ***(b) EXPANDING PRACTITIONERS ELIGIBLE TO FUR-***
23 ***NISH TELEHEALTH SERVICES.—Section 1834(m)(4)(E) of***
24 ***the Social Security Act (42 U.S.C. 1395m(m)(4)(E)) is***
25 ***amended by striking “and, for the 151-day period begin-***

3635

1 *ning on the first day after the end of the emergency period*
2 *described in section 1135(g)(1)(B)” and inserting “and, in*
3 *the case that the emergency period described in section*
4 *1135(g)(1)(B) ends before December 31, 2024, for the period*
5 *beginning on the first day after the end of such emergency*
6 *period and ending on December 31, 2024”.*

7 *(c) EXTENDING TELEHEALTH SERVICES FOR FEDER-*
8 *ALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH*
9 *CLINICS.—Section 1834(m)(8)(A) of the Social Security*
10 *Act (42 U.S.C. 1395m(m)(8)(A)) is amended by striking*
11 *“during the 151-day period beginning on the first day after*
12 *the end of such emergency period” and inserting “in the*
13 *case that such emergency period ends before December 31,*
14 *2024, during the period beginning on the first day after*
15 *the end of such emergency period and ending on December*
16 *31, 2024”.*

17 *(d) DELAYING THE IN-PERSON REQUIREMENTS*
18 *UNDER MEDICARE FOR MENTAL HEALTH SERVICES FUR-*
19 *NISHED THROUGH TELEHEALTH AND TELECOMMUNI-*
20 *CATIONS TECHNOLOGY.—*

21 *(1) DELAY IN REQUIREMENTS FOR MENTAL*
22 *HEALTH SERVICES FURNISHED THROUGH TELE-*
23 *HEALTH.—Section 1834(m)(7)(B)(i) of the Social Se-*
24 *curity Act (42 U.S.C. 1395m(m)(7)(B)(i)) is amend-*
25 *ed, in the matter preceding subclause (I), by striking*

3636

1 *“on or after the day that is the 152nd day after the*
2 *end of the period at the end of the emergency sentence*
3 *described in section 1135(g)(1)(B))” and inserting*
4 *“on or after January 1, 2025 (or, if later, the first*
5 *day after the end of the emergency period described*
6 *in section 1135(g)(1)(B))”.*

7 (2) *MENTAL HEALTH VISITS FURNISHED BY*
8 *RURAL HEALTH CLINICS.—Section 1834(y) of the So-*
9 *cial Security Act (42 U.S.C. 1395m(y)) is amended—*

10 (A) *in the heading, by striking “TO HOS-*
11 *PICE PATIENTS”;* and

12 (B) *in paragraph (2), by striking “prior to*
13 *the day that is the 152nd day after the end of*
14 *the emergency period described in section*
15 *1135(g)(1)(B))” and inserting “prior to January*
16 *1, 2025 (or, if later, the first day after the end*
17 *of the emergency period described in section*
18 *1135(g)(1)(B))”.*

19 (3) *MENTAL HEALTH VISITS FURNISHED BY FED-*
20 *ERALLY QUALIFIED HEALTH CENTERS.—Section*
21 *1834(o)(4) of the Social Security Act (42 U.S.C.*
22 *1395m(o)(4) is amended—*

23 (A) *in the heading, by striking “TO HOS-*
24 *PICE PATIENTS”;* and

3637

1 *(B) in subparagraph (B), by striking “prior*
2 *to the day that is the 152nd day after the end*
3 *of the emergency period described in section*
4 *1135(g)(1)(B))” and inserting “prior to January*
5 *1, 2025 (or, if later, the first day after the end*
6 *of the emergency period described in section*
7 *1135(g)(1)(B))”.*

8 *(e) ALLOWING FOR THE FURNISHING OF AUDIO-ONLY*
9 *TELEHEALTH SERVICES.—Section 1834(m)(9) of the Social*
10 *Security Act (42 U.S.C. 1395m(m)(9)) is amended by strik-*
11 *ing “The Secretary shall continue to provide coverage and*
12 *payment under this part for telehealth services identified*
13 *in paragraph (4)(F)(i) as of the date of the enactment of*
14 *this paragraph that are furnished via an audio-only tele-*
15 *communications system during the 151-day period begin-*
16 *ning on the first day after the end of the emergency period*
17 *described in section 1135(g)(1)(B))” and inserting “In the*
18 *case that the emergency period described in section*
19 *1135(g)(1)(B) ends before December 31, 2024, the Secretary*
20 *shall continue to provide coverage and payment under this*
21 *part for telehealth services identified in paragraph (4)(F)(i)*
22 *as of the date of the enactment of this paragraph that are*
23 *furnished via an audio-only communications system during*
24 *the period beginning on the first day after the end of such*
25 *emergency period and ending on December 31, 2024”.*

3638

1 (f) *USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE*
2 *ENCOUNTER PRIOR TO RECERTIFICATION OF ELIGIBILITY*
3 *FOR HOSPICE CARE DURING EMERGENCY PERIOD.*—Sec-
4 *tion 1814(a)(7)(D)(i)(II) of the Social Security Act (42*
5 *U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by striking “and*
6 *during the 151-day period beginning on the first day after*
7 *the end of such emergency period” and inserting “and, in*
8 *the case that such emergency period ends before December*
9 *31, 2024, during the period beginning on the first day after*
10 *the end of such emergency period described in such section*
11 *1135(g)(1)(B) and ending on December 31, 2024”.*

12 (g) *STUDY ON TELEHEALTH AND MEDICARE PROGRAM*
13 *INTEGRITY.*—

14 (1) *IN GENERAL.*—

15 (A) *STUDY.*—*The Secretary shall conduct a*
16 *study using medical record review, as described*
17 *in subparagraph (C), on program integrity re-*
18 *lated to telehealth services under part B of title*
19 *XVIII of the Social Security Act (42 U.S.C.*
20 *1395j et seq.).*

21 (B) *SCOPE OF STUDY.*—*In conducting the*
22 *study under subparagraph (A), the Secretary*
23 *shall review and analyze information (to the ex-*
24 *tent that such information is available) on the*
25 *duration of telehealth services furnished, the*

3639

1 *types of telehealth services furnished, and, to the*
2 *extent feasible, the impact of the telehealth serv-*
3 *ices furnished on future utilization of health care*
4 *services by Medicare beneficiaries, such as the*
5 *utilization of additional telehealth services or in-*
6 *person services, including hospitalizations and*
7 *emergency department visits. The Secretary may*
8 *also review and analyze information on—*

9 *(i) any geographic differences in utili-*
10 *zation of telehealth services;*

11 *(ii) documentation of the care and*
12 *methods of delivery associated with tele-*
13 *health services; and*

14 *(iii) other areas, as determined appro-*
15 *priate by the Secretary.*

16 *(C) MEDICAL RECORD REVIEW.—In con-*
17 *ducting the study under subparagraph (A), the*
18 *Secretary shall conduct medical record review of*
19 *a sample of claims for telehealth services with*
20 *dates of service during the period beginning on*
21 *January 1, 2022, and ending on December 31,*
22 *2024. For such claims with a date of service dur-*
23 *ing the emergency period described in section*
24 *1135(g)(1)(B) of the Social Security Act (42*
25 *U.S.C. 1320b–5(g)(1)(B)), the Secretary shall*

3640

1 *only conduct medical record review of those*
2 *claims that have undergone standard program*
3 *integrity review (as defined in paragraph*
4 *(2)(B)), as determined appropriate by the Sec-*
5 *retary.*

6 *(D) REPORTS.—*

7 *(i) INTERIM REPORT.—Not later than*
8 *October 1, 2024, the Secretary shall submit*
9 *to the Committee on Finance of the Senate*
10 *and the Committee on Energy and Com-*
11 *merce and the Committee on Ways and*
12 *Means of the House of Representatives an*
13 *interim report on the study conducted*
14 *under subparagraph (A).*

15 *(ii) FINAL REPORT.—Not later than*
16 *April 1, 2026, the Secretary shall submit to*
17 *the Committee on Finance of the Senate*
18 *and the Committee on Energy and Com-*
19 *merce and the Committee on Ways and*
20 *Means of the House of Representatives a*
21 *final report on the study conducted under*
22 *subparagraph (A).*

23 *(2) DEFINITIONS.—In this subsection:*

3641

1 (A) *SECRETARY.*—*The term “Secretary”*
2 *means the Secretary of Health and Human Serv-*
3 *ices.*

4 (B) *STANDARD PROGRAM INTEGRITY RE-*
5 *VIEW.*—*The term “standard program integrity*
6 *review” refers to the review of any claim that re-*
7 *quires a review of the associated medical record*
8 *by the Secretary to determine the medical neces-*
9 *sity of the services furnished or to identify poten-*
10 *tial fraud.*

11 (C) *TELEHEALTH SERVICE.*—*The term*
12 *“telehealth service” has the meaning given that*
13 *term in section 1834(m)(4)(F) of the Social Se-*
14 *curity Act (42 U.S.C. 1395(m)(4)(F)).*

15 (3) *FUNDING.*—*In addition to amounts otherwise*
16 *available, there is appropriated to the Centers for*
17 *Medicare & Medicaid Services Program Management*
18 *Account for fiscal year 2023, out of any amounts in*
19 *the Treasury not otherwise appropriated,*
20 *\$10,000,000, to remain available until expended, for*
21 *purposes of carrying out this subsection.*

22 (h) *PROGRAM INSTRUCTION AUTHORITY.*—*Notwith-*
23 *standing any other provision of law, the Secretary of*
24 *Health and Human Services may implement the provisions*

3642

1 *of, including amendments made by, this section through*
2 *program instruction or otherwise.*

3 **SEC. 4114. REVISED PHASE-IN OF MEDICARE CLINICAL LAB-**
4 **ORATORY TEST PAYMENT CHANGES.**

5 *(a) REVISED PHASE-IN OF REDUCTIONS FROM PRI-*
6 *VATE PAYOR RATE IMPLEMENTATION.—Section*
7 *1834A(b)(3) of the Social Security Act (42 U.S.C. 1395m–*
8 *1(b)(3)) is amended—*

9 *(1) in subparagraph (A), by striking “through*
10 *2025” and inserting “through 2026”; and*

11 *(2) in subparagraph (B)—*

12 *(A) in clause (ii), by striking “and 2022”*
13 *and inserting “through 2023”; and*

14 *(B) in clause (iii), by striking “2023*
15 *through 2025” and inserting “2024 through*
16 *2026”.*

17 *(b) REVISED REPORTING PERIOD FOR REPORTING OF*
18 *PRIVATE SECTOR PAYMENT RATES FOR ESTABLISHMENT*
19 *OF MEDICARE PAYMENT RATES.—Section 1834A(a)(1)(B)*
20 *of the Social Security Act (42 U.S.C. 1395m–1(a)(1)(B))*
21 *is amended—*

22 *(1) in clause (i), by striking “December 31,*
23 *2022” and inserting “December 31, 2023”; and*

24 *(2) in clause (ii)—*

3643

1 (A) by striking “January 1, 2023” and in-
2 serting “January 1, 2024”; and

3 (B) by striking “March 31, 2023” and in-
4 serting “March 31, 2024”.

5 ***Subtitle C—Medicare Mental***
6 ***Health Provisions***

7 ***SEC. 4121. COVERAGE OF MARRIAGE AND FAMILY THERA-***
8 ***PIST SERVICES AND MENTAL HEALTH COUN-***
9 ***SELOR SERVICES UNDER PART B OF THE***
10 ***MEDICARE PROGRAM.***

11 (a) *COVERAGE OF SERVICES.—*

12 (1) *IN GENERAL.—Section 1861(s)(2) of the So-*
13 *cial Security Act (42 U.S.C. 1395x(s)(2)) is amend-*
14 *ed—*

15 (A) *in subparagraph (GG), by striking*
16 *“and” after the semicolon at the end;*

17 (B) *in subparagraph (HH), by striking the*
18 *period at the end and inserting “; and”; and*

19 (C) *by adding at the end the following new*
20 *subparagraph:*

21 *“(II) marriage and family therapist services (as*
22 *defined in subsection (lll)(1)) and mental health coun-*
23 *selor services (as defined in subsection (lll)(3));”.*

3644

1 (2) *DEFINITIONS.—Section 1861 of the Social*
2 *Security Act (42 U.S.C. 1395x) is amended by adding*
3 *at the end the following new subsection:*

4 “(III) *MARRIAGE AND FAMILY THERAPIST SERVICES;*
5 *MARRIAGE AND FAMILY THERAPIST; MENTAL HEALTH*
6 *COUNSELOR SERVICES; MENTAL HEALTH COUNSELOR.—*

7 “(1) *MARRIAGE AND FAMILY THERAPIST SERV-*
8 *ICES.—The term ‘marriage and family therapist serv-*
9 *ices’ means services furnished by a marriage and*
10 *family therapist (as defined in paragraph (2)) for the*
11 *diagnosis and treatment of mental illnesses (other*
12 *than services furnished to an inpatient of a hospital),*
13 *which the marriage and family therapist is legally*
14 *authorized to perform under State law (or the State*
15 *regulatory mechanism provided by State law) of the*
16 *State in which such services are furnished, as would*
17 *otherwise be covered if furnished by a physician or as*
18 *an incident to a physician’s professional service.*

19 “(2) *MARRIAGE AND FAMILY THERAPIST.—The*
20 *term ‘marriage and family therapist’ means an indi-*
21 *vidual who—*

22 “(A) *possesses a master’s or doctor’s degree*
23 *which qualifies for licensure or certification as a*
24 *marriage and family therapist pursuant to State*

3645

1 *law of the State in which such individual fur-*
2 *nishes the services described in paragraph (1);*

3 *“(B) is licensed or certified as a marriage*
4 *and family therapist by the State in which such*
5 *individual furnishes such services;*

6 *“(C) after obtaining such degree has per-*
7 *formed at least 2 years of clinical supervised ex-*
8 *perience in marriage and family therapy; and*

9 *“(D) meets such other requirements as spec-*
10 *ified by the Secretary.*

11 *“(3) MENTAL HEALTH COUNSELOR SERVICES.—*
12 *The term ‘mental health counselor services’ means*
13 *services furnished by a mental health counselor (as*
14 *defined in paragraph (4)) for the diagnosis and treat-*
15 *ment of mental illnesses (other than services furnished*
16 *to an inpatient of a hospital), which the mental*
17 *health counselor is legally authorized to perform*
18 *under State law (or the State regulatory mechanism*
19 *provided by the State law) of the State in which such*
20 *services are furnished, as would otherwise be covered*
21 *if furnished by a physician or as incident to a physi-*
22 *cian’s professional service.*

23 *“(4) MENTAL HEALTH COUNSELOR.—The term*
24 *‘mental health counselor’ means an individual who—*

3646

1 “(A) possesses a master’s or doctor’s degree
2 which qualifies for licensure or certification as a
3 mental health counselor, clinical professional
4 counselor, or professional counselor under the
5 State law of the State in which such individual
6 furnishes the services described in paragraph (3);

7 “(B) is licensed or certified as a mental
8 health counselor, clinical professional counselor,
9 or professional counselor by the State in which
10 the services are furnished;

11 “(C) after obtaining such a degree has per-
12 formed at least 2 years of clinical supervised ex-
13 perience in mental health counseling; and

14 “(D) meets such other requirements as spec-
15 ified by the Secretary.”.

16 (3) AMOUNT OF PAYMENT.—Section 1833(a)(1)
17 of the Social Security Act (42 U.S.C. 1395l(a)(1)), as
18 amended by section 11101(b) of Public Law 117–169,
19 is further amended—

20 (A) by striking “, and (EE)” and inserting
21 “(EE)”; and

22 (B) by inserting before the semicolon at the
23 end the following: “and (FF) with respect to
24 marriage and family therapist services and men-
25 tal health counselor services under section

3647

1 1861(s)(2)(II), the amounts paid shall be 80 per-
2 cent of the lesser of the actual charge for the serv-
3 ices or 75 percent of the amount determined for
4 payment of a psychologist under subparagraph
5 (L)”.

6 (4) *EXCLUSION OF MARRIAGE AND FAMILY THER-*
7 *APIST SERVICES AND MENTAL HEALTH COUNSELOR*
8 *SERVICES FROM SKILLED NURSING FACILITY PRO-*
9 *SPECTIVE PAYMENT SYSTEM.*—Section
10 1888(e)(2)(A)(ii) of the Social Security Act (42
11 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting
12 “marriage and family therapist services (as defined
13 in section 1861(lll)(1)), mental health counselor serv-
14 ices (as defined in section 1861(lll)(3)),” after “quali-
15 fied psychologist services,”.

16 (5) *INCLUSION OF MARRIAGE AND FAMILY*
17 *THERAPISTS AND MENTAL HEALTH COUNSELORS AS*
18 *PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.*—Sec-
19 tion 1842(b)(18)(C) of the Social Security Act (42
20 U.S.C. 1395u(b)(18)(C)) is amended by adding at the
21 end the following new clauses:

22 “(vii) A marriage and family therapist (as de-
23 fined in section 1861(lll)(2)).

24 “(viii) A mental health counselor (as defined in
25 section 1861(lll)(4)).”.

3648

1 (b) *COVERAGE OF CERTAIN MENTAL HEALTH SERV-*
2 *ICES PROVIDED IN CERTAIN SETTINGS.—*

3 (1) *RURAL HEALTH CLINICS AND FEDERALLY*
4 *QUALIFIED HEALTH CENTERS.—Section*
5 *1861(aa)(1)(B) of the Social Security Act (42 U.S.C.*
6 *1395x(aa)(1)(B)) is amended by striking “or by a*
7 *clinical social worker (as defined in subsection*
8 *(hh)(1))” and inserting “, by a clinical social worker*
9 *(as defined in subsection (hh)(1)), by a marriage and*
10 *family therapist (as defined in subsection (ll)(2)), or*
11 *by a mental health counselor (as defined in subsection*
12 *(ll)(4)).”.*

13 (2) *HOSPICE PROGRAMS.—Section*
14 *1861(dd)(2)(B)(i)(III) of the Social Security Act (42*
15 *U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by insert-*
16 *ing “, marriage and family therapist, or mental*
17 *health counselor” after “social worker”.*

18 (c) *EFFECTIVE DATE.—The amendments made by this*
19 *section shall apply with respect to services furnished on or*
20 *after January 1, 2024.*

21 **SEC. 4122. ADDITIONAL RESIDENCY POSITIONS.**

22 (a) *IN GENERAL.—Section 1886(h) of the Social Secu-*
23 *rity Act (42 U.S.C. 1395ww(h)) is amended—*

24 (1) *in paragraph (4)(F)(i), by striking “and*
25 *(9)” and inserting “(9), and (10)”;*

3649

1 (2) *in paragraph (4)(H)(i), by striking “and*
2 *(9)” and inserting “(9), and (10)”;* and

3 (3) *by adding at the end the following new para-*
4 *graph:*

5 “(10) *DISTRIBUTION OF ADDITIONAL RESIDENCY*
6 *POSITIONS IN PSYCHIATRY AND PSYCHIATRY SUB-*
7 *SPECIALTIES.—*

8 “(A) *ADDITIONAL RESIDENCY POSITIONS.—*

9 “(i) *IN GENERAL.—For fiscal year*
10 *2026, the Secretary shall, subject to the suc-*
11 *ceeding provisions of this paragraph, in-*
12 *crease the otherwise applicable resident*
13 *limit for each qualifying hospital (as de-*
14 *finied in subparagraph (F)) that submits a*
15 *timely application under this subparagraph*
16 *by such number as the Secretary may ap-*
17 *prove effective beginning July 1 of the fiscal*
18 *year of the increase.*

19 “(ii) *NUMBER AVAILABLE FOR DIS-*
20 *TRIBUTION.—The aggregate number of such*
21 *positions made available under this para-*
22 *graph shall be equal to 200.*

23 “(iii) *DISTRIBUTION FOR PSYCHIATRY*
24 *OR PSYCHIATRY SUBSPECIALTY*
25 *RESIDENCIES.—At least 100 of the positions*

3650

1 *made available under this paragraph shall*
2 *be distributed for a psychiatry or psychi-*
3 *atry subspecialty residency (as defined in*
4 *subparagraph (F)).*

5 “(iv) *TIMING.*—*The Secretary shall no-*
6 *tify hospitals of the number of positions dis-*
7 *tributed to the hospital under this para-*
8 *graph as a result of an increase in the oth-*
9 *erwise applicable resident limit by January*
10 *31 of the fiscal year of the increase. Such*
11 *increase shall be effective beginning July 1*
12 *of such fiscal year.*

13 “(B) *DISTRIBUTION.*—*For purposes of pro-*
14 *viding an increase in the otherwise applicable*
15 *resident limit under subparagraph (A), the fol-*
16 *lowing shall apply:*

17 “(i) *CONSIDERATIONS IN DISTRIBUTION.*—*In determining for which qualifying*
18 *hospitals such an increase is provided under*
19 *subparagraph (A), the Secretary shall take*
20 *into account the demonstrated likelihood of*
21 *the hospital filling the positions made avail-*
22 *able under this paragraph within the first*
23 *5 training years beginning after the date*
24

3651

1 *the increase would be effective, as deter-*
2 *mined by the Secretary.*

3 “(ii) *MINIMUM DISTRIBUTION FOR*
4 *CERTAIN CATEGORIES OF HOSPITALS.—*
5 *With respect to the aggregate number of*
6 *such positions available for distribution*
7 *under this paragraph, the Secretary shall*
8 *distribute not less than 10 percent of such*
9 *aggregate number to each of the following*
10 *categories of hospitals:*

11 “(I) *Hospitals that are located in*
12 *a rural area (as defined in section*
13 *1886(d)(2)(D)) or are treated as being*
14 *located in a rural area pursuant to*
15 *section 1886(d)(8)(E).*

16 “(II) *Hospitals in which the ref-*
17 *erence resident level of the hospital (as*
18 *specified in subparagraph (F)(iii)) is*
19 *greater than the otherwise applicable*
20 *resident limit.*

21 “(III) *Hospitals in States with—*

22 “(aa) *new medical schools*
23 *that received ‘Candidate School’*
24 *status from the Liaison Com-*
25 *mittee on Medical Education or*

3652

1 *that received ‘Pre-Accreditation’*
2 *status from the American Osteo-*
3 *pathic Association Commission on*
4 *Osteopathic College Accreditation*
5 *on or after January 1, 2000, and*
6 *that have achieved or continue to*
7 *progress toward ‘Full Accredita-*
8 *tion’ status (as such term is de-*
9 *finied by the Liaison Committee*
10 *on Medical Education) or toward*
11 *‘Accreditation’ status (as such*
12 *term is defined by the American*
13 *Osteopathic Association Commis-*
14 *sion on Osteopathic College Ac-*
15 *creditation); or*

16 “(bb) additional locations
17 and branch campuses established
18 on or after January 1, 2000, by
19 medical schools with ‘Full Accred-
20 itation’ status (as such term is de-
21 finied by the Liaison Committee
22 on Medical Education) or ‘Accred-
23 itation’ status (as such term is de-
24 finied by the American Osteopathic

3653

1 *Association Commission on Osteo-*
2 *pathic College Accreditation).*

3 “(IV) *Hospitals that serve areas*
4 *designated as health professional short-*
5 *age areas under section 332(a)(1)(A) of*
6 *the Public Health Service Act, as deter-*
7 *mined by the Secretary.*

8 “(iii) *PRO RATA APPLICATION.—The*
9 *Secretary shall ensure that each qualifying*
10 *hospital that submits a timely application*
11 *under subparagraph (A) receives at least 1*
12 *(or a fraction of 1) of the positions made*
13 *available under this paragraph before any*
14 *qualifying hospital receives more than 1 of*
15 *such positions.*

16 “(C) *REQUIREMENTS.—*

17 “(i) *LIMITATION.—A hospital may not*
18 *receive more than 10 additional full-time*
19 *equivalent residency positions under this*
20 *paragraph.*

21 “(ii) *PROHIBITION ON DISTRIBUTION*
22 *TO HOSPITALS WITHOUT AN INCREASE*
23 *AGREEMENT.—No increase in the otherwise*
24 *applicable resident limit of a hospital may*
25 *be made under this paragraph unless such*

† HR 2617 EAS2

3654

1 *hospital agrees to increase the total number*
2 *of full-time equivalent residency positions*
3 *under the approved medical residency*
4 *training program of such hospital by the*
5 *number of such positions made available by*
6 *such increase under this paragraph.*

7 “(iii) *REQUIREMENT FOR HOSPITALS*
8 *TO EXPAND PROGRAMS.—If a hospital that*
9 *receives an increase in the otherwise appli-*
10 *cable resident limit under this paragraph*
11 *would be eligible for an adjustment to the*
12 *otherwise applicable resident limit for par-*
13 *ticipation in a new medical residency*
14 *training program under section*
15 *413.79(e)(3) of title 42, Code of Federal*
16 *Regulations (or any successor regulation),*
17 *the hospital shall ensure that any positions*
18 *made available under this paragraph are*
19 *used to expand an existing program of the*
20 *hospital, and not for participation in a new*
21 *medical residency training program.*

22 “(D) *APPLICATION OF PER RESIDENT*
23 *AMOUNTS FOR NONPRIMARY CARE.—With respect*
24 *to additional residency positions in a hospital*
25 *attributable to the increase provided under this*

3655

1 *paragraph, the approved FTE per resident*
2 *amounts are deemed to be equal to the hospital*
3 *per resident amounts for nonprimary care com-*
4 *puted under paragraph (2)(D) for that hospital.*

5 *“(E) PERMITTING FACILITIES TO APPLY AG-*
6 *GREGATION RULES.—The Secretary shall permit*
7 *hospitals receiving additional residency positions*
8 *attributable to the increase provided under this*
9 *paragraph to, beginning in the fifth year after*
10 *the effective date of such increase, apply such po-*
11 *sitions to the limitation amount under para-*
12 *graph (4)(F) that may be aggregated pursuant to*
13 *paragraph (4)(H) among members of the same*
14 *affiliated group.*

15 *“(F) DEFINITIONS.—In this paragraph:*

16 *“(i) OTHERWISE APPLICABLE RESI-*
17 *DENT LIMIT.—The term ‘otherwise applica-*
18 *ble resident limit’ means, with respect to a*
19 *hospital, the limit otherwise applicable*
20 *under subparagraphs (F)(i) and (H) of*
21 *paragraph (4) on the resident level for the*
22 *hospital determined without regard to this*
23 *paragraph but taking into account para-*
24 *graphs (7)(A), (7)(B), (8)(A), (8)(B), and*
25 *(9)(A).*

3656

1 “(ii) *PSYCHIATRY OR PSYCHIATRY*
2 *SUBSPECIALTY RESIDENCY.*—*The term ‘psy-*
3 *chiatry or psychiatry subspecialty resi-*
4 *dency’ means a residency in psychiatry as*
5 *accredited by the Accreditation Council for*
6 *Graduate Medical Education for the pur-*
7 *pose of preventing, diagnosing, and treating*
8 *mental health disorders.*

9 “(iii) *QUALIFYING HOSPITAL.*—*The*
10 *term ‘qualifying hospital’ means a hospital*
11 *described in any of subclauses (I) through*
12 *(IV) of subparagraph (B)(ii).*

13 “(iv) *REFERENCE RESIDENT LEVEL.*—
14 *The term ‘reference resident level’ means,*
15 *with respect to a hospital, the resident level*
16 *for the most recent cost reporting period of*
17 *the hospital ending on or before the date of*
18 *enactment of this paragraph, for which a*
19 *cost report has been settled (or, if not, sub-*
20 *mitted (subject to audit)), as determined by*
21 *the Secretary.*

22 “(v) *RESIDENT LEVEL.*—*The term*
23 *‘resident level’ has the meaning given such*
24 *term in paragraph (7)(C)(i).’.*

3657

1 (b) *IME*.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended—

3 (1) in clause (v), in the third sentence, by striking “and (h)(9)” and inserting “(h)(9), and (h)(10)”;

5 (2) by moving clause (xii) 4 ems to the left; and

6 (3) by adding at the end the following new clause:

8 “(xiii) For discharges occurring on or after July 1, 2026, insofar as an additional payment amount under this subparagraph is attributable to resident positions distributed to a hospital under subsection (h)(10), the indirect teaching adjustment factor shall be computed in the same manner as provided under clause (ii) with respect to such resident positions.”.

15 (c) *PROHIBITION ON JUDICIAL REVIEW*.—Section 1886(h)(7)(E) of the Social Security Act (42 U.S.C. 1395ww—4(h)(7)(E)) is amended by inserting “paragraph (10),” after “paragraph (8),”.

19 **SEC. 4123. IMPROVING MOBILE CRISIS CARE IN MEDICARE.**

20 (a) *PAYMENT FOR PSYCHOTHERAPY FOR CRISIS SERVICES FURNISHED IN AN APPLICABLE SITE OF SERVICE*.—

22 (1) *IN GENERAL*.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w—4(b)) is amended by adding at the end the following new paragraph:

3658

1 “(12) *PAYMENT FOR PSYCHOTHERAPY FOR CRI-*
2 *SIS SERVICES FURNISHED IN AN APPLICABLE SITE OF*
3 *SERVICE.—*

4 “(A) *IN GENERAL.—The Secretary shall es-*
5 *tablish new HCPCS codes under the fee schedule*
6 *established under this subsection for services de-*
7 *scribed in subparagraph (B) that are furnished*
8 *on or after January 1, 2024.*

9 “(B) *SERVICES DESCRIBED.—The services*
10 *described in this subparagraph are psycho-*
11 *therapy for crisis services that are a furnished in*
12 *an applicable site of service.*

13 “(C) *AMOUNT OF PAYMENT.—For services*
14 *described in subparagraph (B) that are fur-*
15 *nished to an individual in a year (beginning*
16 *with 2024), in lieu of the fee schedule amount*
17 *that would otherwise be determined under this*
18 *subsection for such year, the fee schedule amount*
19 *for such services for such year shall be equal to*
20 *150 percent of the fee schedule amount for non-*
21 *facility sites of service for such year determined*
22 *for services identified, as of January 1, 2022, by*
23 *HCPCS codes 90839 and 90840 (and any suc-*
24 *ceeding codes).*

25 “(D) *DEFINITIONS.—In this paragraph:*

3659

1 “(i) *APPLICABLE SITE OF SERVICE.*—
2 *The term ‘applicable site of service’ means*
3 *a site of service other than a site where the*
4 *facility rate under the fee schedule under*
5 *this subsection applies and other than an*
6 *office setting.*

7 “(ii) *PSYCHOTHERAPY FOR CRISIS*
8 *SERVICES.*—*The code descriptions for serv-*
9 *ices described in subparagraph (B) shall be*
10 *the same as the code descriptions for serv-*
11 *ices identified, as of January 1, 2022, by*
12 *HCPCS codes 90839 and 90840 (and any*
13 *succeeding codes), except that such new*
14 *codes shall be limited to services furnished*
15 *in an applicable site of service.”.*

16 (2) *WAIVER OF BUDGET NEUTRALITY.*—*Section*
17 *1848(c)(2)(B)(iv) of such Act (42 U.S.C. 1395w–*
18 *4(c)(2)(B)(iv)) is amended—*

19 (A) *in subclause (IV), by striking “and” at*
20 *the end;*

21 (B) *in subclause (V), by striking the period*
22 *at the end and inserting “; and” and*

23 (C) *by adding at the end the following new*
24 *subclause:*

3660

1 “(VI) subsection (b)(12) shall not
2 be taken into account in applying
3 clause (ii)(II) for 2024.”.

4 (b) *EDUCATION AND OUTREACH.*—Not later than Jan-
5 uary 1, 2024, the Secretary shall use existing communica-
6 tions mechanisms to provide education and outreach to
7 stakeholders with respect to the ability of health profes-
8 sionals to bill for psychotherapy for crisis services under
9 the Medicare physician fee schedule under section 1848 of
10 the Social Security Act (42 U.S.C. 1395w–4) when such
11 services are furnished in an applicable site of service to a
12 Medicare beneficiary who is experiencing a mental or be-
13 havioral health crisis.

14 (c) *OPEN DOOR FORUM.*—Not later than January 1,
15 2024, the Secretary shall convene stakeholders and experts
16 for an open door forum or other appropriate mechanism
17 to discuss current Medicare program coverage and payment
18 policies for services that can be furnished to provide care
19 to a Medicare beneficiary who is experiencing a mental or
20 behavioral health crisis.

21 (d) *EDUCATION AND OUTREACH ON THE USE OF PEER*
22 *SUPPORT SPECIALISTS AND OTHER AUXILIARY PERSONNEL*
23 *IN FURNISHING OF PSYCHOTHERAPY FOR CRISIS SERVICES*
24 *AND BEHAVIORAL HEALTH INTEGRATION SERVICES.*—Not
25 later than January 1, 2024, the Secretary shall use existing

3661

1 *communication mechanisms to provide education and out-*
2 *reach to providers of services, physicians, and practitioners*
3 *with respect to the ability of auxiliary personnel, including*
4 *peer support specialists, to participate, consistent with ap-*
5 *plicable requirements for auxiliary personnel, in the fur-*
6 *nishing of—*

7 (1) *psychotherapy for crisis services billed under*
8 *the Medicare physician fee schedule under section*
9 *1848 of the Social Security Act (42 U.S.C. 1395w–*
10 *4), as well as other services that can be furnished to*
11 *a Medicare beneficiary experiencing a mental or be-*
12 *havioral health crisis; and*

13 (2) *behavioral health integration services.*

14 (e) *DEFINITIONS.—In this section:*

15 (1) *APPLICABLE SITE OF SERVICE.—The term*
16 *“applicable site of service” has the meaning given*
17 *that term in section 1848(b)(12)(D)(i) of the Social*
18 *Security Act, as added by subsection (a).*

19 (2) *BEHAVIORAL HEALTH INTEGRATION SERV-*
20 *ICES.—The term “behavioral health integration serv-*
21 *ices” means services identified, as of January 1,*
22 *2022, by HCPCS codes 99484, 99492, 99493, 99494,*
23 *and G2214 (and any successor or similar codes as de-*
24 *termined appropriate by the Secretary).*

3662

1 (3) *PSYCHOTHERAPY FOR CRISIS SERVICES.*—

2 *The term “psychotherapy for crisis services” means*
3 *services described in 1848(b)(12)(D)(ii) of the Social*
4 *Security Act, as added by subsection (a).*

5 (4) *SECRETARY.*—*The term “Secretary” means*
6 *the Secretary of Health and Human Services.*

7 **SEC. 4124. ENSURING ADEQUATE COVERAGE OF OUT-**
8 **PATIENT MENTAL HEALTH SERVICES UNDER**
9 **THE MEDICARE PROGRAM.**

10 (a) *MODIFICATION OF DEFINITION OF PARTIAL HOS-*
11 *PITALIZATION SERVICES.*—*Section 1861(ff)(1) of the Social*
12 *Security Act (42 U.S.C. 1395x(ff)(1)) is amended by insert-*
13 *ing “for an individual determined (not less frequently than*
14 *monthly) by a physician to have a need for such services*
15 *for a minimum of 20 hours per week” after “prescribed by*
16 *a physician”.*

17 (b) *COVERAGE OF INTENSIVE OUTPATIENT SERV-*
18 *ICES.*—

19 (1) *SCOPE OF BENEFITS.*—

20 (A) *COMMUNITY MENTAL HEALTH CEN-*
21 *TERS.*—*Section 1832(a)(2)(J) of the Social Secu-*
22 *rity Act (42 U.S.C. 1395k(a)(2)(J)) is amended*
23 *by inserting “and intensive outpatient services”*
24 *after “partial hospitalization services”.*

3663

1 (B) INCIDENT-TO SERVICES.—Section
2 1861(s)(2)(B) is amended by inserting “or inten-
3 sive outpatient services” after “partial hos-
4 pitalization services”.

5 (2) DEFINITION.—Section 1861(ff) of the Social
6 Security Act (42 U.S.C. 1395x(ff)) is amended—

7 (A) in the header, by inserting “; Intensive
8 Outpatient Services” after “Partial Hospitaliza-
9 tion Services”; and

10 (B) by adding at the end the following new
11 paragraph:

12 “(4) The term ‘intensive outpatient services’ has the
13 meaning given the term ‘partial hospitalization services’ in
14 paragraph (1), except that—

15 “(A) section 1835(a)(2)(F)(i) shall not apply;

16 “(B) the reference in such paragraph to an indi-
17 vidual ‘determined (not less frequently than monthly)
18 by a physician to have a need for such services for a
19 minimum of 20 hours per week’ shall be treated as a
20 reference to an individual ‘determined (not less fre-
21 quently than once every other month) by a physician
22 to have a need for such services for a minimum of 9
23 hours per week’; and

24 “(C) the reference to ‘a community mental health
25 center (as defined in subparagraph (B))’ in para-

3664

1 *graph (3) shall be treated as a reference to ‘a commu-*
2 *nity mental health center (as defined in subpara-*
3 *graph (B)), a Federally qualified health center, or a*
4 *rural health clinic’.”.*

5 *(3) EXCLUSION FROM CALCULATION OF CERTAIN*
6 *TREATMENT COSTS.—Section 1833(c)(2) of the Social*
7 *Security Act (42 U.S.C. 1395l(c)(2)) is amended by*
8 *inserting “or intensive outpatient services” after*
9 *“partial hospitalization services”.*

10 *(4) CONFORMING AMENDMENTS.—*

11 *(A) INTENSIVE OUTPATIENT SERVICES.—*
12 *Section 1861(aa) of the Social Security Act (42*
13 *U.S.C. 1395x(aa)) is amended—*

14 *(i) in paragraph (1)—*

15 *(I) in subparagraph (B), by strik-*
16 *ing “and” at the end;*

17 *(II) in subparagraph (C), by add-*
18 *ing “and” at the end; and*

19 *(III) by inserting after subpara-*
20 *graph (C) the following new subpara-*
21 *graph:*

22 *“(D) intensive outpatient services (as defined in*
23 *section 1861(ff)(4)),”; and*

24 *(ii) in paragraph (3), by striking*
25 *“through (C)” and inserting “through (D)”.*

3665

1 (B) *PROVIDER OF SERVICES.*—Section
2 1866(e)(2) of the Social Security Act (42 U.S.C.
3 1395cc(e)(2)) is amended by inserting “, or in-
4 tensive outpatient services (as described in sec-
5 tion 1861(ff)(4))” after “partial hospitalization
6 services (as described in section 1861(ff)(1))”.

7 (c) *SPECIAL PAYMENT RULE FOR FQHCs AND*
8 *RHCs.*—Section 1834 of the Social Security Act (42 U.S.C.
9 1395m) is amended—

10 (1) in subsection (o), by adding at the end the
11 following new paragraph:

12 “(5) *SPECIAL PAYMENT RULE FOR INTENSIVE*
13 *OUTPATIENT SERVICES.*—

14 “(A) *IN GENERAL.*—In the case of intensive
15 outpatient services furnished by a Federally
16 qualified health center, the payment amount for
17 such services shall be equal to the amount that
18 would have been paid under this title for such
19 services had such services been covered OPD serv-
20 ices furnished by a hospital.

21 “(B) *EXCLUSION.*—Costs associated with
22 intensive outpatient services shall not be used to
23 determine the amount of payment for Federally
24 qualified health center services under the pro-

3666

1 *spective payment system under this subsection.”;*

2 *and*

3 *(2) in subsection (y)—*

4 *(A) in the header, by striking “TO HOSPICE*
5 *PATIENTS”;* *and*

6 *(B) by adding at the end the following new*
7 *paragraph:*

8 *“(3) SPECIAL PAYMENT RULE FOR INTENSIVE*
9 *OUTPATIENT SERVICES.—*

10 *“(A) IN GENERAL.—In the case of intensive*
11 *outpatient services furnished by a rural health*
12 *clinic, the payment amount for such services*
13 *shall be equal to the amount that would have*
14 *been paid under this title for such services had*
15 *such services been covered OPD services fur-*
16 *nished by a hospital.*

17 *“(B) EXCLUSION.—Costs associated with*
18 *intensive outpatient services shall not be used to*
19 *determine the amount of payment for rural*
20 *health clinic services under the methodology for*
21 *all-inclusive rates (established by the Secretary)*
22 *under section 1833(a)(3).”.*

23 *(d) EFFECTIVE DATE.—The amendments made by this*
24 *section shall apply with respect to items and services fur-*
25 *nished on or after January 1, 2024.*

3667

1 **SEC. 4125. IMPROVEMENTS TO MEDICARE PROSPECTIVE**
2 **PAYMENT SYSTEM FOR PSYCHIATRIC HOS-**
3 **PITALS AND PSYCHIATRIC UNITS.**

4 (a) *IMPROVEMENTS THROUGH ADDITIONAL CLAIMS*
5 *DATA.*—Section 1886(s) of the Social Security Act (42
6 U.S.C. 1395ww(s)) is amended by adding at the end the
7 following new paragraph:

8 “(5) *ADDITIONAL DATA AND INFORMATION.*—

9 “(A) *IN GENERAL.*—The Secretary shall col-
10 lect data and information as the Secretary deter-
11 mines appropriate to revise payments under the
12 system described in paragraph (1) for psy-
13 chiatric hospitals and psychiatric units pursu-
14 ant to subparagraph (D) and for other purposes
15 as determined appropriate by the Secretary. The
16 Secretary shall begin to collect such data by not
17 later than October 1, 2023.

18 “(B) *DATA AND INFORMATION.*—The data
19 and information to be collected under subpara-
20 graph (A) may include—

21 “(i) charges, including those related to
22 ancillary services;

23 “(ii) the required intensity of behav-
24 ioral monitoring, such as cognitive deficit,
25 suicide ideations, violent behavior, and need
26 for physical restraint; and

3668

1 “(iii) interventions, such as detoxifica-
2 tion services for substance abuse, dependence
3 on respirator, total parenteral nutritional
4 support, dependence on renal dialysis, and
5 burn care.

6 “(C) *METHOD OF COLLECTION.*—The Sec-
7 retary may collect the additional data and infor-
8 mation under subparagraph (A) on cost reports,
9 on claims, or otherwise.

10 “(D) *REVISIONS TO PAYMENT RATES.*—

11 “(i) *IN GENERAL.*—Notwithstanding
12 the preceding paragraphs of this subsection
13 or section 124 of the Medicare, Medicaid,
14 and SCHIP Balanced Budget Refinement
15 Act of 1999, for rate year 2025 (and for
16 any subsequent rate year, if determined ap-
17 propriate by the Secretary), the Secretary
18 shall, by regulation, implement revisions to
19 the methodology for determining the pay-
20 ment rates under the system described in
21 paragraph (1) for psychiatric hospitals and
22 psychiatric units, as the Secretary deter-
23 mines to be appropriate. Such revisions
24 may be based on a review of data and in-

3669

1 *formation collected under subparagraph*
2 *(A).*

3 “(ii) *REVIEW.—The Secretary may*
4 *make revisions to the diagnosis-related*
5 *group classifications, in accordance with*
6 *subsection (d)(4)(C), to reflect nursing and*
7 *staff resource use and costs involved in fur-*
8 *nishing services at such hospitals and units,*
9 *including considerations for patient com-*
10 *plexity and prior admission to an inpatient*
11 *psychiatric facility, which may be based on*
12 *review of data and information collected*
13 *under subparagraph (A), as the Secretary*
14 *determines to be appropriate.*

15 “(iii) *BUDGET NEUTRALITY.—Revi-*
16 *sions in payment implemented pursuant to*
17 *clause (i) for a rate year shall result in the*
18 *same estimated amount of aggregate ex-*
19 *penditures under this title for psychiatric*
20 *hospitals and psychiatric units furnished in*
21 *the rate year as would have been made*
22 *under this title for such care in such rate*
23 *year if such revisions had not been imple-*
24 *mented.”.*

3670

1 (b) *IMPROVEMENTS THROUGH STANDARDIZED PA-*
2 *TIENT ASSESSMENT DATA.*—Section 1886(s) of the Social
3 *Security Act (42 U.S.C. 1395ww(s)), as amended by sub-*
4 *section (a), is further amended—*

5 (1) *in paragraph (4)—*

6 (A) *in subparagraph (A)(i), by striking*
7 *“subparagraph (C)” and inserting “subpara-*
8 *graphs (C) and (E)”;*

9 (B) *by redesignating subparagraph (E) as*
10 *subparagraph (F);*

11 (C) *by inserting after subparagraph (D) the*
12 *following new subparagraph:*

13 “(E) *STANDARDIZED PATIENT ASSESSMENT*
14 *DATA.*—

15 “(i) *IN GENERAL.*—For rate year 2028
16 *and each subsequent rate year, in addition*
17 *to such data on the quality measures de-*
18 *scribed in subparagraph (C), each psy-*
19 *chiatric hospital and psychiatric unit shall*
20 *submit to the Secretary, through the use of*
21 *a standardized assessment instrument im-*
22 *plemented under clause (iii), the standard-*
23 *ized patient assessment data described in*
24 *clause (ii). Such data shall be submitted*
25 *with respect to admission and discharge of*

3671

1 *an individual (and may be submitted more*
2 *frequently as the Secretary determines ap-*
3 *propriate).*

4 “(ii) *STANDARDIZED PATIENT ASSESS-*
5 *MENT DATA DESCRIBED.—For purposes of*
6 *clause (i), the standardized patient assess-*
7 *ment data described in this clause, with re-*
8 *spect to a psychiatric hospital or psy-*
9 *chiatric unit, is data with respect to the fol-*
10 *lowing categories:*

11 “(I) *Functional status, such as*
12 *mobility and self-care at admission to*
13 *a psychiatric hospital or unit and be-*
14 *fore discharge from a psychiatric hos-*
15 *pital or unit.*

16 “(II) *Cognitive function, such as*
17 *ability to express ideas and to under-*
18 *stand, and mental status, such as de-*
19 *pression and dementia.*

20 “(III) *Special services, treat-*
21 *ments, and interventions for psy-*
22 *chiatric conditions.*

23 “(IV) *Medical conditions and co-*
24 *morbidities, such as diabetes, conges-*
25 *tive heart failure, and pressure ulcers.*

† HR 2617 EAS2

3672

1 “(V) *Impairments, such as incon-*
2 *tinence and an impaired ability to*
3 *hear, see, or swallow.*

4 “(VI) *Other categories as deter-*
5 *mined appropriate by the Secretary.*

6 “(iii) *STANDARDIZED ASSESSMENT IN-*
7 *STRUMENT.—*

8 “(I) *IN GENERAL.—For purposes*
9 *of clause (i), the Secretary shall imple-*
10 *ment a standardized assessment instru-*
11 *ment that provides for the submission*
12 *of standardized patient assessment*
13 *data under this title with respect to*
14 *psychiatric hospitals and psychiatric*
15 *units which enables comparison of such*
16 *assessment data across all such hos-*
17 *pitals and units to which such data*
18 *are applicable.*

19 “(II) *FUNDING.—The Secretary*
20 *shall provide for the transfer, from the*
21 *Federal Hospital Insurance Trust*
22 *Fund under section 1817 to the Centers*
23 *for Medicare & Medicaid Services Pro-*
24 *gram Management Account, of*

3673

1 \$10,000,000 for purposes of carrying
2 out subclause (I).”; and
3 (D) in subparagraph (F), as redesignated
4 by subparagraph (B) of this paragraph, by strik-
5 ing “subparagraph (C)” and inserting “subpara-
6 graphs (C) and (F)”; and
7 (2) by adding at the end the following new para-
8 graph:

9 “(6) *ADDITIONAL CONSIDERATIONS FOR DIAG-*
10 *NOSIS-RELATED GROUP CLASSIFICATIONS.—*

11 “(A) *IN GENERAL.—Notwithstanding the*
12 *preceding paragraphs of this subsection (other*
13 *than paragraph (5)) or section 124 of the Medi-*
14 *care, Medicaid, and SCHIP Balanced Budget*
15 *Refinement Act of 1999, beginning not later than*
16 *rate year 2031, in addition to any revisions pur-*
17 *suant to paragraph (5), the Secretary shall, by*
18 *regulation, implement revisions to the method-*
19 *ology for determining the payment rates under*
20 *the system described in paragraph (1) for psy-*
21 *chiatric hospitals and psychiatric units, as the*
22 *Secretary determines to be appropriate, to take*
23 *into account the patient assessment data de-*
24 *scribed in paragraph (4)(E)(ii).*

† **HR 2617 EAS2**

3674

1 “(B) *BUDGET NEUTRALITY.*—*Revisions in*
2 *payment implemented pursuant to subparagraph*
3 *(A) for a rate year shall result in the same esti-*
4 *mated amount of aggregate expenditures under*
5 *this title for psychiatric hospitals and psy-*
6 *chiatric units furnished in the rate year as*
7 *would have been made under this title for such*
8 *care in such rate year if such revisions had not*
9 *been implemented.*”.

10 (c) *IMPROVEMENTS THROUGH INCLUSION OF PA-*
11 *TIENTS’ PERSPECTIVE ON CARE QUALITY MEASURE.*—*Sec-*
12 *tion 1886(s)(4) of the Social Security Act (42 U.S.C.*
13 *1395ww(s)(4)) is amended—*

14 (1) *in subparagraph (D), by adding at the end*
15 *the following new clause:*

16 “(iv) *PATIENTS’ PERSPECTIVE ON*
17 *CARE.*—*Not later than for rate year 2031,*
18 *the quality measures specified under this*
19 *subparagraph shall include a quality meas-*
20 *ure of patients’ perspective on care.*”; and

21 (2) *in subparagraph (E), by inserting “, includ-*
22 *ing the quality measure of patients’ perspective on*
23 *care described in subparagraph (D)(iv),” after “shall*
24 *report quality measures”.*

3675

1 **SEC. 4126. EXCEPTION FOR PHYSICIAN WELLNESS PRO-**
2 **GRAMS.**

3 (a) *IN GENERAL.*—Section 1877(e) of the Social Secu-
4 rity Act (42 U.S.C. 1395nn(e)) is amended by adding at
5 the end the following:

6 “(9) *PHYSICIAN WELLNESS PROGRAMS.*—A bona
7 fide mental health or behavioral health improvement
8 or maintenance program offered to a physician by an
9 entity, if—

10 “(A) such program—

11 “(i) consists of counseling, mental
12 health services, a suicide prevention pro-
13 gram, or a substance use disorder preven-
14 tion and treatment program;

15 “(ii) is made available to a physician
16 for the primary purpose of preventing sui-
17 cide, improving mental health and resil-
18 iency, or providing training in appropriate
19 strategies to promote the mental health and
20 resiliency of such physician;

21 “(iii) is set out in a written policy,
22 approved in advance of the operation of the
23 program by the governing body of the entity
24 providing such program (and which shall be
25 updated accordingly in advance to substan-

3676

1 *tial changes to the operation of such pro-*
2 *gram), that includes—*

3 *“(I) a description of the content*
4 *and duration of the program;*

5 *“(II) a description of the evi-*
6 *dence-based support for the design of*
7 *the program;*

8 *“(III) the estimated cost of the*
9 *program;*

10 *“(IV) the personnel (including the*
11 *qualifications of such personnel) con-*
12 *ducting the program; and*

13 *“(V) the method by which such en-*
14 *tity will evaluate the use and success of*
15 *the program;*

16 *“(iv) is offered by an entity described*
17 *in subparagraph (B) with a formal medical*
18 *staff to all physicians who practice in the*
19 *geographic area served by such entity, in-*
20 *cluding physicians who hold bona fide ap-*
21 *pointments to the medical staff of such enti-*
22 *ty or otherwise have clinical privileges at*
23 *such entity;*

24 *“(v) is offered to all such physicians on*
25 *the same terms and conditions and without*

3677

1 *regard to the volume or value of referrals or*
2 *other business generated by a physician for*
3 *such entity;*

4 *“(vi) is evidence-based and conducted*
5 *by a qualified health professional; and*

6 *“(vii) meets such other requirements*
7 *the Secretary may impose by regulation as*
8 *needed to protect against program or pa-*
9 *tient abuse;*

10 *“(B) such entity is—*

11 *“(i) a hospital;*

12 *“(ii) an ambulatory surgical center;*

13 *“(iii) a community health center;*

14 *“(iv) a rural emergency hospital;*

15 *“(v) a rural health clinic;*

16 *“(vi) a skilled nursing facility; or*

17 *“(vii) a similar entity, as determined*
18 *by the Secretary; and*

19 *“(C) neither the provision of such program,*
20 *nor the value of such program, are contingent*
21 *upon the number or value of referrals made by*
22 *a physician to such entity or the amount or*
23 *value of other business generated by such physi-*
24 *cian for the entity.”.*

3678

1 (b) *EXCEPTION UNDER THE ANTI-KICKBACK STAT-*
2 *UTE.—Section 1128B(b)(3) of the Social Security Act (42*
3 *U.S.C. 1320a–7b(b)(3)) is amended—*

4 (1) *in subparagraph (J), by striking “and” at*
5 *the end;*

6 (2) *in subparagraph (K), by striking the period*
7 *at the end and inserting “; and”; and*

8 (3) *by adding at the end the following:*

9 “(L) *a bona fide mental health or behavioral*
10 *health improvement or maintenance program, if—*

11 “(i) *such program—*

12 “(I) *consists of counseling, mental*
13 *health services, a suicide prevention pro-*
14 *gram, or a substance use disorder preven-*
15 *tion and treatment program;*

16 “(II) *is made available to a physician*
17 *or other clinician for the primary purpose*
18 *of preventing suicide, improving mental*
19 *health and resiliency, or providing training*
20 *in appropriate strategies to promote the*
21 *mental health and resiliency of such physi-*
22 *cian or other clinician;*

23 “(III) *is set out in a written policy,*
24 *approved in advance of the operation of the*
25 *program by the governing body of the entity*

3679

1 *providing such program (and which shall be*
2 *updated accordingly in advance to substan-*
3 *tial changes to the operation of such pro-*
4 *gram), that includes—*

5 *“(aa) a description of the content*
6 *and duration of the program;*

7 *“(bb) a description of the evi-*
8 *dence-based support for the design of*
9 *the program;*

10 *“(cc) the estimated cost of the pro-*
11 *gram;*

12 *“(dd) the personnel (including the*
13 *qualifications of such personnel) imple-*
14 *menting the program; and*

15 *“(ee) the method by which such*
16 *entity will evaluate the use and success*
17 *of the program;*

18 *“(IV) is offered by an entity described*
19 *in clause (ii) with a formal medical staff to*
20 *all physicians and other clinicians who*
21 *practice in the geographic area served by*
22 *such entity, including physicians who hold*
23 *bona fide appointments to the medical staff*
24 *of such entity or otherwise have clinical*
25 *privileges at such entity;*

3680

1 “(V) is offered to all such physicians
2 and clinicians on the same terms and con-
3 ditions and without regard to the volume or
4 value of referrals or other business generated
5 by a physician or clinician for such entity;

6 “(VI) is evidence-based and conducted
7 by a qualified health professional; and

8 “(VII) meets such other requirements
9 the Secretary may impose by regulation as
10 needed to protect against program or pa-
11 tient abuse;

12 “(ii) such entity is—

13 “(I) a hospital;

14 “(II) an ambulatory surgical center;

15 “(III) a community health center;

16 “(IV) a rural emergency hospital;

17 “(V) a skilled nursing facility; or

18 “(VI) any similar entity, as deter-
19 mined by the Secretary; and

20 “(iii) neither the provision of such program,
21 nor the value of such program, are contingent
22 upon the number or value of referrals made by
23 a physician or other clinician to such entity or
24 the amount or value of other business generated
25 by such physician for the entity.”.

3681

1 **SEC. 4127. CONSIDERATION OF SAFE HARBOR UNDER THE**
2 **ANTI-KICKBACK STATUTE FOR CERTAIN CON-**
3 **TINGENCY MANAGEMENT INTERVENTIONS.**

4 *Section 1128D(a) of the Social Security Act (42 U.S.C.*
5 *1320a–7d(a)) is amended by adding at the end the fol-*
6 *lowing new paragraph:*

7 “(3) CONSIDERATION OF SAFE HARBOR FOR CER-
8 TAIN CONTINGENCY MANAGEMENT INTERVENTIONS.—

9 “(A) IN GENERAL.—Not later than one year
10 after the date of the enactment of this paragraph,
11 the Inspector General shall conduct a review on
12 whether to establish a safe harbor described in
13 paragraph (1)(A)(ii) for evidence-based contin-
14 gency management incentives and the param-
15 eters for such a safe harbor. In conducting the re-
16 view under the previous sentence, the Inspector
17 General shall consider the extent to which pro-
18 viding such a safe harbor for evidence-based con-
19 tingency management incentives may result in
20 any of the factors described in paragraph (2).

21 “(B) REPORT.—Not later than two years
22 after the date of the enactment of this paragraph,
23 the Secretary and the Inspector General shall
24 submit to Congress recommendations, including
25 based on the review conducted under subpara-
26 graph (A), for improving access to evidence-based

† HR 2617 EAS2

3682

1 *contingency management interventions while en-*
2 *sureing quality of care, ensuring fidelity to evi-*
3 *dence-based practices, and including strong pro-*
4 *gram integrity safeguards that prevent increased*
5 *waste, fraud, and abuse and prevent medically*
6 *unnecessary or inappropriate items or services*
7 *reimbursed in whole or in part by a Federal*
8 *health care program.”.*

9 **SEC. 4128. PROVIDER OUTREACH AND REPORTING ON CER-**
10 **TAIN BEHAVIORAL HEALTH INTEGRATION**
11 **SERVICES.**

12 (a) *OUTREACH.*—*The Secretary of Health and Human*
13 *Services (in this section referred to as the “Secretary”) shall*
14 *conduct outreach to physicians and appropriate non-physi-*
15 *cian practitioners participating under the Medicare pro-*
16 *gram under title XVIII of the Social Security Act (42*
17 *U.S.C. 1395 et seq.) with respect to behavioral health inte-*
18 *gration services described by any of HCPCS codes 99492*
19 *through 99494 or 99484 (or any successor code). Such out-*
20 *reach shall include a comprehensive, one-time education*
21 *initiative to inform such physicians and practitioners of*
22 *the inclusion of such services as a covered benefit under the*
23 *Medicare program, including describing the requirements*
24 *to bill for such codes and the requirements for beneficiary*
25 *eligibility for such services.*

3683

1 **(b) REPORTS TO CONGRESS.**—

2 **(1) PROVIDER OUTREACH.**—*Not later than 1*
3 *year after the date of the completion of the education*
4 *initiative described in subsection (a), the Secretary*
5 *shall submit to the Committee on Ways and Means*
6 *and the Committee on Energy and Commerce of the*
7 *House of Representatives and the Committee on Fi-*
8 *nance of the Senate a report on the outreach con-*
9 *ducted under such subsection. Such report shall in-*
10 *clude a description of the methods used for such out-*
11 *reach.*

12 **(2) UTILIZATION RATES.**—*Not later than 18*
13 *months after the date of the completion of the edu-*
14 *cation initiative described in subsection (a), and two*
15 *years thereafter, the Secretary shall submit to the*
16 *Committee on Ways and Means and the Committee*
17 *on Energy and Commerce of the House of Representa-*
18 *tives and the Committee on Finance of the Senate a*
19 *report on the number of Medicare beneficiaries (in-*
20 *cluding those beneficiaries accessing services in rural*
21 *and underserved areas) who, during the preceding*
22 *year, were furnished services described in subsection*
23 *(a) for which payment was made under title XVIII*
24 *of the Social Security Act (42 U.S.C. 1395 et seq.).*

3684

1 **SEC. 4129. OUTREACH AND REPORTING ON OPIOID USE DIS-**
2 **ORDER TREATMENT SERVICES FURNISHED**
3 **BY OPIOID TREATMENT PROGRAMS.**

4 (a) *OUTREACH.*—

5 (1) *PROVIDER OUTREACH.*—*The Secretary of*
6 *Health and Human Services (in this section referred*
7 *to as the “Secretary”) shall conduct outreach to phy-*
8 *sicians and appropriate non-physician practitioners*
9 *participating under the Medicare program under title*
10 *XVIII of the Social Security Act (42 U.S.C. 1395 et*
11 *seq.) with respect to opioid use disorder treatment*
12 *services furnished by an opioid treatment program*
13 *(as defined in section 1861(jjj) of the Social Security*
14 *Act (42 U.S.C. 1395x(jjj))). Such outreach shall in-*
15 *clude a comprehensive, one-time education initiative*
16 *to inform such physicians and practitioners of the in-*
17 *clusion of such services as a covered benefit under the*
18 *Medicare program, including describing the require-*
19 *ments for billing and the requirements for beneficiary*
20 *eligibility for such services.*

21 (2) *BENEFICIARY OUTREACH.*—*The Secretary*
22 *shall conduct outreach to Medicare beneficiaries with*
23 *respect to opioid use disorder treatment services fur-*
24 *nished by an opioid treatment program (as defined in*
25 *section 1861(jjj) of the Social Security Act (42 U.S.C.*
26 *1395x(jjj))), including a comprehensive, one-time edu-*

† HR 2617 EAS2

3685

1 *cation initiative informing such beneficiaries about*
2 *the eligibility requirements to receive such services.*

3 *(b) REPORTS TO CONGRESS.—*

4 *(1) OUTREACH.—Not later than 1 year after the*
5 *date of the completion of the education initiatives de-*
6 *scribed in subsection (a), the Secretary shall submit*
7 *to the Committee on Ways and Means and the Com-*
8 *mittee on Energy and Commerce of the House of Rep-*
9 *resentatives and the Committee on Finance of the*
10 *Senate a report on the outreach conducted under such*
11 *subsection. Such report shall include a description of*
12 *the methods used for such outreach.*

13 *(2) UTILIZATION RATES.—Not later than 18*
14 *months after the date of the completion of the edu-*
15 *cation initiatives described in subsection (a), and two*
16 *years thereafter, the Secretary shall submit to the*
17 *Committee on Ways and Means and the Committee*
18 *on Energy and Commerce of the House of Representa-*
19 *tives and the Committee on Finance of the Senate a*
20 *report on the number of Medicare beneficiaries who,*
21 *during the preceding year, were furnished opioid use*
22 *disorder treatment services by an opioid treatment*
23 *program (as defined in section 1861(jjj) of the Social*
24 *Security Act (42 U.S.C. 1395x(jjj))) for which pay-*

3686

1 *ment was made under title XVIII of such Act (42*
2 *U.S.C. 1395 et seq.).*

3 **SEC. 4130. GAO STUDY AND REPORT COMPARING COV-**
4 **ERAGE OF MENTAL HEALTH AND SUBSTANCE**
5 **USE DISORDER BENEFITS AND NON-MENTAL**
6 **HEALTH AND SUBSTANCE USE DISORDER**
7 **BENEFITS.**

8 *(a) STUDY.—*

9 *(1) IN GENERAL.—The Comptroller General of*
10 *the United States (in this section referred to as the*
11 *“Comptroller General”) shall conduct a study that*
12 *compares the mental health and substance use dis-*
13 *order benefits offered by Medicare Advantage plans*
14 *(including specialized MA plans for special needs in-*
15 *dividuals, as defined in section 1859(b)(6) of the So-*
16 *cial Security Act (42 U.S.C. 1395w–28(b)(6)) under*
17 *part C of title XVIII of such Act with—*

18 *(A) benefits (other than mental health and*
19 *substance use disorder benefits) offered by such*
20 *Medicare Advantage plans; and*

21 *(B) the mental health and substance use*
22 *disorder benefits under the original Medicare fee-*
23 *for-service program under parts A and B of such*
24 *title XVIII.*

3687

1 (2) *ANALYSIS.—To the extent data is available*
2 *and reliable, the study under paragraph (1) shall in-*
3 *clude an analysis of—*

4 (A) *out-of-pocket expenses for in-network*
5 *care;*

6 (B) *the use of prior authorization and other*
7 *utilization management tools;*

8 (C) *the mental health and substance use dis-*
9 *order benefits offered; and*

10 (D) *other items determined appropriate by*
11 *the Comptroller General.*

12 (3) *PLAN AND SERVICE SPECIFIC.—To the extent*
13 *practicable, the study under paragraph (1) shall ex-*
14 *amine differences by type of Medicare Advantage plan*
15 *and type of item or service.*

16 (4) *BOTH REQUIRED AND SUPPLEMENTAL BENE-*
17 *FITS.—For purposes of the study under paragraph*
18 *(1), benefits offered by Medicare Advantage plans (in-*
19 *cluding specialized MA plans for special needs indi-*
20 *viduals) under part C of title XVIII of the Social Se-*
21 *curity Act shall include both and differentiate be-*
22 *tween—*

23 (A) *benefits under the original Medicare fee-*
24 *for-service program, as described in section*

3688

1 1852(a)(1)(B) of such Act (42 U.S.C. 1395w–
2 22(a)(1)(B)); and

3 (B) supplemental health care benefits, as de-
4 scribed in section 1852(a)(3)(A) of such Act (42
5 U.S.C. 1395w–22(a)(3)(A)).

6 (b) *REPORT*.—Not later than 30 months after the date
7 of the enactment of this Act, the Comptroller General shall
8 submit to Congress a report on the study conducted under
9 subsection (a).

10 ***Subtitle D—Other Medicare***
11 ***Provisions***

12 ***SEC. 4131. TEMPORARY INCLUSION OF AUTHORIZED ORAL***
13 ***ANTIVIRAL DRUGS AS COVERED PART D***
14 ***DRUG.***

15 Section 1860D–2(e)(1) of the Social Security Act (42
16 U.S.C. 1395w–102(e)(1)) is amended—

17 (1) in subparagraph (A), by striking at the end
18 “or”;

19 (2) in subparagraph (B), by striking the comma
20 at the end and inserting “; or”; and

21 (3) by inserting after subparagraph (B) the fol-
22 lowing new subparagraph:

23 “(C) for the period beginning on the date of
24 the enactment of this subparagraph and ending
25 on December 31, 2024, an oral antiviral drug

3689

1 *that may be dispensed only upon a prescription*
2 *and is authorized under section 564 of the Fed-*
3 *eral Food, Drug, and Cosmetic Act, on the basis*
4 *of the declaration published in the Federal Reg-*
5 *ister by the Secretary of Health and Human*
6 *Services on April 1, 2020 (85 Fed. Reg. 18250*
7 *et seq.),”.*

8 **SEC. 4132. RESTORATION OF CBO ACCESS TO CERTAIN**
9 **PART D PAYMENT DATA.**

10 *Section 1860D–15(f)(2) of the Social Security Act (42*
11 *U.S.C. 1395w–115(f)(2)) is amended—*

12 *(1) in subparagraph (B), by striking at the end*
13 *“and”;*

14 *(2) in subparagraph (C), by striking at the end*
15 *the period and inserting “; and”; and*

16 *(3) by adding at the end the following new sub-*
17 *paragraph:*

18 *“(D) by the Director of the Congressional*
19 *Budget Office for the purposes of analysis of pro-*
20 *grams authorized under the Social Security Act,*
21 *as applicable, and the fulfilment of such Direc-*
22 *tor’s duties under the Congressional Budget and*
23 *Impoundment Control Act of 1974.”.*

3690

1 **SEC. 4133. MEDICARE COVERAGE OF CERTAIN**
2 **LYMPHEDEMA COMPRESSION TREATMENT**
3 **ITEMS.**

4 (a) *COVERAGE.*—

5 (1) *IN GENERAL.*—Section 1861 of the Social Se-
6 curity Act (42 U.S.C. 1395x), as amended by section
7 4121(a), is amended—

8 (A) in subsection (s)(2)—

9 (i) in subparagraph (HH), by striking
10 “and” after the semicolon at the end;

11 (ii) in subparagraph (II), by striking
12 the period at the end and inserting “; and”;
13 and

14 (iii) by adding at the end the following
15 new subparagraph:

16 “(JJ) lymphedema compression treatment items
17 (as defined in subsection (mmm));”; and

18 (B) by adding at the end the following new
19 subsection:

20 “(mmm) **LYMPHEDEMA COMPRESSION TREATMENT**
21 **ITEMS.**—The term ‘lymphedema compression treatment
22 items’ means standard and custom fitted gradient compres-
23 sion garments and other items determined by the Secretary
24 that are—

3691

1 “(1) furnished on or after January 1, 2024, to
2 an individual with a diagnosis of lymphedema for the
3 treatment of such condition;

4 “(2) primarily and customarily used to serve a
5 medical purpose and for the treatment of
6 lymphedema, as determined by the Secretary; and

7 “(3) prescribed by a physician (or a physician
8 assistant, nurse practitioner, or a clinical nurse spe-
9 cialist (as those terms are defined in section
10 1861(aa)(5)) to the extent authorized under State
11 law).”.

12 (2) PAYMENT.—

13 (A) IN GENERAL.—Section 1833(a)(1) of the
14 Social Security Act (42 U.S.C. 1395l(a)(1)) , as
15 amended by section 4121(a), is amended—

16 (i) by striking “and” before “(FF)”;

17 and

18 (ii) by inserting before the semicolon at
19 the end the following: “, and (GG) with re-
20 spect to lymphedema compression treatment
21 items (as defined in section 1861(mmm)),
22 the amount paid shall be equal to 80 per-
23 cent of the lesser of the actual charge or the
24 amount determined under the payment
25 basis determined under section 1834(z)”.

3692

1 (B) *PAYMENT BASIS AND LIMITATIONS.*—

2 *Section 1834 of the Social Security Act (42*
3 *U.S.C. 1395m) is amended by adding at the end*
4 *the following new subsection:*

5 “(z) *PAYMENT FOR LYMPHEDEMA COMPRESSION*
6 *TREATMENT ITEMS.*—

7 “(1) *IN GENERAL.*—*The Secretary shall deter-*
8 *mine an appropriate payment basis for lymphedema*
9 *compression treatment items (as defined in section*
10 *1861(mmm)). In making such a determination, the*
11 *Secretary may take into account payment rates for*
12 *such items under State plans (or waivers of such*
13 *plans) under title XIX, the Veterans Health Adminis-*
14 *tration, and group health plans and health insurance*
15 *coverage (as such terms are defined in section 2791*
16 *of the Public Health Service Act), and such other in-*
17 *formation as the Secretary determines appropriate.*

18 “(2) *FREQUENCY LIMITATION.*—*No payment*
19 *may be made under this part for lymphedema com-*
20 *pression treatment items furnished other than at such*
21 *frequency as the Secretary may establish.*

22 “(3) *APPLICATION OF COMPETITIVE ACQUI-*
23 *SITION.*—*In the case of lymphedema compression treat-*
24 *ment items that are included in a competitive acqui-*

3693

1 *sition program in a competitive acquisition area*
2 *under section 1847(a)—*

3 *“(A) the payment basis under this sub-*
4 *section for such items furnished in such area*
5 *shall be the payment basis determined under*
6 *such competitive acquisition program; and*

7 *“(B) the Secretary may use information on*
8 *the payment determined under such competitive*
9 *acquisition programs to adjust the payment*
10 *amount otherwise determined under this sub-*
11 *section for an area that is not a competitive ac-*
12 *quisition area under section 1847, and in the*
13 *case of such adjustment, paragraphs (8) and (9)*
14 *of section 1842(b) shall not be applied.”.*

15 *(3) CONFORMING AMENDMENT.—Section*
16 *1847(a)(2) of the Social Security Act (42 U.S.C.*
17 *1395w–3(a)(2)) is amended by adding at the end the*
18 *following new subparagraph:*

19 *“(D) LYMPHEDEMA COMPRESSION TREAT-*
20 *MENT ITEMS.—Lymphedema compression treat-*
21 *ment items (as defined in section 1861(mmm))*
22 *for which payment would otherwise be made*
23 *under section 1834(z).”.*

3694

1 ***(b) INCLUSION IN REQUIREMENTS FOR SUPPLIERS OF***
2 ***MEDICAL EQUIPMENT AND SUPPLIES.***—*Section 1834 of the*
3 *Social Security Act (42 U.S.C. 1395m) is amended—*

4 *(1) in subsection (a)(20)(D), by adding at the*
5 *end the following new clause:*

6 *“(iv) Lymphedema compression treat-*
7 *ment items (as defined in section*
8 *1861(mmm)).”.*

9 *(2) in subsection (j)(5)—*

10 *(A) by redesignating subparagraphs (E)*
11 *and (F) as subparagraphs (F) and (G), respec-*
12 *tively; and*

13 *(B) by inserting after subparagraph (D) the*
14 *following new subparagraph:*

15 *“(E) lymphedema compression treatment*
16 *items (as defined in section 1861(mmm));”.*

17 ***SEC. 4134. PERMANENT IN-HOME BENEFIT FOR IVIG SERV-***
18 ***ICES.***

19 ***(a) COVERAGE.***—*Section 1861 of the Social Security*
20 *Act (42 U.S.C. 1395x) is amended—*

21 *(1) in subsection (s)(2)(Z) by inserting “, and*
22 *items and services furnished on or after January 1,*
23 *2024, related to the administration of intravenous*
24 *immune globulin,” after “globulin”; and*

3695

1 (2) *in subsection (zz), by inserting “furnished be-*
2 *fore January 1, 2024,” after “but not including items*
3 *or services”.*

4 (b) *PAYMENT.—Section 1842(o) of the Social Security*
5 *Act (42 U.S.C. 1395u(o)) is amended by adding at the end*
6 *the following new paragraph:*

7 “(8) *In the case of intravenous immune globulin*
8 *described in section 1861(s)(2)(Z) that are furnished*
9 *on or after January 1, 2024, to an individual by a*
10 *supplier in the patient’s home, the Secretary shall*
11 *provide for a separate bundled payment to the sup-*
12 *plier for all items and services related to the adminis-*
13 *tration of such intravenous immune globulin to such*
14 *individual in the patient’s home during a calendar*
15 *day in an amount that the Secretary determines to*
16 *be appropriate, which may be based on the payment*
17 *established pursuant to subsection (d) of section 101*
18 *of the Medicare IVIG Access and Strengthening Medi-*
19 *care and Repaying Taxpayers Act of 2012. For pur-*
20 *poses of the preceding sentence, such separate bundled*
21 *payment shall not apply in the case of an individual*
22 *receiving home health services under section 1895.”.*

23 (c) *CLARIFICATION WITH RESPECT TO PAYMENT FOR*
24 *THE IN-HOME ADMINISTRATION OF IVIG ITEMS AND SERV-*

3696

1 *ICES.—Section 1834(j)(5) of the Social Security Act (42*
2 *U.S.C. 1395m(j)(5)) is amended—*

3 *(1) by redesignating subparagraphs (E) and (F)*
4 *as subparagraphs (F) and (G), respectively; and*

5 *(2) by inserting after subparagraph (D) the fol-*
6 *lowing new subparagraph:*

7 *“(E) items and services related to the ad-*
8 *ministration of intravenous immune globulin*
9 *furnished on or after January 1, 2024, as de-*
10 *scribed in section 1861(zz);”.*

11 *(d) COINSURANCE.—Section 1833(a)(1) of the Social*
12 *Security Act (42 U.S.C. 1395l(a)(1), as amended by section*
13 *4121(a) and section 4133(a), is amended—*

14 *(1) by striking “and” before “(GG)”;* and

15 *(2) by inserting before the semicolon at the end*
16 *the following: “, and (HH) with respect to items and*
17 *services related to the administration of intravenous*
18 *immune globulin furnished on or after January 1,*
19 *2024, as described in section 1861(zz), the amounts*
20 *paid shall be the lesser of the 80 percent of the actual*
21 *charge or the payment amount established under sec-*
22 *tion 1842(o)(8)”.*

23 *(e) ADDITIONAL FUNDING FOR MEDICARE IVIG DEM-*
24 *ONSTRATION PROJECT.—*

3697

1 (1) *FUNDING.*—*There is authorized to be appro-*
2 *priated, and there is hereby appropriated, out of any*
3 *monies in the Treasury not otherwise appropriated,*
4 *\$4,300,000 for purposes of paying for items and serv-*
5 *ices furnished under the demonstration project estab-*
6 *lished by the Medicare IVIG Access and Strength-*
7 *ening Medicare and Repaying Taxpayers Act of 2012*
8 *(42 U.S.C. 1395l note).*

9 (2) *SUPPLEMENT, NOT SUPPLANT.*—*Any*
10 *amounts appropriated pursuant to this subsection*
11 *shall be in addition to any other amounts otherwise*
12 *appropriated pursuant to any other provision of law.*

13 **SEC. 4135. ACCESS TO NON-OPIOID TREATMENTS FOR PAIN**
14 **RELIEF.**

15 (a) *IN GENERAL.*—*Section 1833(t) of the Social Secu-*
16 *rity Act (42 U.S.C. 1395l(t)) is amended—*

17 (1) *in paragraph (2)(E), by inserting “and tem-*
18 *porary additional payments for non-opioid treat-*
19 *ments for pain relief under paragraph (16)(G),” after*
20 *“payments under paragraph (6)”;* and

21 (2) *in paragraph (16), by adding at the end the*
22 *following new subparagraph:*

23 “(G) *TEMPORARY ADDITIONAL PAYMENTS*
24 *FOR NON-OPIOID TREATMENTS FOR PAIN RE-*
25 *LIEF.*—

3698

1 “(i) *IN GENERAL.*—*Notwithstanding*
2 *any other provision of this subsection, with*
3 *respect to a non-opioid treatment for pain*
4 *relief (as defined in clause (iv)) furnished*
5 *on or after January 1, 2025, and before*
6 *January 1, 2028, the Secretary shall not*
7 *package payment for such non-opioid treat-*
8 *ment for pain relief into a payment for a*
9 *covered OPD service (or group of services),*
10 *and shall make an additional payment as*
11 *specified in clause (ii) for such non-opioid*
12 *treatment for pain relief.*

13 “(ii) *AMOUNT OF PAYMENT.*—*Subject*
14 *to the limitation under clause (iii), the*
15 *amount of the payment specified in this*
16 *clause is, with respect to a non-opioid treat-*
17 *ment for pain relief that is—*

18 “(I) *a drug or biological product,*
19 *the amount of payment for such drug*
20 *or biological determined under section*
21 *1847A that exceeds the portion of the*
22 *otherwise applicable Medicare OPD fee*
23 *schedule that the Secretary determines*
24 *is associated with the drug or biologi-*
25 *cal; or*

3699

1 “(II) a medical device, the
2 amount of the hospital’s charges for the
3 device, adjusted to cost, that exceeds the
4 portion of the otherwise applicable
5 Medicare OPD fee schedule that the
6 Secretary determines is associated with
7 the device.

8 “(iii) *LIMITATION.*—The additional
9 payment amount specified in clause (ii)
10 shall not exceed the estimated average of 18
11 percent of the OPD fee schedule amount for
12 the OPD service (or group of services) with
13 which the non-opioid treatment for pain re-
14 lief is furnished, as determined by the Sec-
15 retary.

16 “(iv) *DEFINITION OF NON-OPIOID*
17 *TREATMENT FOR PAIN RELIEF.*—In this
18 subparagraph, the term ‘non-opioid treat-
19 ment for pain relief’ means a drug, biologi-
20 cal product, or medical device that—

21 “(I) in the case of a drug or bio-
22 logical product, has a label indication
23 approved by the Food and Drug Ad-
24 ministration to reduce postoperative
25 pain, or produce postsurgical or re-

3700

1 *gional analgesia, without acting upon*
2 *the body’s opioid receptors;*

3 *“(II) in case of a medical device,*
4 *is used to deliver a therapy to reduce*
5 *postoperative pain, or produce post-*
6 *surgical or regional analgesia, and*
7 *has—*

8 *“(aa) an application under*
9 *section 515 of the Federal Food,*
10 *Drug, and Cosmetic Act that has*
11 *been approved with respect to the*
12 *device, been cleared for market*
13 *under section 510(k) of such Act,*
14 *or is exempt from the require-*
15 *ments of section 510(k) of such*
16 *Act pursuant to subsection (l) or*
17 *(m) or section 510 of such Act or*
18 *section 520(g) of such Act; and*

19 *“(bb) demonstrated the abil-*
20 *ity to replace, reduce, or avoid*
21 *intraoperative or postoperative*
22 *opioid use or the quantity of*
23 *opioids prescribed in a clinical*
24 *trial or through data published in*
25 *a peer-reviewed journal;*

3701

1 “(III) does not receive transi-
2 tional pass-through payment under
3 paragraph (6); and

4 “(IV) has payment that is pack-
5 aged into a payment for a covered
6 OPD service (or group of services).”.

7 (b) *AMBULATORY SURGICAL CENTER PAYMENT SYS-*
8 *TEM.*—Section 1833(i) of the Social Security Act (42
9 U.S.C. 1395l(i)) is amended by adding at the end the fol-
10 *lowing new paragraph:*

11 “(10) *TEMPORARY ADDITIONAL PAYMENTS FOR*
12 *NON-OPIOID TREATMENTS FOR PAIN RELIEF.*—

13 “(A) *IN GENERAL.*—In the case of surgical
14 *services furnished on or after January 1, 2025,*
15 *and before January 1, 2028, the payment system*
16 *described in paragraph (2)(D)(i) shall provide,*
17 *in a budget-neutral manner, for an additional*
18 *payment for a non-opioid treatment for pain re-*
19 *lief (as defined in clause (iv) of subsection*
20 *(t)(16)(G)) furnished as part of such services in*
21 *the amount specified in clause (ii) of such sub-*
22 *section, subject to the limitation under clause*
23 *(iii) of such subsection.*

24 “(B) *TRANSITION.*—A drug or biological
25 *that meets the requirements of section 416.174 of*

3702

1 *title 42, Code of Federal Regulations (or any*
2 *successor regulation) and is a non-opioid treat-*
3 *ment for pain relief (as defined in clause (iv) of*
4 *subsection (t)(16)(G)) shall receive additional*
5 *payment in the amount specified in clause (ii)*
6 *of such subsection, subject to the limitation under*
7 *clause (iii) of such subsection.”.*

8 (c) *EVALUATION OF COVERAGE AND PAYMENT FOR*
9 *NON-OPIOID THERAPIES AND THERAPEUTIC SERVICES FOR*
10 *PAIN MANAGEMENT.—*

11 (1) *REPORT TO CONGRESS.—Not later than Jan-*
12 *uary 1, 2028, the Secretary of Health and Human*
13 *Services (in this subsection referred to as the “Sec-*
14 *retary”) shall submit to Congress a report—*

15 (A) *identifying limitations, gaps, barriers*
16 *to access, or deficits in Medicare coverage or re-*
17 *imbursement for restorative therapies, behavioral*
18 *approaches, and complementary and integrative*
19 *health services that are identified in the Pain*
20 *Management Best Practices Inter-Agency Task*
21 *Force Report and that have demonstrated the*
22 *ability to replace or reduce opioid consumption;*

23 (B) *recommending actions to address the*
24 *limitations, gaps, barriers to access, or deficits*
25 *identified under subparagraph (A) to improve*

3703

1 *Medicare coverage and reimbursement for such*
2 *therapies, approaches, and services; and*

3 *(C) comparing, for the 12-month period fol-*
4 *lowing the first 6 months in which additional*
5 *payment for non-opioid treatments for pain re-*
6 *lief (as defined in clause (iv) of section*
7 *1833(t)(16)(G) of the Social Security Act, as*
8 *added by subsection (a)) is made under such sec-*
9 *tion 1833(t)(16)(G)—*

10 *(i) with respect to Medicare bene-*
11 *ficiaries who received a non-opioid treat-*
12 *ment for pain relief (as so defined) as part*
13 *of a covered OPD service, the quantity of*
14 *opioids administered, dispensed, and pre-*
15 *scribed for the same covered OPD service,*
16 *including postoperative management; and*

17 *(ii) with respect to Medicare bene-*
18 *ficiaries who did not receive a non-opioid*
19 *treatment for pain relief (as so defined) as*
20 *part of the same covered OPD service in*
21 *clause (i)), the quantity of opioids adminis-*
22 *tered, dispensed, and prescribed for the*
23 *same covered OPD service, including post-*
24 *operative management.*

3704

1 (2) *REPORTING STANDARD AND PUBLIC CON-*
2 *SULTATION.*—*In developing the report described in*
3 *paragraph (1), the Secretary shall compare results*
4 *from nationally represented samples of beneficiaries*
5 *and consult with relevant stakeholders as determined*
6 *appropriate by the Secretary.*

7 (3) *EXCLUSIVE TREATMENT.*—*Any drug, biologi-*
8 *cal product, or medical device that is a non-opioid*
9 *treatment for pain relief (as defined in section*
10 *1833(t)(16)(G)(iv) of the Social Security Act, as*
11 *added by subsection (a)) shall not be considered a*
12 *therapeutic service for purposes of the report under*
13 *paragraph (1).*

14 **SEC. 4136. TECHNICAL AMENDMENTS TO MEDICARE SEPA-**
15 **RATE PAYMENT FOR DISPOSABLE NEGATIVE**
16 **PRESSURE WOUND THERAPY DEVICES.**

17 (a) *IN GENERAL.*—*Section 1834(s) of the Social Secu-*
18 *rity Act (42 U.S.C. 1395m(s)) is amended—*

19 (1) *by amending paragraph (3) to read as fol-*
20 *lows:*

21 “(3) *PAYMENT.*—

22 “(A) *IN GENERAL.*—*The separate payment*
23 *amount established under this paragraph for an*
24 *applicable disposable device for a year shall be*
25 *equal to—*

3705

1 “(i) for a year before 2024, the amount
2 of the payment that would be made under
3 section 1833(t) (relating to payment for
4 covered OPD services) for the year for the
5 Level I Healthcare Common Procedure Cod-
6 ing System (HCPCS) code for which the de-
7 scription for a professional service includes
8 the furnishing of such device;

9 “(ii) for 2024, the supply price used to
10 determine the relative value for the service
11 under the fee schedule under section 1848
12 (as of January 1, 2022) for the applicable
13 disposable device, updated by the specified
14 adjustment described in subparagraph (B)
15 for such year; and

16 “(iii) for 2025 and each subsequent
17 year, the payment amount established under
18 this paragraph for such device for the pre-
19 vious year, updated by the specified adjust-
20 ment described in subparagraph (B) for
21 such year.

22 “(B) SPECIFIED ADJUSTMENT.—

23 “(i) IN GENERAL.—For purposes of
24 subparagraph (A), the specified adjustment

3706

1 *described in this subparagraph for a year is*
2 *equal to—*

3 *“(I) the percentage increase in the*
4 *consumer price index for all urban*
5 *consumers (United States city average)*
6 *for the 12-month period ending in*
7 *June of the previous year; minus*
8 *“(II) the productivity adjustment*
9 *described in section*
10 *1886(b)(3)(B)(xi)(II) for such year.*

11 *“(ii) CLARIFICATION ON APPLICATION*
12 *OF THE PRODUCTIVITY ADJUSTMENT.—The*
13 *application of clause (i)(II) may result in*
14 *a specified adjustment of less than 0.0 for a*
15 *year, and may result in the separate pay-*
16 *ment amount under this subsection for an*
17 *applicable device for a year being less than*
18 *such separate payment amount for such de-*
19 *vice for the preceding year.*

20 *“(C) EXCLUSION OF NURSING AND THERAPY*
21 *SERVICES FROM SEPARATE PAYMENT.—With re-*
22 *spect to applicable devices furnished on or after*
23 *January 1, 2024, the separate payment amount*
24 *determined under this paragraph shall not in-*
25 *clude payment for nursing or therapy services*

3707

1 *described in section 1861(m). Payment for such*
2 *nursing or therapy services shall be made under*
3 *the prospective payment system established under*
4 *section 1895 and shall not be separately*
5 *billable.”; and*

6 *(2) by adding at the end the following new para-*
7 *graph:*

8 “(4) *IMPLEMENTATION.—As part of submitting*
9 *claims for the separate payment established under*
10 *this subsection, beginning with 2024, the Secretary*
11 *shall accept and process claims submitted using the*
12 *type of bill that is most commonly used by home*
13 *health agencies to bill services under a home health*
14 *plan of care.”.*

15 **SEC. 4137. EXTENSION OF CERTAIN HOME HEALTH RURAL**
16 **ADD-ON PAYMENTS.**

17 *Subsection (b)(1)(B) of section 421 of the Medicare*
18 *Prescription Drug, Improvement, and Modernization Act of*
19 *2003 (Public Law 108–173; 117 Stat. 2283; 42 U.S.C.*
20 *1395fff note), as amended by section 5201(b) of the Deficit*
21 *Reduction Act of 2005 (Public Law 109–171; 120 Stat. 46),*
22 *section 3131(c) of the Patient Protection and Affordable*
23 *Care Act (Public Law 111–148; 124 Stat. 428), section 210*
24 *of the Medicare Access and CHIP Reauthorization Act of*
25 *2015 (Public Law 114–10; 129 Stat. 151), and section*

3708

1 50208 of the Bipartisan Budget Act of 2018 (Public Law
2 115–123; 132 Stat. 187) is amended—

3 (1) in clause (iii), by striking “and” at the end;

4 and

5 (2) by adding at the end the following new
6 clause:

7 “(v) in the case of episodes and visits
8 ending during 2023, by 1 percent; and”.

9 **SEC. 4138. REMEDYING ELECTION REVOCATIONS RELATING**
10 **TO ADMINISTRATION OF COVID–19 VACCINES.**

11 (a) *IN GENERAL.*—Section 1821(b)(5)(A) of the Social
12 Security Act (42 U.S.C. 1395i–5(b)(5)(A)) is amended—

13 (1) in clause (i), by striking “or” or at the end;

14 (2) in clause (ii), by striking the period at the
15 end and inserting “, or”; and

16 (3) by adding at the end the following new
17 clause:

18 “(iii) effective beginning on the date of
19 the enactment of this clause, that is a
20 COVID–19 vaccine and its administration
21 described in section 1861(s)(10)(A).”.

22 (b) *SPECIAL RULES FOR COVID–19 VACCINES RELAT-*
23 *ING TO REVOCATION OF ELECTION.*—Notwithstanding
24 paragraphs (3) and (4) of section 1821(b) of the Social Se-
25 curity Act (42 U.S.C. 1395i–5(b)), in the case of an indi-

3709

1 *vidual with a revocation of an election under such section*
2 *prior to the date of enactment of this Act by reason of re-*
3 *ceiving a COVID–19 vaccine and its administration de-*
4 *scribed in section 1861(s)(10)(A) of such Act (42 U.S.C.*
5 *1395x(s)(10)(A)), the following rules shall apply:*

6 (1) *Beginning on such date of enactment, such*
7 *individual may make an election under such section,*
8 *which shall take effect immediately upon its execu-*
9 *tion, if such individual would be eligible to make such*
10 *an election if they had not received such COVID–19*
11 *vaccine and its administration.*

12 (2) *Such revoked election shall not be taken into*
13 *account for purposes of determining the effective date*
14 *for an election described in subparagraph (A) or (B)*
15 *of such paragraph (4).*

16 **SEC. 4139. PAYMENT RATES FOR DURABLE MEDICAL EQUIP-**
17 **MENT UNDER THE MEDICARE PROGRAM.**

18 (a) *AREAS OTHER THAN RURAL AND NONCONTIGUOUS*
19 *AREAS.—The Secretary shall implement section*
20 *414.210(g)(9)(v) of title 42, Code of Federal Regulations (or*
21 *any successor regulation), to apply the transition rule de-*
22 *scribed in the first sentence of such section to all applicable*
23 *items and services furnished in areas other than rural or*
24 *noncontiguous areas (as such terms are defined for purposes*
25 *of such section) through the remainder of the duration of*

3710

1 *the emergency period described in section 1135(g)(1)(B) of*
2 *the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)) or*
3 *December 31, 2023, whichever is later.*

4 (b) *ALL AREAS.—The Secretary shall not implement*
5 *section 414.210(g)(9)(vi) of title 42, Code of Federal Regula-*
6 *tions (or any successor regulation) until the date imme-*
7 *diately following the last day of the emergency period de-*
8 *scribed in section 1135(g)(1)(B) of the Social Security Act*
9 *(42 U.S.C. 1320b–5(g)(1)(B)), or January 1, 2024, which-*
10 *ever is later.*

11 (c) *IMPLEMENTATION.—Notwithstanding any other*
12 *provision of law, the Secretary may implement the provi-*
13 *sions of this section by program instruction or otherwise.*

14 **SEC. 4140. EXTENDING ACUTE HOSPITAL CARE AT HOME**
15 **WAIVERS AND FLEXIBILITIES.**

16 *Title XVIII of the Social Security Act (42 U.S.C. 1395*
17 *et seq.) is amended by inserting after section 1866F the fol-*
18 *lowing new section:*

19 **“SEC. 1866G. EXTENSION OF ACUTE HOSPITAL CARE AT**
20 **HOME INITIATIVE.**

21 **“(a) IN GENERAL.—**

22 **“(1) EXTENSION.—***With respect to inpatient hos-*
23 *pital admissions occurring during the period begin-*
24 *ning on the first day after the end of the emergency*
25 *period described in section 1135(g)(1)(B) and ending*

3711

1 on December, 31, 2024, the Secretary of Health and
2 Human Services shall grant waivers and flexibilities
3 (as described in paragraph (2)) to an individual hos-
4 pital that submits a request for such waivers and
5 flexibilities and meets specified criteria (as described
6 in paragraph (3)) in order to participate in the
7 Acute Hospital Care at Home initiative of the Sec-
8 retary.

9 “(2) ACUTE HOSPITAL CARE AT HOME WAIVERS
10 AND FLEXIBILITIES.—For the purposes of paragraph
11 (1), the waivers and flexibilities described in this
12 paragraph are the following waivers and flexibilities
13 that were made available to individual hospitals
14 under the Acute Hospital Care at Home initiative of
15 the Secretary during the emergency period described
16 in section 1135(g)(1)(B):

17 “(A) Subject to paragraph (3)(D), waiver of
18 the requirements to provide 24-hour nursing
19 services on premises and for the immediate
20 availability of a registered nurse under section
21 482.23(b) of title 42, Code of Federal Regulations
22 (or any successor regulation), and the waivers of
23 the physical environment and Life Safety Code
24 requirements under section 482.41 of title 42,

3712

1 *Code of Federal Regulations (or any successor*
2 *regulation).*

3 “(B) *Flexibility to allow a hospital to fur-*
4 *nish inpatient services, including routine serv-*
5 *ices, outside the hospital under arrangements, as*
6 *described in Medicare Program: Hospital Out-*
7 *patient Prospective Payment and Ambulatory*
8 *Surgical Center Payment Systems and Quality*
9 *Reporting Programs; Organ Acquisition; Rural*
10 *Emergency Hospitals: Payment Policies, Condi-*
11 *tions of Participation, Provider Enrollment,*
12 *Physician Self-Referral; New Service Category*
13 *for Hospital Outpatient Department Prior Au-*
14 *thorization Process; Overall Hospital Quality*
15 *Star Rating; COVID–19 (87 Fed. Reg. 71748 et*
16 *seq.).*

17 “(C) *Waiver of the telehealth requirements*
18 *under clause (i) of section 1834(m)(4)(C), as*
19 *amended by section 4113(a) of the Health Ex-*
20 *tenders, Improving Access to Medicare, Medicaid,*
21 *and CHIP, and Strengthening Public Health Act*
22 *of 2022, such that the originating sites described*
23 *in clause (ii) of such section shall include the*
24 *home or temporary residence of the individual.*

3713

1 “(D) Other waivers and flexibilities that, as
2 of the date of enactment of this section, were in
3 place for such initiative during such emergency
4 period.

5 “(3) SPECIFIED CRITERIA.—For purposes of
6 paragraph (1), the specified criteria for granting such
7 waivers and flexibilities to individual hospitals are:

8 “(A) The hospital shall indicate to the Sec-
9 retary the criteria it would use to ensure that
10 hospital services be furnished only to an indi-
11 vidual who requires an inpatient level of care,
12 and shall require that a physician document in
13 the medical record of each such individual that
14 the individual meets such criteria.

15 “(B) The hospital and any other entities
16 providing services under arrangements with the
17 hospital shall ensure that the standard of care to
18 treat an individual at home is the same as the
19 standard of care to treat such individual as an
20 inpatient of the hospital.

21 “(C) The hospital shall ensure that an indi-
22 vidual is only eligible for services under para-
23 graph (1) if the individual is a hospital inpa-
24 tient or is a patient of the hospital’s emergency
25 department for whom the hospital determines

3714

1 *that an inpatient level of care is required (as de-*
2 *scribed in subparagraph (A)).*

3 “(D) *The hospital shall meet all patient*
4 *safety standards determined appropriate by the*
5 *Secretary, in addition to those that otherwise*
6 *apply to the hospital, except those for which the*
7 *waivers and flexibilities under this subsection*
8 *apply.*

9 “(E) *The hospital shall provide to the Sec-*
10 *retary, at a time, form and manner determined*
11 *by the Secretary, any data and information the*
12 *Secretary determines necessary to do the fol-*
13 *lowing:*

14 “(i) *Monitor the quality of care fur-*
15 *nished, and to the extent practicable, ensure*
16 *the safety of individuals and analyze costs*
17 *of such care.*

18 “(ii) *Undertake the study described in*
19 *subsection (b).*

20 “(F) *The hospital meets such other require-*
21 *ments and conditions as the Secretary deter-*
22 *mines appropriate.*

23 “(4) *TERMINATION.—The Secretary may termi-*
24 *nate a hospital from participation in such initiative*
25 *(and the waivers and flexibilities applicable to such*

3715

1 *hospital) if the Secretary determines that the hospital*
2 *no longer meets the criteria described in paragraph*
3 *(3).*

4 “(b) *STUDY AND REPORT.*—

5 “(1) *IN GENERAL.*—*The Secretary shall conduct*
6 *a study to—*

7 “(A) *analyze, to the extent practicable, the*
8 *criteria established by hospitals under the Acute*
9 *Hospital Care at Home initiative of the Sec-*
10 *retary to determine which individuals may be*
11 *furnished services under such initiative; and*

12 “(B) *analyze and compare, to the extent*
13 *practicable—*

14 “(i) *quality of care furnished to indi-*
15 *viduals with similar conditions and charac-*
16 *teristics in the inpatient setting and*
17 *through the Acute Hospital Care at Home*
18 *initiative, including health outcomes, hos-*
19 *pital readmission rates, hospital mortality*
20 *rates, length of stay, infection rates, and*
21 *patient experience of care;*

22 “(ii) *clinical conditions treated and di-*
23 *agnosis-related groups of discharges from*
24 *the inpatient setting and under the Acute*
25 *Hospital Care at Home initiative;*

† **HR 2617 EAS2**

3716

1 “(iii) costs incurred by furnishing care
2 in the inpatient setting and through the
3 Acute Hospital Care at Home initiative;

4 “(iv) the quantity, mix and intensity
5 of such services (such as in-person visits
6 and virtual contacts with patients) fur-
7 nished in the Acute Hospital Care at Home
8 initiative and furnished in the inpatient
9 setting; and

10 “(v) socioeconomic information on
11 beneficiaries treated under the initiative,
12 including racial and ethnic data, income,
13 and whether such beneficiaries are dually
14 eligible for benefits under this title and title
15 XIX.

16 “(2) *REPORT*.—Not later than September 30,
17 2024, the Secretary of Health and Human Services
18 shall post on a website of the Centers for Medicare &
19 Medicaid Services a report on the study conducted
20 under paragraph (1).

21 “(3) *FUNDING*.—In addition to amounts other-
22 wise available, there is appropriated to the Centers
23 for Medicare & Medicaid Services Program Manage-
24 ment Account for fiscal year 2023, out of any
25 amounts in the Treasury not otherwise appropriated,

3717

1 \$5,000,000, to remain available until expended, for
2 purposes of carrying out this subsection.

3 “(c) *IMPLEMENTATION.*—Notwithstanding any other
4 provision of law, the Secretary may implement this section
5 by program instruction or otherwise.

6 “(d) *PUBLICLY AVAILABLE INFORMATION.*—The Sec-
7 retary shall, as feasible, make the information collected
8 under subsections (a)(3)(E) and (b)(1) available on the
9 Medicare.gov internet website (or a successor website).”.

10 **SEC. 4141. EXTENSION OF PASS-THROUGH STATUS UNDER**

11 **THE MEDICARE PROGRAM FOR CERTAIN DE-**

12 **VICES IMPACTED BY COVID-19.**

13 (a) *IN GENERAL.*—Section 1833(t)(6) of the Social Se-
14 curity Act (42 U.S.C. 1395l(t)(6)) is amended—

15 (1) in subparagraph (B)(iii), in the matter pre-
16 ceding subclause (I), by striking “A category” and in-
17 serting “Subject to subparagraph (K), a category”;
18 and

19 (2) by adding at the end the following new sub-
20 paragraph:

21 “(K) *PASS-THROUGH EXTENSION FOR CER-*
22 *TAIN DEVICES.*—

23 “(i) *IN GENERAL.*—In the case of a de-
24 vice whose period of pass-through status
25 under this paragraph will end on December

3718

1 31, 2022, such pass-through status shall be
2 extended for a 1-year period beginning on
3 January 1, 2023.

4 “(ii) NO ADJUSTMENT FOR PACKAGED
5 COSTS.—For purposes of the 1-year period
6 described in clause (i), the Secretary shall
7 not remove the packaged costs of such device
8 (as determined by the Secretary) from the
9 payment amount under this subsection for a
10 covered OPD service (or group of services)
11 with which it is packaged.

12 “(iii) NO APPLICATION OF AGGREGATE
13 LIMIT OR BUDGET NEUTRALITY.—Notwith-
14 standing any other provision of this sub-
15 section, this subparagraph shall not be
16 taken into account—

17 “(I) in applying the limit on an-
18 nual aggregate adjustments under sub-
19 paragraph (E) for 2023; or

20 “(II) in making any budget neu-
21 trality adjustments under this sub-
22 section for 2023.”.

23 (b) IMPLEMENTATION.—Notwithstanding any other
24 provision of law, the Secretary of Health and Human Serv-

3719

1 ice may implement the amendments made by subsection (a)
2 by program instruction or otherwise.

3 **SEC. 4142. INCREASING TRANSPARENCY FOR HOME**
4 **HEALTH PAYMENTS UNDER THE MEDICARE**
5 **PROGRAM.**

6 (a) *TRANSPARENCY.*—In notice and comment rule-
7 making used to implement section 1895(b)(3)(D) of the So-
8 cial Security Act (42 U.S.C. 1395fff(b)(3)(D), the Secretary
9 of Health and Human Services (referred to in this section
10 as the “Secretary”) shall, on the date of the notice of pro-
11 posed rulemaking, make available through the internet
12 website of the Centers for Medicare & Medicaid Services the
13 following:

14 (1) *Electronic data files showing the Centers for*
15 *Medicare & Medicaid Services simulation of 60-day*
16 *episodes under the home health prospective payment*
17 *system in effect prior to the Patient Driven*
18 *Groupings Model using data from 30-day periods*
19 *paid under such Model, if such data are used in de-*
20 *termining payment adjustments under clauses (ii) or*
21 *(iii) of such section 1895(b)(3)(D).*

22 (2) *To the extent practicable, a description of ac-*
23 *tual behavior changes, as described in clause (i) of*
24 *such section 1895(b)(3)(D), including behavior*
25 *changes as a result of the implementation of sections*

3720

1 *1895(b)(2)(B) and 1895(b)(4)(B) of the Social Secu-*
2 *rity Act (42 U.S.C. 1395fff(b)(2)(B) and*
3 *1395(b)(4)(B)) that occurred in calendar years 2020*
4 *through 2026.*

5 ***(b) ENGAGEMENT WITH STAKEHOLDERS.—***

6 ***(1) IN GENERAL.—****Not later than 90 days after*
7 *the date of enactment of this section, the Secretary*
8 *shall use an open door forum, a town hall meeting,*
9 *a web-based forum, or other appropriate mechanism*
10 *to receive input from home health stakeholders and*
11 *interested parties on Medicare home health payment*
12 *rate development, including the items described in*
13 *paragraphs (1) and (2) of subsection (a) with respect*
14 *to the home health prospective payment system rate*
15 *for calendar year 2023.*

16 ***(2) REQUIREMENT.—****At least 30 days before the*
17 *forum, meeting, or other mechanism referred to in*
18 *paragraph (1), the Secretary shall make available*
19 *through the internet website of the Centers for Medi-*
20 *care & Medicaid Services the items described in para-*
21 *graphs (1) and (2) of subsection (a) with respect to*
22 *the home health prospective payment system rate for*
23 *calendar year 2023 as finalized in the final rule enti-*
24 *tled “Medicare Program; Calendar Year 2023 Home*
25 *Health Prospective Payment System Rate Update;*

3721

1 *Home Health Quality Reporting Program Require-*
2 *ments; Home Health Value-Based Purchasing Ex-*
3 *panded Model Requirements; and Home Infusion*
4 *Therapy Services Requirements” published in the*
5 *Federal Register on November 4, 2022 (87 Fed. Reg.*
6 *66790).*

7 *(c) CONSTRUCTION.—Nothing in this section shall be*
8 *construed to require any change in the methodology used*
9 *by the Secretary to implement such section 1895(b)(3)(D),*
10 *to restrict the Secretary’s discretion in establishing the*
11 *methodology to implement such section, or to suggest that*
12 *the Secretary’s promulgation of the methodology imple-*
13 *menting such Calendar Year 2023 home health final rule*
14 *was inadequate under Chapter 5 of title 5, United States*
15 *Code (commonly known as the “Administrative Procedures*
16 *Act”) or any other provision of law.*

17 **SEC. 4143. WAIVER OF CAP ON ANNUAL PAYMENTS FOR**
18 **NURSING AND ALLIED HEALTH EDUCATION**
19 **PAYMENTS.**

20 *(a) IN GENERAL.—Section 1886(l)(2)(B) of the Social*
21 *Security Act (42 U.S.C. 1395ww(l)(2)(B)) is amended—*

22 *(1) by striking “PAYMENTS.—Such ratio” and*
23 *inserting “PAYMENTS.—*

24 *“(i) IN GENERAL.—Subject to clause*
25 *(ii), such ratio”; and*

3722

1 (2) *by adding at the end the following new*
2 *clause:*

3 “(ii) *EXCEPTION TO ANNUAL LIMITA-*
4 *TION FOR EACH OF 2010 THROUGH 2019.—*
5 *For each of 2010 through 2019, the limita-*
6 *tion under clause (i) on the total amount of*
7 *additional payments for nursing and allied*
8 *health education to be distributed to hos-*
9 *pitals under this subsection for portions of*
10 *cost reporting periods occurring in the year*
11 *shall not apply to such payments made in*
12 *such year to those hospitals that, as of the*
13 *date of the enactment of this clause, are op-*
14 *erating a school of nursing, a school of al-*
15 *lied health, or a school of nursing and allied*
16 *health.”.*

17 (b) *NO AFFECT ON PAYMENTS FOR DIRECT GRADUATE*
18 *MEDICAL EDUCATION.—Section 1886(h)(3)(D)(iii) of the*
19 *Social Security Act (42 U.S.C. 1395ww(h)(3)(D)(iii)) is*
20 *amended by adding at the end the following sentence: “In*
21 *applying the preceding sentence for each of 2010 through*
22 *2019, the Secretary shall not take into account any increase*
23 *in the total amount of such additional payment amounts*
24 *for such nursing and allied health education for portions*
25 *of cost reporting periods occurring in the year pursuant*

3723

1 *to the application of paragraph (2)(B)(ii) of such sub-*
2 *section.”.*

3 (c) *RETROACTIVE APPLICATION.—The amendments*
4 *made by this section shall apply to payments made for por-*
5 *tions of cost reporting periods occurring in 2010 through*
6 *2019.*

7 (d) *FUNDING.—In addition to amounts otherwise*
8 *available, there is appropriated to the Centers for Medicare*
9 *& Medicaid Services Program Management Account for fis-*
10 *cal year 2023, out of any amounts in the Treasury not oth-*
11 *erwise appropriated, \$3,000,000, to remain available until*
12 *expended, for purposes of carrying out the amendments*
13 *made by this section.*

14 ***Subtitle E—Health Care Tax***
15 ***Provisions***

16 ***SEC. 4151. EXTENSION OF SAFE HARBOR FOR ABSENCE OF***
17 ***DEDUCTIBLE FOR TELEHEALTH.***

18 (a) *IN GENERAL.—Section 223(c)(2)(E) of the Inter-*
19 *nal Revenue Code of 1986 is amended by striking “In the*
20 *case of plan years” and all that follows through “a plan”*
21 *and inserting “In the case of—*

22 *“(i) months beginning after March 31,*
23 *2022, and before January 1, 2023, and*

3724

1 “(ii) plan years beginning on or before
2 December 31, 2021, or after December 31,
3 2022, and before January 1, 2025,
4 a plan”.

5 (b) *CERTAIN COVERAGE DISREGARDED.*—Section
6 223(c)(1)(B)(ii) of the Internal Revenue Code of 1986 is
7 amended by striking “(in the case of plan years beginning
8 on or before December 31, 2021, or in the case of months
9 beginning after March 31, 2022, and before January 1,
10 2023)” and inserting “(in the case of months or plan years
11 to which paragraph (2)(E) applies)”.

12 (c) *EFFECTIVE DATE.*—The amendments made by this
13 section shall apply to plan years beginning after December
14 31, 2022.

15 ***Subtitle F—Offsets***

16 ***SEC. 4161. REDUCTION OF MEDICARE IMPROVEMENT FUND.***

17 Section 1898(b)(1) of the Social Security Act (42
18 U.S.C. 1395iii(b)(1)) is amended by striking
19 “\$7,278,000,000” and inserting “\$180,000,000”.

20 ***SEC. 4162. EXTENSION OF ADJUSTMENT TO CALCULATION*** 21 ***OF HOSPICE CAP AMOUNT UNDER MEDICARE.***

22 Section 1814(i)(2)(B) of the Social Security Act (42
23 U.S.C. 1395f(i)(2)(B)) is amended—

24 (1) in clause (ii), by striking “2031” and insert-
25 ing “2032”; and

3725

1 (2) *in clause (iii), by striking “2031” and in-*
2 *serting “2032”.*

3 **SEC. 4163. MEDICARE DIRECT SPENDING REDUCTIONS.**

4 *Section 251A(6) of the Balanced Budget and Emer-*
5 *gency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is*
6 *amended—*

7 (1) *in subparagraph (B), in the matter pre-*
8 *ceding clause (i)—*

9 (A) *by striking “On the dates OMB issues*
10 *its sequestration preview reports” and inserting*
11 *“On the date on which the President submits the*
12 *budget under section 1105 of title 31, United*
13 *States Code,”; and*

14 (B) *by striking “pursuant to section*
15 *254(c),”;*

16 (2) *in subparagraph (C), by moving the margin*
17 *2 ems to the left;*

18 (3) *by striking subparagraphs (D) and (E); and*

19 (4) *by adding at the end the following:*

20 “(D) *On the date on which the President submits*
21 *the budget under section 1105 of title 31, United*
22 *States Code, for fiscal year 2032, the President shall*
23 *order a sequestration of payments for the Medicare*
24 *programs specified in section 256(d), effective upon*
25 *issuance, such that, notwithstanding the 2 percent*

3726

1 *limit specified in subparagraph (A) for such pay-*
2 *ments—*

3 “(i) with respect to the first 6 months in
4 which such order is effective for such fiscal year,
5 the payment reduction shall be 2.0 percent; and

6 “(ii) with respect to the second 6 months in
7 which such order is effective for such fiscal year,
8 the payment reduction shall be 0 percent.”.

9 ***TITLE V—MEDICAID AND CHIP***
10 ***PROVISIONS***

11 ***Subtitle A—Territories***

12 ***SEC. 5101. MEDICAID ADJUSTMENTS FOR THE TERRI-***
13 ***TORIES.***

14 *(a) REVISING ALLOTMENTS FOR PUERTO RICO.—Sec-*
15 *tion 1108(g) of the Social Security Act (42 U.S.C. 1308(g))*
16 *is amended—*

17 *(1) in paragraph (2)—*

18 *(A) in subparagraph (A)—*

19 *(i) in clause (i)—*

20 *(I) by striking “clause (ii)” and*
21 *inserting “clause (ii) or (iii)”;* and

22 *(II) by striking “and” at the end;*

23 *(ii) in clause (ii), by striking the semi-*
24 *colon and inserting “; and”;* and

3727

1 *(iii) by adding at the end the following*
2 *new clause:*

3 *“(iii) for fiscal year 2023 and each*
4 *subsequent fiscal year, the amount specified*
5 *in paragraph (11) for such fiscal year;”;*
6 *and*

7 *(B) in the matter following subparagraph*
8 *(E), by striking “each fiscal year after fiscal*
9 *year 2021” and inserting “fiscal year 2022 (and,*
10 *in the case of a territory other than Puerto Rico,*
11 *for each subsequent fiscal year)”;* and

12 *(2) by adding at the end the following new para-*
13 *graphs:*

14 *“(11) ALLOTMENT AMOUNTS FOR PUERTO RICO*
15 *FOR FISCAL YEAR 2023 AND SUBSEQUENT FISCAL*
16 *YEARS.—For purposes of paragraph (2)(A)(iii), sub-*
17 *ject to paragraphs (12) and (13), the amounts speci-*
18 *fied in this paragraph are the following:*

19 *“(A) For fiscal year 2023, \$3,275,000,000.*

20 *“(B) For fiscal year 2024, \$3,325,000,000.*

21 *“(C) For fiscal year 2025, \$3,475,000,000.*

22 *“(D) For fiscal year 2026, \$3,645,000,000.*

23 *“(E) For fiscal year 2027, \$3,825,000,000.*

24 *“(F) For fiscal year 2028, the sum of the*
25 *amount that would have been provided under*

3728

1 *this subsection for Puerto Rico for such fiscal*
2 *year in accordance with clause (i) of paragraph*
3 *(2)(A) (without regard to clause (iii) of such*
4 *paragraph) had the amount provided under this*
5 *subsection for Puerto Rico for each of fiscal years*
6 *2020 through 2027 been equal to the following:*

7 *“(i) For fiscal year 2020, the sum of*
8 *the amount provided under this subsection*
9 *for Puerto Rico for fiscal year 2019, in-*
10 *creased by the percentage increase in the*
11 *medical care component of the Consumer*
12 *Price Index for all urban consumers (as*
13 *published by the Bureau of Labor Statis-*
14 *tics) for the 12-month period ending in*
15 *March preceding the beginning of the fiscal*
16 *year, rounded to the nearest \$100,000.*

17 *“(ii) For each of fiscal years 2021*
18 *through 2027, the sum of the amount pro-*
19 *vided under this subparagraph for the pre-*
20 *ceding fiscal year, increased in accordance*
21 *with the percentage increase described in*
22 *clause (i), rounded to the nearest \$100,000.*

23 *“(G) For fiscal year 2029 and each subse-*
24 *quent fiscal year, the sum of the amount speci-*
25 *fied in this paragraph for the preceding fiscal*

3729

1 *year, increased by the percentage increase in the*
2 *medical care component of the Consumer Price*
3 *Index for all urban consumers (as published by*
4 *the Bureau of Labor Statistics) for the 12-month*
5 *period ending in March preceding the beginning*
6 *of the fiscal year, rounded to the nearest*
7 *\$100,000.*

8 *In determining the amount specified under subpara-*
9 *graph (F) for fiscal year 2028 or under subparagraph*
10 *(G) for fiscal year 2029 or a subsequent fiscal year,*
11 *the Secretary may in no way take into account the*
12 *amount that was provided under this subsection for*
13 *Puerto Rico for fiscal year 2022 that was based on*
14 *the Centers for Medicare & Medicaid Services' inter-*
15 *pretation of the flush language following paragraph*
16 *(2)(E) (as described in the letters sent by the Centers*
17 *for Medicare & Medicaid Services to the Director of*
18 *the Medicaid Program for Puerto Rico dated Sep-*
19 *tember 24, 2021, and November 18, 2021, respec-*
20 *tively).*

21 *“(12) ADDITIONAL INCREASE FOR PUERTO*
22 *RICO.—*

23 *“(A) IN GENERAL.—For fiscal year 2023*
24 *and each subsequent fiscal year through fiscal*
25 *year 2027, the amount specified in paragraph*

3730

1 (11) for the fiscal year shall be equal to the
2 amount specified for such fiscal year under such
3 paragraph increased by \$300,000,000 if the Sec-
4 retary certifies that, with respect to such fiscal
5 year, Puerto Rico's State plan under title XIX
6 (or waiver of such plan) establishes a reimburse-
7 ment floor, implemented through a directed pay-
8 ment arrangement plan, for physician services
9 that are covered under the Medicare part B fee
10 schedule in the Puerto Rico locality established
11 under section 1848(b) that is not less than 75
12 percent of the payment that would apply to such
13 services if they were furnished under part B of
14 title XVIII during such fiscal year.

15 “(B) APPLICATION TO MANAGED CARE.—In
16 certifying whether Puerto Rico has established a
17 reimbursement floor under a directed payment
18 arrangement plan that satisfies the requirements
19 of subparagraph (A)—

20 “(i) for fiscal year 2023, the Secretary
21 shall apply such requirements to payments
22 for physician services under a managed
23 care contract entered into or renewed after
24 the date of enactment of this paragraph and
25 disregard payments for physician services

3731

1 *under any managed care contract that was*
2 *entered into prior to such date; and*

3 *“(ii) for each subsequent fiscal year*
4 *through fiscal year 2027—*

5 *“(I) the Secretary shall disregard*
6 *payments made under subcapitated ar-*
7 *rangements for services such as pri-*
8 *mary care case management; and*

9 *“(II) if the reimbursement floor*
10 *for physician services applicable under*
11 *a managed care contract satisfies the*
12 *requirements of subparagraph (A) for*
13 *the fiscal year in which the contract is*
14 *entered into or renewed, such reim-*
15 *bursement floor shall be deemed to sat-*
16 *isfy such requirements for the subse-*
17 *quent fiscal year.*

18 *“(C) NONAPPLICATION OF INCREASE IN DE-*
19 *TERMINING ALLOTMENTS FOR SUBSEQUENT FIS-*
20 *CAL YEARS.—An increase under this paragraph*
21 *for a fiscal year may not be taken into account*
22 *in calculating the amount specified under para-*
23 *graph (11) for the succeeding fiscal year.*

24 *“(13) FURTHER INCREASE FOR PUERTO RICO.—*

3732

1 “(A) *IN GENERAL.*—For each of fiscal years
2 2023 through 2027, the amount specified in
3 paragraph (11) for the fiscal year shall be equal
4 to the amount specified for such fiscal year
5 under such paragraph (increased, if applicable,
6 in accordance with paragraph (12)) and further
7 increased—

8 “(i) in the case of each of fiscal years
9 2023 through 2025, by \$75,000,000 if the
10 Secretary determines that Puerto Rico fully
11 satisfies the requirements described in para-
12 graph (7)(A)(i) for such fiscal year; and

13 “(ii) in the case of each of fiscal years
14 2026 and 2027, by \$75,000,000 if the Sec-
15 retary determines that Puerto Rico fully
16 satisfies the requirements described in—

17 “(I) paragraph (7)(A)(i) for such
18 fiscal year; and

19 “(II) paragraph (7)(A)(v) for
20 such fiscal year.

21 “(B) *NONAPPLICATION OF INCREASE IN DE-*
22 *TERMINING ALLOTMENTS FOR SUBSEQUENT FIS-*
23 *CAL YEARS.*—An increase under this paragraph
24 for a fiscal year may not be taken into account

3733

1 *in calculating the amount specified under para-*
2 *graph (11) for the succeeding fiscal year.”.*

3 (b) *EXTENSION OF INCREASED FMAPS.—Section*
4 *1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff))*
5 *is amended—*

6 (1) *in the header, by striking “TEMPORARY”;*

7 (2) *in paragraph (2)—*

8 (A) *by striking “subject to section*
9 *1108(g)(7)(C),”; and*

10 (B) *by striking “December 23, 2022” and*
11 *inserting “September 30, 2027,”; and*

12 (3) *in paragraph (3), by striking “for the period*
13 *beginning December 21, 2019, and ending December*
14 *23, 2022” and inserting “beginning December 21,*
15 *2019”.*

16 (c) *APPLICATION OF ASSET VERIFICATION PROGRAM*
17 *REQUIREMENTS TO PUERTO RICO.—Section 1940 of the*
18 *Social Security Act (42 U.S.C. 1396w) is amended—*

19 (1) *in subsection (a)—*

20 (A) *in paragraph (3)(A), by adding at the*
21 *end the following new clause:*

22 “(iii) *IMPLEMENTATION IN PUERTO*
23 *RICO.—The Secretary shall require Puerto*
24 *Rico to implement an asset verification pro-*

3734

1 *gram under this subsection by January 1,*
2 *2026.”; and*

3 *(B) in paragraph (4)—*

4 *(i) in the paragraph heading, by strik-*
5 *ing “EXEMPTION OF TERRITORIES” and in-*
6 *serting “EXEMPTION OF CERTAIN TERRI-*
7 *TORIES”; and*

8 *(ii) by striking “and the District of*
9 *Columbia” and inserting “, the District of*
10 *Columbia, and Puerto Rico”; and*

11 *(2) in subsection (k)—*

12 *(A) in paragraph (1)—*

13 *(i) by redesignating subparagraphs (A)*
14 *through (D) as clauses (i) through (iv), re-*
15 *spectively, and adjusting the margins ac-*
16 *cordingly;*

17 *(ii) in the matter preceding clause (i),*
18 *as so redesignated—*

19 *(I) by striking “beginning on or*
20 *after January 1, 2021”; and*

21 *(II) by striking “for a non-com-*
22 *pliant State shall be reduced—” and*
23 *inserting the following: “for—*

3735

1 “(A) a non-compliant State that is one of
2 the 50 States or the District of Columbia shall
3 be reduced—”;

4 (iii) in clause (iv), as so redesignated,
5 by striking the period at the end and insert-
6 ing “; and”; and

7 (iv) by adding at the end the following
8 new subparagraph:

9 “(B) a non-compliant State that is Puerto
10 Rico shall be reduced—

11 “(i) for calendar quarters in fiscal
12 year 2026 beginning on or after January 1,
13 2026, by 0.12 percentage points;

14 “(ii) for calendar quarters in fiscal
15 year 2027, by 0.25 percentage points;

16 “(iii) for calendar quarters in fiscal
17 year 2028, by 0.35 percentage points; and

18 “(iv) for calendar quarters in fiscal
19 year 2029 and each fiscal year thereafter,
20 by 0.5 percentage points.”; and

21 (B) in paragraph (2)(A), by striking “or
22 the District of Columbia” and inserting “, the
23 District of Columbia, or Puerto Rico”.

3736

1 (d) *EXTENSION OF REPORTING REQUIREMENT.*—Sec-
2 tion 1108(g)(9) of the Social Security Act (42 U.S.C.
3 1308(g)(9)) is amended—

4 (1) in subparagraph (A), by inserting “and for
5 fiscal year 2023 and each subsequent fiscal year (or,
6 in the case of Puerto Rico, and for fiscal year 2023
7 and each subsequent fiscal year before fiscal year
8 2028)” after “fiscal year 2021”;

9 (2) in subparagraph (B)(i), by inserting “or by
10 reason of the amendments made by section 5101 of the
11 Health Extenders, Improving Access to Medicare,
12 Medicaid, and CHIP, and Strengthening Public
13 Health Act of 2022” before the period at the end.

14 (e) *PUERTO RICO PROGRAM INTEGRITY.*—Section
15 1108(g)(7)(A) of the Social Security Act (42 U.S.C.
16 1308(g)(7)(A)) is amended—

17 (1) in clause (iii), in the header, by inserting
18 “REPORTING” after “REFORM”;

19 (2) by adding at the end the following new
20 clause:

21 “(v) *CONTRACTING AND PROCUREMENT*
22 *OVERSIGHT LEAD REQUIREMENT.*—

23 “(I) *IN GENERAL.*—Not later than
24 6 months after the date of the enact-
25 ment of this clause, the agency respon-

3737

1 *sible for the administration of Puerto*
2 *Rico’s Medicaid program under title*
3 *XIX shall designate an officer (other*
4 *than the director of such agency) to*
5 *serve as the Contracting and Procure-*
6 *ment Oversight Lead to carry out the*
7 *duties specified in subclause (II).*

8 *“(II) DUTIES.—Not later than 60*
9 *days after the end of each fiscal quar-*
10 *ter (beginning with the first fiscal*
11 *quarter beginning on or after the date*
12 *that is 1 year after the date of the en-*
13 *actment of this clause), the officer des-*
14 *ignated pursuant to subclause (I) shall,*
15 *with respect to each contract described*
16 *in clause (iii) with an annual value*
17 *exceeding \$150,000 entered into during*
18 *such quarter, certify to the Secretary*
19 *either—*

20 *“(aa) that such contract has*
21 *met the procurement standards*
22 *identified under any of sections*
23 *75.327, 75.328, and 75.329 of title*
24 *45, Code of Federal Regulations*
25 *(or successor regulations); or*

3738

1 “(bb) *that extenuating cir-*
2 *cumstances (including a lack of*
3 *multiple entities competing for*
4 *such contract) prevented the com-*
5 *pliance of such contract with such*
6 *standards.*

7 “(III) *PUBLICATION.*—*The officer*
8 *designated pursuant to subclause (I)*
9 *shall make public each certification*
10 *containing extenuating circumstances*
11 *described in subclause (II)(bb) not*
12 *later than 30 days after such certifi-*
13 *cation is made, including a description*
14 *of, and justification of, such extenu-*
15 *ating circumstances.*

16 “(IV) *REVIEW OF COMPLIANCE.*—
17 *Not later than 2 years after the date of*
18 *the enactment of this clause, the In-*
19 *spector General of the Department of*
20 *Health and Human Services shall sub-*
21 *mit to Congress a report on the compli-*
22 *ance of Puerto Rico with the provisions*
23 *of this clause.”.*

24 (f) *MEDICAID DATA SYSTEMS IMPROVEMENT PAY-*
25 *MENTS.*—*Section 1108 of the Social Security Act (42*

3739

1 *U.S.C. 1308) is amended by adding at the end the following*
2 *new subsection:*

3 “(i) *DATA SYSTEMS IMPROVEMENT PAYMENTS.*—

4 “(1) *IN GENERAL.*—Subject to paragraphs (2)
5 and (3), the Secretary shall pay to each eligible terri-
6 tory an amount equal to 100 percent of the qualifying
7 data system improvement expenditures incurred by
8 such territory on or after October 1, 2023.

9 “(2) *TREATMENT AS MEDICAID PAYMENTS.*—

10 “(A) *IN GENERAL.*—Payments to eligible
11 territories made under this paragraph shall be
12 considered to have been made under, and are
13 subject to the requirements of, section 1903.

14 “(B) *NONDUPLICATION.*—No payment shall
15 be made under title XIX (other than as provided
16 under paragraph (1)), title XXI, or any other
17 provision of law with respect to an expenditure
18 for which payment is made under such para-
19 graph.

20 “(3) *ALLOTMENTS.*—The Secretary shall specify
21 an allotment for each eligible territory for payments
22 made under paragraph (1) in a manner such that—

23 “(A) the total amount of payments made
24 under such paragraph for all eligible territories
25 does not exceed \$20,000,000; and

3740

1 “(B) *each eligible territory receives an equi-*
2 *table allotment of such payments.*”

3 “(4) *NO EFFECT ON TERRITORIAL CAPS.—A pay-*
4 *ment to an eligible territory under this subsection*
5 *shall not be taken into account for purposes of apply-*
6 *ing the payment limits under subsections (f) and (g).*”

7 “(5) *DEFINITIONS.—In this subsection:*

8 “(A) *ELIGIBLE TERRITORY.—The term ‘eli-*
9 *gible territory’ means American Samoa, Guam,*
10 *the Northern Mariana Islands, and the Virgin*
11 *Islands.*”

12 “(B) *QUALIFYING DATA SYSTEM IMPROVE-*
13 *MENT EXPENDITURE.—The term ‘qualifying data*
14 *system improvement expenditure’ means an ex-*
15 *penditure by an eligible territory to improve, up-*
16 *date, or enhance a data system that is used by*
17 *the territory to carry out an administrative ac-*
18 *tivity for which Federal financial participation*
19 *is available under section 1903(a).’.*”

20 “(g) *STRATEGIC PLAN AND EVALUATION.—*

21 “(1) *IN GENERAL.—Each territory described in*
22 *paragraph (2) shall—*

23 “(A) *not later than September 30, 2023, sub-*
24 *mit to the Secretary of Health and Human Serv-*
25 *ices a 4-year strategic plan that outlines the ter-*

3741

1 *territory's goals relating to workforce development,*
2 *financing, systems implementation and oper-*
3 *ation, and program integrity with respect to the*
4 *territory's Medicaid program under title XIX of*
5 *the Social Security Act (42 U.S.C. 1396 et seq.);*
6 *and*

7 *(B) not later than September 30, 2027, sub-*
8 *mit to the Secretary of Health and Human Serv-*
9 *ices an analysis of the extent to which the terri-*
10 *tory has achieved, or is making progress toward*
11 *achieving, the goals described in such strategic*
12 *plan, and any policy changes relating to such*
13 *goals that were adopted by the territory after the*
14 *submission of the plan.*

15 *(2) TERRITORIES DESCRIBED.—The territories*
16 *described in this paragraph are American Samoa,*
17 *Guam, the Northern Mariana Islands, and the Virgin*
18 *Islands.*

19 ***Subtitle B—Medicaid and CHIP***
20 ***Coverage***

21 ***SEC. 5111. FUNDING EXTENSION OF THE CHILDREN'S***
22 ***HEALTH INSURANCE PROGRAM AND RE-***
23 ***LATED PROVISIONS.***

24 *(a) IN GENERAL.—Section 2104(a) of the Social Secu-*
25 *rity Act (42 U.S.C. 1397dd(a)) is amended—*

3742

1 (1) *in paragraph (27), by striking “through*
2 *2026” and inserting “through 2028”; and*

3 (2) *in paragraph (28)—*

4 (A) *in the matter preceding subparagraph*
5 *(A), by striking “for fiscal year 2027” and in-*
6 *serting “for fiscal year 2029”;*

7 (B) *in subparagraph (A), by striking “be-*
8 *ginning on October 1, 2026, and ending on*
9 *March 31, 2027” and inserting “beginning on*
10 *October 1, 2028, and ending on March 31,*
11 *2029”; and*

12 (C) *in subparagraph (B), by striking “be-*
13 *ginning on April 1, 2027, and ending on Sep-*
14 *tember 30, 2027” and inserting “beginning on*
15 *April 1, 2029, and ending on September 30,*
16 *2029”.*

17 (b) *CHIP ALLOTMENTS.—*

18 (1) *IN GENERAL.—Section 2104(m) of the Social*
19 *Security Act (42 U.S.C. 1397dd(m)) is amended—*

20 (A) *in paragraph (2)(B)(i), by striking “,*
21 *2023, and 2027” and inserting “2023, and*
22 *2029”;*

23 (B) *in paragraph (5), by striking “or 2027”*
24 *and inserting “or 2029”;*

25 (C) *in paragraph (7)—*

3743

1 (i) in subparagraph (A), by striking
2 “fiscal year 2027,” and inserting “fiscal
3 year 2029”; and

4 (ii) in the flush left matter at the end,
5 by striking “or fiscal year 2026.” and in-
6 serting “fiscal year 2026, or fiscal year
7 2028.”;

8 (D) in paragraph (9), by striking “or
9 2027” and inserting “or 2029”; and

10 (E) in paragraph (11)—

11 (i) in the paragraph header, by strik-
12 ing “FISCAL YEAR 2027” and inserting “FIS-
13 CAL YEAR 2029”; and

14 (ii) in subparagraph (C)—

15 (I) by striking “fiscal year 2026”
16 each place it appears and inserting
17 “fiscal year 2028”; and

18 (II) by striking “fiscal year 2027”
19 and inserting “fiscal year 2029”.

20 (2) CONFORMING AMENDMENTS.—Section
21 50101(b)(2) of the Bipartisan Budget Act of 2018
22 (Public Law 115–123) is amended—

23 (A) in the paragraph header, by striking
24 “FISCAL YEAR 2027” and inserting “FISCAL YEAR
25 2029”;

3744

1 (B) by striking “fiscal year 2027” each
2 place it appears and inserting “fiscal year
3 2029”; and

4 (C) by striking “beginning on October 1,
5 2026, and ending on March 31, 2027” and in-
6 serting “beginning on October 1, 2028, and end-
7 ing on March 31, 2029”.

8 (c) *OTHER RELATED CHIP POLICIES.*—

9 (1) *PEDIATRIC QUALITY MEASURES PROGRAM.*—
10 Section 1139A(i)(1) of the Social Security Act (42
11 U.S.C. 1320b–9a(i)(1)) is amended—

12 (A) in subparagraph (C), by striking at the
13 end “and”;

14 (B) in subparagraph (D), by striking the
15 period at the end and inserting “; and”; and

16 (C) by adding at the end the following new
17 subparagraph:

18 “(E) for each of fiscal years 2028 and 2029,
19 \$15,000,000 for the purpose of carrying out this
20 section (other than subsections (e), (f), and
21 (g)).”.

22 (2) *ASSURANCE OF ELIGIBILITY STANDARDS FOR*
23 *CHILDREN.*—Section 2105(d)(3) of the Social Secu-
24 rity Act (42 U.S.C. 1397ee(d)(3)) is amended—

3745

1 (A) in the paragraph heading, by striking
2 “THROUGH SEPTEMBER 30, 2027” and inserting
3 “THROUGH SEPTEMBER 30, 2029”; and

4 (B) in subparagraph (A) by striking “Sep-
5 tember 30, 2027” each place it appears and in-
6 serting “September 30, 2029”.

7 (3) QUALIFYING STATES OPTION.—Section
8 2105(g)(4) of the Social Security Act (42 U.S.C.
9 1397ee(g)(4)) is amended—

10 (A) in the paragraph heading, by striking
11 “THROUGH 2027” and inserting “THROUGH 2029”;
12 and

13 (B) in subparagraph (A), by striking
14 “through 2027” and inserting “through 2029”.

15 (4) OUTREACH AND ENROLLMENT PROGRAM.—
16 Section 2113 of the Social Security Act (42 U.S.C.
17 1397mm) is amended—

18 (A) in subsection (a)—

19 (i) in paragraph (1), by striking
20 “through 2027” and inserting “through
21 2029”; and

22 (ii) in paragraph (3), by striking
23 “through 2027” and inserting “through
24 2029”; and

25 (B) in subsection (g)—

3746

1 (i) by striking “2017,” and inserting
2 “2017,”;
3 (ii) by striking “and \$48,000,000” and
4 inserting “\$48,000,000”; and
5 (iii) by inserting after “through 2027”
6 the following: “, and \$40,000,000 for the pe-
7 riod of fiscal years 2028 and 2029”.

8 (5) *CHILD ENROLLMENT CONTINGENCY FUND.*—
9 Section 2104(n) of the Social Security Act (42 U.S.C.
10 1397dd(n)) is amended—

11 (A) by striking “2024 through 2026” each
12 place it appears and inserting “2024 through
13 2028”; and

14 (B) by striking “2023, and 2027” each
15 place it appears and inserting “2023, and
16 2029”.

17 (d) *EXTENSION OF CERTAIN PROVISIONS.*—

18 (1) *EXPRESS LANE ELIGIBILITY OPTION.*—Sec-
19 tion 1902(e)(13)(I) of the Social Security Act (42
20 U.S.C. 1396a(e)(13)(I)) is amended by striking
21 “2027” and inserting “2029”.

22 (2) *CONFORMING AMENDMENTS FOR ASSURANCE*
23 *OF AFFORDABILITY STANDARD FOR CHILDREN AND*
24 *FAMILIES.*—Section 1902(gg)(2) of the Social Secu-
25 rity Act (42 U.S.C. 1396a(gg)(2)) is amended—

3747

1 (A) in the paragraph heading, by striking
2 “THROUGH SEPTEMBER 30, 2027” and inserting
3 “THROUGH SEPTEMBER 30, 2029”; and
4 (B) by striking “2027” each place it ap-
5 pears and inserting “2029.”.

6 **SEC. 5112. CONTINUOUS ELIGIBILITY FOR CHILDREN**
7 **UNDER MEDICAID AND CHIP.**

8 (a) *UNDER THE MEDICAID PROGRAM.*—Section
9 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is
10 amended by striking paragraph (12) and inserting the fol-
11 lowing new paragraph:

12 “(12) 1 YEAR OF CONTINUOUS ELIGIBILITY FOR
13 CHILDREN.—The State plan (or waiver of such State
14 plan) shall provide that an individual who is under
15 the age of 19 and who is determined to be eligible for
16 benefits under a State plan (or waiver of such plan)
17 approved under this title under subsection (a)(10)(A)
18 shall remain eligible for such benefits until the earlier
19 of—

20 “(A) the end of the 12-month period begin-
21 ning on the date of such determination;

22 “(B) the time that such individual attains
23 the age of 19; or

24 “(C) the date that such individual ceases to
25 be a resident of such State.”.

3748

1 (b) *UNDER THE CHILDREN’S HEALTH INSURANCE*
2 *PROGRAM.—Section 2107(e)(1) of the Social Security Act*
3 *(42 U.S.C. 1397gg(e)(1)) is amended—*

4 (1) *by redesignating subparagraphs (K) through*
5 *(T) as subparagraphs (L) through (U), respectively;*
6 *and*

7 (2) *by inserting after subparagraph (J) the fol-*
8 *lowing new subparagraph:*

9 “(K) *Section 1902(e)(12) (relating to 1 year*
10 *of continuous eligibility for children), except that*
11 *a targeted low-income child enrolled under the*
12 *State child health plan or waiver may be trans-*
13 *ferred to the Medicaid program under title XIX*
14 *for the remaining duration of the 12-month con-*
15 *tinuous eligibility period, if the child becomes el-*
16 *igible for full benefits under title XIX during*
17 *such period.”.*

18 (c) *EFFECTIVE DATE.—The amendments made by this*
19 *section shall take effect on the first day of the first fiscal*
20 *quarter that begins on or after the date that is 1 year after*
21 *the date of enactment of this Act.*

22 **SEC. 5113. MODIFICATIONS TO POSTPARTUM COVERAGE**
23 **UNDER MEDICAID AND CHIP.**

24 *Effective as if included in the enactment of sections*
25 *9812 and 9822 of the American Rescue Plan Act of 2021*

3749

1 *(Public Law 117–2), subsection (b) of each such section is*
2 *amended by striking “during the 5-year period”.*

3 **SEC. 5114. EXTENSION OF MONEY FOLLOWS THE PERSON**
4 **REBALANCING DEMONSTRATION.**

5 *(a) IN GENERAL.—Subsection (h) of section 6071 of*
6 *the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note)*
7 *is amended—*

8 *(1) in paragraph (1)—*

9 *(A) in each of subparagraphs (F), (H), and*
10 *(J), by striking “and” after the semicolon;*

11 *(B) in subparagraph (K), by striking the*
12 *period and inserting “; and”; and*

13 *(C) by adding at the end the following:*

14 *“(L) \$450,000,000 for each of fiscal years*
15 *2024 through 2027.”;*

16 *(2) in paragraph (2), by striking “September 30,*
17 *2023” and inserting “September 30 of the subsequent*
18 *fiscal year”; and*

19 *(3) by adding at the end the following new para-*
20 *graph:*

21 *“(3) TECHNICAL ASSISTANCE.—In addition to*
22 *amounts otherwise available, there is appropriated to*
23 *the Secretary, out of any money in the Treasury not*
24 *otherwise appropriated for fiscal 2023 and for each*
25 *subsequent 3-year period through fiscal year 2029,*

3750

1 \$5,000,000, to remain available until expended, for
2 carrying out subsections (f) and (g).”.

3 (b) **REDISTRIBUTION OF UNEXPENDED GRANT**
4 **AWARDS.**—Subsection (e)(2) of section 6071 of the Deficit
5 Reduction Act of 2005 (42 U.S.C. 1396a note) is amended
6 by adding at the end the following new sentence: “Any por-
7 tion of a State grant award for a fiscal year under this
8 section that is unexpended by the State at the end of the
9 fourth succeeding fiscal year shall be rescinded by the Sec-
10 retary and added to the appropriation for the fifth suc-
11 ceeding fiscal year.”.

12 **SEC. 5115. EXTENSION OF MEDICAID PROTECTIONS**
13 **AGAINST SPOUSAL IMPOVERISHMENT FOR**
14 **RECIPIENTS OF HOME AND COMMUNITY-**
15 **BASED SERVICES.**

16 Section 2404 of the Patient Protection and Affordable
17 Care Act (42 U.S.C. 1396r–5 note) is amended by striking
18 “September 30, 2023” and inserting “September 30, 2027”.

3751

1 ***Subtitle C—Medicaid and CHIP***
2 ***Mental Health***

3 ***SEC. 5121. MEDICAID AND CHIP REQUIREMENTS FOR***
4 ***HEALTH SCREENINGS, REFERRALS, AND CASE***
5 ***MANAGEMENT SERVICES FOR ELIGIBLE JU-***
6 ***VENILES IN PUBLIC INSTITUTIONS.***

7 (a) *MEDICAID STATE PLAN REQUIREMENT.*—Section
8 1902 of the Social Security Act (42 U.S.C. 1396a) is
9 amended—

10 (1) in subsection (a)(84)—

11 (A) in subparagraph (A), by inserting “,
12 subject to subparagraph (D),” after “but”;

13 (B) in subparagraph (B), by striking “and”
14 at the end;

15 (C) in subparagraph (C), by adding “and”
16 at the end; and

17 (D) by adding at the end the following new
18 subparagraph:

19 “(D) in the case of an individual who is an
20 eligible juvenile described in subsection (nn)(2)
21 and is within 30 days of the date on which such
22 eligible juvenile is scheduled to be released from
23 a public institution following adjudication, the
24 State shall have in place a plan, and in accord-
25 ance with such plan, provide for—

3752

1 “(i) in the 30 days prior to the release
2 of such eligible juvenile from such public in-
3 stitution (or not later than one week, or as
4 soon as practicable, after release from the
5 public institution), and in coordination
6 with such institution, any screening or di-
7 agnostic service which meets reasonable
8 standards of medical and dental practice,
9 as determined by the State, or as indicated
10 as medically necessary, in accordance with
11 paragraphs (1)(A) and (5) of section
12 1905(r), including a behavioral health
13 screening or diagnostic service; and

14 “(ii) in the 30 days prior to the release
15 of such eligible juvenile from such public in-
16 stitution, and for at least 30 days following
17 the release of such eligible juvenile from
18 such institution, targeted case management
19 services, including referrals for such eligible
20 juvenile to the appropriate care and services
21 available in the geographic region of the
22 home or residence of such eligible juvenile
23 (where feasible) under the State plan (or
24 waiver of such plan);” and

3753

1 (2) in subsection (nn)(3), by striking “(30)” and
2 inserting “(31)”.

3 (b) *AUTHORIZATION OF FEDERAL FINANCIAL PARTICI-*
4 *PATION.*—*The subdivision (A) of section 1905(a) of the So-*
5 *cial Security Act (42 U.S.C. 1396d(a)) following paragraph*
6 *(31) of such section is amended by inserting “, or in the*
7 *case of an eligible juvenile described in section*
8 *1902(a)(84)(D) with respect to the screenings, diagnostic*
9 *services, referrals, and targeted case management services*
10 *required under such section” after “(except as a patient in*
11 *a medical institution”.*

12 (c) *CHIP CONFORMING AMENDMENTS.*—

13 (1) *Section 2102 of the Social Security Act (42*
14 *U.S.C. 1397bb) is amended by adding at the end the*
15 *following new subsection:*

16 “(d) *TREATMENT OF CHILDREN WHO ARE INMATES*
17 *OF A PUBLIC INSTITUTION.*—

18 “(1) *IN GENERAL.*—*The State child health plan*
19 *shall provide that—*

20 “(A) *the State shall not terminate eligibility*
21 *for child health assistance under the State child*
22 *health plan for a targeted low-income child be-*
23 *cause the child is an inmate of a public institu-*
24 *tion, but may suspend coverage during the pe-*
25 *riod the child is such an inmate;*

3754

1 “(B) in the case of a targeted low-income
2 child who was determined eligible for child
3 health assistance under the State child health
4 plan (or waiver of such plan) immediately before
5 becoming an inmate of a public institution, the
6 State shall, prior to the child’s release from such
7 public institution, conduct a redetermination of
8 eligibility for such child with respect to such
9 child health assistance (without requiring a new
10 application from the child) and, if the State de-
11 termines pursuant to such redetermination that
12 the child continues to meet the eligibility require-
13 ments for such child health assistance, the State
14 shall restore coverage for such child health assist-
15 ance to such child upon the child’s release from
16 such public institution; and

17 “(C) in the case of a targeted low-income
18 child who is determined eligible for child health
19 assistance while an inmate of a public institu-
20 tion (subject to the exception to the exclusion of
21 children who are inmates of a public institution
22 described in section 2110(b)(7)), the State shall
23 process any application for child health assist-
24 ance submitted by, or on behalf of, the child such
25 that the State makes a determination of eligi-

3755

1 *bility for the child with respect to child health*
2 *assistance upon release of the child from the pub-*
3 *lic institution.*

4 “(2) *REQUIRED COVERAGE OF SCREENINGS, DI-*
5 *AGNOSTIC SERVICES, REFERRALS, AND CASE MANAGE-*
6 *MENT FOR CERTAIN INMATES PRE-RELEASE.—A State*
7 *child health plan shall provide that, in the case of a*
8 *targeted low-income child who is within 30 days of*
9 *the date on which such child is scheduled to be re-*
10 *leased from a public institution following adjudica-*
11 *tion, the State shall have in place a plan for pro-*
12 *viding, and shall provide in accordance with such*
13 *plan, screenings, diagnostic services, referrals, and*
14 *case management services otherwise covered under the*
15 *State child health plan (or waiver of such plan) in*
16 *the same manner as described in section*
17 *1902(a)(84)(D).”.*

18 (2) *Section 2110(b) of the Social Security Act*
19 *(42 U.S.C. 1397jj(b)) is amended—*

20 (A) *in paragraph (2)(A), by inserting “ex-*
21 *cept as provided in paragraph (7),” before “a*
22 *child who is an inmate of a public institution”;*
23 *and*

24 (B) *by adding at the end the following new*
25 *paragraph:*

3756

1 “(7) *EXCEPTION TO EXCLUSION OF CHILDREN*
2 *WHO ARE INMATES OF A PUBLIC INSTITUTION.—In*
3 *the case of a child who is an inmate of a public insti-*
4 *tution, during the 30 days prior to the release of the*
5 *child from such institution the child shall not be con-*
6 *sidered to be described in paragraph (2)(A) with re-*
7 *spect to the screenings, diagnostic services, referrals,*
8 *and case management services otherwise covered*
9 *under the State child health plan (or waiver of such*
10 *plan) that the State is required to provide under sec-*
11 *tion 2102(d)(2).”.*

12 *(d) EFFECTIVE DATE.—The amendments made by this*
13 *section shall apply beginning on the first day of the first*
14 *calendar quarter that begins on or after the date that is*
15 *24 months after the date of enactment of this Act.*

16 **SEC. 5122. REMOVAL OF LIMITATIONS ON FEDERAL FINAN-**
17 **CIAL PARTICIPATION FOR INMATES WHO ARE**
18 **ELIGIBLE JUVENILES PENDING DISPOSITION**
19 **OF CHARGES.**

20 *(a) MEDICAID.—*

21 *(1) IN GENERAL.—The subdivision (A) of section*
22 *1905(a) of the Social Security Act (42 U.S.C.*
23 *1396d(a)) following paragraph (31) of such section,*
24 *as amended by section 5121(b), is further amended by*
25 *inserting “, or, at the option of the State, for an indi-*

3757

1 *vidual who is an eligible juvenile (as defined in sec-*
2 *tion 1902(nn)(2)), while such individual is an inmate*
3 *of a public institution (as defined in section*
4 *1902(nn)(3)) pending disposition of charges” after*
5 *“or in the case of an eligible juvenile described in sec-*
6 *tion 1902(a)(84)(D) with respect to the screenings, di-*
7 *agnostic services, referrals, and case management re-*
8 *quired under such section”.*

9 (2) *CONFORMING AMENDMENT.—Section*
10 *1902(a)(84)(A) of the Social Security Act (42 U.S.C.*
11 *1396a(a)(84)(A)) is amended by inserting “(or in the*
12 *case of a State electing the option described in the*
13 *subdivision (A) following paragraph (31) of section*
14 *1905(a), during such period beginning after the dis-*
15 *position of charges with respect to such individual)”*
16 *after “is such an inmate”.*

17 (b) *CHIP.—Section 2110(b)(7) of the Social Security*
18 *Act (42 U.S.C. 13977jj(b)(7)), as added by section*
19 *5121(c)(2)(B), is amended—*

20 (1) *in the heading, by striking “EXCEPTION”*
21 *and inserting “EXCEPTIONS”; and*

22 (2) *by adding at the end the following new sen-*
23 *tence: “At the option of the State, a child who is an*
24 *inmate of a public institution shall not be considered*
25 *to be described in paragraph (2)(A) during the period*

3758

1 *that the child is an inmate of such institution pend-*
2 *ing disposition of charges.”.*

3 (c) *EFFECTIVE DATE.*—*The amendments made by this*
4 *section shall take effect on the first day of the first calendar*
5 *quarter that begins after the date that is 24 months after*
6 *the date of enactment of this Act and shall apply to items*
7 *and services furnished for periods beginning on or after*
8 *such date.*

9 **SEC. 5123. REQUIRING ACCURATE, UPDATED, AND SEARCH-**
10 **ABLE PROVIDER DIRECTORIES.**

11 (a) *APPLICATION TO MANAGED CARE.*—*Section*
12 *1932(a)(5) of the Social Security Act (42 U.S.C. 1396u–*
13 *2(a)(5)) is amended—*

14 (1) *in subparagraph (B)(i), by inserting “, in-*
15 *cluding as required by subparagraph (E)” before the*
16 *period at the end; and*

17 (2) *by adding at the end the following new sub-*
18 *paragraph:*

19 “(E) *PROVIDER DIRECTORIES.*—

20 “(i) *IN GENERAL.*—*Each managed care*
21 *organization, prepaid inpatient health plan*
22 *(as defined by the Secretary), prepaid am-*
23 *bulatory health plan (as defined by the Sec-*
24 *retary), and, when appropriate, primary*
25 *care case management entity (as defined by*

3759

1 *the Secretary) with a contract with a State*
2 *to enroll individuals who are eligible for*
3 *medical assistance under the State plan*
4 *under this title or under a waiver of such*
5 *plan, shall publish (and update on at least*
6 *a quarterly basis or more frequently as re-*
7 *quired by the Secretary) on a public*
8 *website, a searchable directory of network*
9 *providers, which shall include physicians,*
10 *hospitals, pharmacies, providers of mental*
11 *health services, providers of substance use*
12 *disorder services, providers of long term*
13 *services and supports as appropriate, and*
14 *such other providers as required by the Sec-*
15 *retary, and that includes with respect to*
16 *each such provider—*

17 *“(I) the name of the provider;*
18 *“(II) the specialty of the provider;*
19 *“(III) the address at which the*
20 *provider provides services;*
21 *“(IV) the telephone number of the*
22 *provider; and*
23 *“(V) information regarding—*
24 *“(aa) the provider’s cultural*
25 *and linguistic capabilities, in-*

3760

1 *cluding languages (including*
2 *American Sign Language) offered*
3 *by the provider or by a skilled*
4 *medical interpreter who provides*
5 *interpretation services at the pro-*
6 *vider’s office;*

7 *“(bb) whether the provider is*
8 *accepting as new patients, indi-*
9 *viduals who receive medical as-*
10 *sistance under this title;*

11 *“(cc) whether the provider’s*
12 *office or facility has accommoda-*
13 *tions for individuals with phys-*
14 *ical disabilities, including offices,*
15 *exam rooms, and equipment;*

16 *“(dd) the Internet website of*
17 *such provider, if applicable; and*

18 *“(ee) whether the provider of-*
19 *fers covered services via telehealth;*
20 *and*

21 *“(VI) other relevant information,*
22 *as required by the Secretary.*

23 *“(ii) NETWORK PROVIDER DEFINED.—*
24 *In this subparagraph, the term ‘network*
25 *provider’ includes any provider, group of*

3761

1 *providers, or entity that has a network pro-*
2 *vider agreement with a managed care orga-*
3 *nization, a prepaid inpatient health plan*
4 *(as defined by the Secretary), a prepaid*
5 *ambulatory health plan (as defined by the*
6 *Secretary), or a primary care case manage-*
7 *ment entity (as defined by the Secretary) or*
8 *a subcontractor of any such entity or plan,*
9 *and receives payment under this title di-*
10 *rectly or indirectly to order, refer, or render*
11 *covered services as a result of the State’s*
12 *contract with the entity or plan. For pur-*
13 *poses of this subparagraph, a network pro-*
14 *vider shall not be considered to be a subcon-*
15 *tractor by virtue of the network provider*
16 *agreement.”.*

17 ***(b) CONFORMING AMENDMENTS TO STATE PLAN RE-***
18 ***QUIREMENTS.—Section 1902(a) of the Social Security Act***
19 ***(42 U.S.C. 1396a) is amended—***

20 ***(1) by striking paragraph (83) and inserting the***
21 ***following:***

22 ***“(83) provide that in the case of a State plan (or***
23 ***waiver of the plan) that provides medical assistance***
24 ***on a fee-for-service basis or through a primary care***
25 ***case-management system described in section***

† **HR 2617 EAS2**

3762

1 1915(b)(1), the State shall publish (and update on at
2 least a quarterly basis or more frequently as required
3 by the Secretary) on the public website of the State
4 agency administering the State plan, a searchable di-
5 rectory of the providers described in subsection (mm)
6 that, in addition to such other requirements as the
7 Secretary may specify, such as making paper direc-
8 tories available to enrollees, includes with respect to
9 each such provider—

10 “(A) the name of the provider;

11 “(B) the specialty of the provider;

12 “(C) the address at which the provider pro-
13 vides services;

14 “(D) the telephone number of the provider;

15 “(E) information regarding—

16 “(i) the provider’s cultural and lin-
17 guistic capabilities, including languages
18 (including American Sign Language) of-
19 fered by the provider or by a skilled medical
20 interpreter who provides interpretation
21 services at the provider’s office;

22 “(ii) whether the provider is accepting
23 as new patients individuals who receive
24 medical assistance under this title;

3763

1 “(iii) whether the provider’s office or
2 facility has accommodations for individuals
3 with physical disabilities, including offices,
4 exam rooms, and equipment;

5 “(iv) the Internet website of such pro-
6 vider, if applicable; and

7 “(v) whether the provider offers covered
8 services via telehealth; and

9 “(F) other relevant information as required
10 by the Secretary;” and

11 (2) by striking subsection (mm) and inserting
12 the following:

13 “(mm) *DIRECTORY PROVIDER DESCRIBED.—*

14 “(1) *IN GENERAL.—A provider described in this*
15 *subsection, at a minimum, includes physicians, hos-*
16 *pitals, pharmacies, providers of mental health serv-*
17 *ices, providers of substance use disorder services, pro-*
18 *viders of long term services and supports as appro-*
19 *priate, and such other providers as required by the*
20 *Secretary, and—*

21 “(A) *in the case of a provider or a provider*
22 *type for which the State agency, as a condition*
23 *of receiving payment for items and services fur-*
24 *nished by the provider to individuals eligible to*
25 *receive medical assistance under the State plan*

3764

1 *(or a waiver of the plan), requires the enrollment*
2 *of the provider with the State agency, includes a*
3 *provider that—*

4 *“(i) is enrolled with the agency as of*
5 *the date on which the directory is published*
6 *or updated (as applicable) under subsection*
7 *(a)(83); and*

8 *“(ii) received payment under the State*
9 *plan in the 12-month period preceding such*
10 *date; and*

11 *“(B) in the case of a provider or a provider*
12 *type for which the State agency does not require*
13 *such enrollment, includes a provider that re-*
14 *ceived payment under the State plan (or a wai-*
15 *ver of the plan) in the 12-month period preceding*
16 *the date on which the directory is published or*
17 *updated (as applicable) under subsection (a)(83).*

18 *“(2) STATE OPTION TO INCLUDE OTHER PARTICI-*
19 *PATING PROVIDERS.—At State option, a provider de-*
20 *scribed in this subsection may include any provider*
21 *who furnishes services and is participating under the*
22 *State plan under this title or under a waiver of such*
23 *plan.”.*

24 *(c) GENERAL APPLICATION TO CHIP.—Section*
25 *2107(e)(1)(G) of the Social Security Act (42 U.S.C.*

3765

1 1397gg(e)(1)(G)) is amended by inserting “and subsection
2 (a)(83) of section 1902 (relating to searchable directories
3 of the providers described in subsection (mm) of such sec-
4 tion)” before the period.

5 (d) *EFFECTIVE DATE.*—The amendments made by this
6 section shall take effect on July 1, 2025.

7 **SEC. 5124. SUPPORTING ACCESS TO A CONTINUUM OF CRI-**
8 **SIS RESPONSE SERVICES UNDER MEDICAID**
9 **AND CHIP.**

10 (a) *GUIDANCE.*—Not later than July 1, 2025, the Sec-
11 retary, in coordination with the Administrator of the Cen-
12 ters for Medicare & Medicaid Services and the Assistant
13 Secretary for Mental Health and Substance Use, shall issue
14 guidance to States regarding Medicaid and CHIP that in-
15 cludes the following:

16 (1) Provides, in consultation with health care
17 providers and stakeholders with expertise in mental
18 health and substance use disorder crisis response serv-
19 ices, recommendations for an effective continuum of
20 crisis response services that—

21 (A) includes crisis call centers, including
22 988 crisis services hotlines, mobile crisis teams,
23 crisis response services delivered in home, com-
24 munity, residential facility, and hospital set-
25 tings, and coordination with follow-on mental

3766

1 *health and substance use disorder services, such*
2 *as intensive outpatient and partial hospitaliza-*
3 *tion programs, as well as connections to social*
4 *services and supports;*

5 *(B) promotes access to appropriate and*
6 *timely mental health and substance use disorder*
7 *crisis response services in the least restrictive set-*
8 *ting appropriate to an individual's needs; and*

9 *(C) promotes culturally competent, trauma-*
10 *informed care, and crisis de-escalation.*

11 *(2) Outlines the Federal authorities through*
12 *which States may finance and enhance under Med-*
13 *icaid and CHIP the availability of crisis response*
14 *services across each stage of the continuum of crisis*
15 *response services.*

16 *(3) Addresses how States under Medicaid and*
17 *CHIP may support the ongoing implementation of*
18 *crisis call centers, including 988 crisis services hot-*
19 *lines, and how Medicaid administrative funding, in-*
20 *cluding enhanced matching, and the Medicaid Infor-*
21 *mation Technology Architecture 3.0 framework, may*
22 *be used to establish or enhance regional or statewide*
23 *crisis call centers, including 988 crisis services hot-*
24 *lines, that coordinate in real time.*

3767

1 (4) *Identifies how States under Medicaid and*
2 *CHIP may support access to crisis response services*
3 *that are responsive to the needs of children, youth,*
4 *and families, including through CHIP health services*
5 *initiatives, behavioral disorder-specific crisis re-*
6 *sponse, trained peer support services, and establishing*
7 *or enhancing crisis call centers that are youth-focused.*

8 (5) *Identifies policies and practices to meet the*
9 *need for crisis response services with respect to dif-*
10 *fering patient populations, including urban, rural,*
11 *and frontier communities, differing age groups, cul-*
12 *tural and linguistic minorities, individuals with co-*
13 *occurring mental health and substance use disorder*
14 *conditions, and individuals with disabilities.*

15 (6) *Identifies policies and practices to promote*
16 *evidence-based suicide risk screenings and assess-*
17 *ments.*

18 (7) *Identifies strategies to facilitate timely provi-*
19 *sion of crisis response services, including how States*
20 *can enable access to crisis response services without*
21 *requiring a diagnosis, the use of presumptive eligi-*
22 *bility at different stages of the continuum of crisis re-*
23 *sponse services, the use of telehealth to deliver crisis*
24 *response services, strategies to make crisis response*
25 *services available 24/7 in medically underserved re-*

3768

1 *gions, and best practices used by States and health*
2 *providers for maximizing capacity to deliver crisis re-*
3 *sponse services, such as identifying and repurposing*
4 *available beds, space, and staff for crisis response*
5 *services.*

6 *(8) Describes best practices for coordinating*
7 *Medicaid and CHIP funding with other payors and*
8 *sources of Federal funding for mental health and sub-*
9 *stance use disorder crisis response services, and best*
10 *practices for Medicaid and CHIP financing when the*
11 *continuum of crisis response services serves individ-*
12 *uals regardless of payor.*

13 *(9) Describes best practices for establishing effec-*
14 *tive connections with follow-on mental health and*
15 *substance use disorder services, as well as with social*
16 *services and supports.*

17 *(10) Describes best practices for coordinating*
18 *and financing a continuum of crisis response services*
19 *through Medicaid managed care organizations, pre-*
20 *paid inpatient health plans, prepaid ambulatory*
21 *health plans, and fee-for-service delivery systems, in-*
22 *cluding when States carve-out from delivery through*
23 *Medicaid managed care organizations, prepaid inpa-*
24 *tient health plans, prepaid ambulatory health plans,*

3769

1 *or fee-for-service systems, mental health or substance*
2 *use disorder benefits or a subset of such services.*

3 *(11) Identifies strategies and best practices for*
4 *measuring and monitoring utilization of, and out-*
5 *comes related to, crisis response services.*

6 *(b) TECHNICAL ASSISTANCE CENTER.—*

7 *(1) IN GENERAL.—Not later than July 1, 2025,*
8 *the Secretary, in coordination with the Administrator*
9 *of the Centers for Medicare & Medicaid Services and*
10 *the Assistant Secretary for Mental Health and Sub-*
11 *stance Use, shall establish a technical assistance cen-*
12 *ter to help States under Medicaid and CHIP design,*
13 *implement, or enhance a continuum of crisis response*
14 *services for children, youth, and adults. Such tech-*
15 *nical assistance shall, at least in part, provide sup-*
16 *port to States in—*

17 *(A) leveraging the Federal authorities*
18 *through which Medicaid and CHIP may finance*
19 *mental health and substance use disorder crisis*
20 *response services;*

21 *(B) coordinating Medicaid and CHIP funds*
22 *with other sources of Federal funding for mental*
23 *health and substance use disorder crisis response*
24 *services; and*

3770

1 (C) after the guidance described in sub-
2 section (a) is issued, adopting the best practices
3 and strategies identified in such guidance.

4 (2) COMPENDIUM OF BEST PRACTICES.—The
5 Secretary shall develop and maintain a publicly
6 available compendium of best practices for the suc-
7 cessful operation under Medicaid and CHIP of a con-
8 tinuum of crisis response services. The Secretary an-
9 nually shall review the information available through
10 the compendium and shall update such information
11 when appropriate.

12 (c) FUNDING.—There is appropriated to the Secretary,
13 out of any funds in the Treasury not otherwise appro-
14 priated, to remain available until expended for purposes
15 of carrying out subsections (a) and (b), \$8,000,000.

16 (d) DEFINITIONS.—In this section:

17 (1) SECRETARY.—The term “Secretary” means
18 the Secretary of Health and Human Services.

19 (2) STATE.—The term “State” means each of the
20 50 States, the District of Columbia, Puerto Rico, the
21 United States Virgin Islands, Guam, American
22 Samoa, and the Commonwealth of the Northern Mar-
23 iana Islands.

3771

1 ***Subtitle D—Transitioning From***
2 ***Medicaid FMAP Increase Re-***
3 ***quirements***

4 ***SEC. 5131. TRANSITIONING FROM MEDICAID FMAP IN-***
5 ***CREASE REQUIREMENTS.***

6 *(a) IN GENERAL.—Section 6008 of the Families First*
7 *Coronavirus Response Act (42 U.S.C. 1396d note) is*
8 *amended—*

9 *(1) in subsection (a)—*

10 *(A) by striking “Subject to subsection (b)”*
11 *and inserting the following:*

12 *“(1) TEMPORARY FMAP INCREASE.—Subject to*
13 *subsections (b) and (f);*

14 *(B) by striking “the last day of the calendar*
15 *quarter in which the last day of such emergency*
16 *period occurs” and inserting “December 31,*
17 *2023”;*

18 *(C) by striking “6.2 percentage points” and*
19 *inserting “the applicable number of percentage*
20 *points for the quarter (as determined in para-*
21 *graph (2))”; and*

22 *(D) by adding at the end the following new*
23 *paragraph:*

24 *“(2) APPLICABLE NUMBER OF PERCENTAGE*
25 *POINTS.—For purposes of paragraph (1), the applica-*

3772

1 *ble number of percentage points for a calendar quar-*
2 *ter is the following:*

3 “(A) *For each calendar quarter that occurs*
4 *during the portion of the period described in*
5 *paragraph (1) that ends on March 31, 2023, 6.2*
6 *percentage points.*

7 “(B) *For the calendar quarter that begins*
8 *on April 1, 2023, and ends on June 30, 2023,*
9 *5 percentage points.*

10 “(C) *For the calendar quarter that begins*
11 *on July 1, 2023, and ends on September 30,*
12 *2023, 2.5 percentage points.*

13 “(D) *For the calendar quarter that begins*
14 *on October 1, 2023, and ends on December 31,*
15 *2023, 1.5 percentage points.”;*

16 (2) *in subsection (b)—*

17 (A) *in the matter preceding paragraph (1),*
18 *by striking “subsection (a)” and inserting “sub-*
19 *section (a)(1)”;*

20 (B) *in paragraph (2), by striking “, with*
21 *respect to an individual enrolled under such*
22 *plan (or waiver),”; and*

23 (C) *in paragraph (3)—*

3773

1 (i) *by striking “as of the date of enact-*
2 *ment of this section” and inserting “as of*
3 *March 18, 2020,”;*

4 (ii) *by striking “such date of enact-*
5 *ment” and inserting “March 18, 2020,”;*

6 (iii) *by striking “the last day of the*
7 *month in which the emergency period de-*
8 *scribed in subsection (a) ends” and insert-*
9 *ing “March 31, 2023,”; and*

10 (iv) *by striking “the end of the month*
11 *in which such emergency period ends” and*
12 *inserting “March 31, 2023,”;*

13 (3) *by redesignating the subsection (d) added by*
14 *section 11 of division X of the Consolidated Appro-*
15 *priations Act, 2021 (Public Law 116–260) as sub-*
16 *section (e); and*

17 (4) *by adding at the end the following new sub-*
18 *sections:*

19 “(f) **ELIGIBILITY REDETERMINATIONS DURING TRAN-**
20 **SITION PERIOD.**—

21 “(1) **IN GENERAL.**— *For each calendar quarter*
22 *occurring during the portion of the period described*
23 *in subsection (a)(1) that begins on April 1, 2023, and*
24 *ends on December 31, 2023 (such portion to be re-*
25 *ferred to in this subsection as the ‘transition period’),*

3774

1 *if a State described in such subsection satisfies the*
2 *conditions of subsection (b) and paragraph (2) of this*
3 *subsection, the State shall receive the increase to the*
4 *Federal medical assistance percentage of the State ap-*
5 *plicable under subsection (a). Nothing in this sub-*
6 *section shall be construed as prohibiting a State, fol-*
7 *lowing the expiration of the condition described in*
8 *paragraph (3) of subsection (b), from initiating re-*
9 *newals, post-enrollment verifications, and redeter-*
10 *minations over a 12-month period for all individuals*
11 *who are enrolled in such plan (or waiver) as of April*
12 *1, 2023.*

13 “(2) *CONDITIONS FOR FMAP INCREASE DURING*
14 *TRANSITION PERIOD.—The conditions of this para-*
15 *graph with respect to a State and the transition pe-*
16 *riod are the following:*

17 “(A) *COMPLIANCE WITH FEDERAL RE-*
18 *QUIREMENTS.—The State conducts eligibility re-*
19 *determinations under title XIX of the Social Se-*
20 *curity Act in accordance with all Federal re-*
21 *quirements applicable to such redeterminations,*
22 *including renewal strategies authorized under*
23 *section 1902(e)(14)(A) of the Social Security Act*
24 *(42 U.S.C. 1396a(e)(14)(A)) or other alternative*

3775

1 *processes and procedures approved by the Sec-*
2 *retary of Health and Human Services.*

3 “(B) *MAINTENANCE OF UP-TO-DATE CON-*
4 *TACT INFORMATION.*—*The State, using the Na-*
5 *tional Change of Address Database Maintained*
6 *by the United States Postal Service, State health*
7 *and human services agencies, or other reliable*
8 *sources of contact information, attempts to en-*
9 *sure that it has up-to-date contact information*
10 *(including a mailing address, phone number,*
11 *and email address) for each individual for whom*
12 *the State conducts an eligibility redetermination.*

13 “(C) *REQUIREMENT TO ATTEMPT TO CON-*
14 *TACT BENEFICIARIES PRIOR TO*
15 *DISENROLLMENT.*—*The State does not disenroll*
16 *from the State plan or waiver any individual*
17 *who is determined ineligible for medical assist-*
18 *ance under the State plan or waiver pursuant to*
19 *such a redetermination on the basis of returned*
20 *mail unless the State first undertakes a good*
21 *faith effort to contact the individual using more*
22 *than one modality.*

23 “(g) *APPLICABLE QUARTERS.*—*A State that ceases to*
24 *meet the requirements of subsection (b) or (f) (as applicable)*
25 *shall not qualify for the increase described in subsection (a)*

3776

1 *in the Federal medical assistance percentage for such State*
2 *for the calendar quarter in which the State ceases to meet*
3 *such requirements.”.*

4 *(b) REPORTING AND ENFORCEMENT AND CORRECTIVE*
5 *ACTION.—Section 1902 of the Social Security Act (42*
6 *U.S.C. 1396a) is amended by adding at the end the fol-*
7 *lowing new subsection:*

8 *“(t) REQUIREMENTS RELATING TO TRANSITION FROM*
9 *FAMILIES FIRST CORONAVIRUS RESPONSE ACT FMAP IN-*
10 *CREASE REQUIREMENTS; ENFORCEMENT AND CORRECTIVE*
11 *ACTION.—*

12 *“(1) REPORTING REQUIREMENTS.—For each*
13 *month occurring during the period that begins on*
14 *April 1, 2023, and ends on June 30, 2024, each State*
15 *shall submit to the Secretary, on a timely basis, a re-*
16 *port, that the Secretary shall make publicly available,*
17 *on the activities of the State relating to eligibility re-*
18 *determinations conducted during such period, and*
19 *which include, with respect to the month for which the*
20 *report is submitted, the following information:*

21 *“(A) The number of eligibility renewals ini-*
22 *tiated, beneficiaries renewed on a total and ex*
23 *parte basis, and individuals whose coverage for*
24 *medical assistance, child health assistance, or*
25 *pregnancy-related assistance was terminated.*

3777

1 “(B) *The number of individuals whose cov-*
2 *erage for medical assistance, child health assist-*
3 *ance, or pregnancy-related assistance was so ter-*
4 *minated for procedural reasons.*

5 “(C) *Where applicable, the number of indi-*
6 *viduals who were enrolled in a State child health*
7 *plan or waiver in the form described in para-*
8 *graph (1) of section 2101(a).*

9 “(D) *Unless the Administrator of the Cen-*
10 *ters for Medicare & Medicaid Services reports*
11 *such information on behalf of the State:*

12 “(i) *In a State with a Federal or State*
13 *American Health Benefit Exchange estab-*
14 *lished under title I of the Patient Protection*
15 *and Affordable Care Act in which the sys-*
16 *tems used to determine eligibility for assist-*
17 *ance under this title or title XXI are not in-*
18 *tegrated with the systems used to determine*
19 *eligibility for coverage under a qualified*
20 *health plan with advance payment under*
21 *section 1412(a) of the Patient Protection*
22 *and Affordable Care Act of any premium*
23 *tax credit allowed under section 36B of the*
24 *Internal Revenue Code of 1986—*

3778

1 “(I) the number of individuals
2 whose accounts were received via secure
3 electronic transfer by the Federal or
4 State American Health Benefit Ex-
5 change, or a basic health program es-
6 tablished under section 1331 of the Pa-
7 tient Protection and Affordable Care
8 Act;

9 “(II) the number of individuals
10 identified in subclause (I) who were
11 determined eligible for a qualified
12 health plan, as defined in section
13 1301(a)(1) of the Patient Protection
14 and Affordable Care Act, or (if appli-
15 cable) the basic health program estab-
16 lished under section 1331 of such Act;
17 and

18 “(III) the number of individuals
19 identified in subclause (II) who made
20 a qualified health plan selection or
21 were enrolled in a basic health pro-
22 gram plan (if applicable).

23 “(ii) In a State with a State American
24 Health Benefit Exchange established under
25 title I of the Patient Protection and Afford-

3779

1 *able Care Act in which the systems used to*
2 *determine eligibility for assistance under*
3 *this title or title XXI are integrated with*
4 *the systems used to determine eligibility for*
5 *coverage under a qualified health plan with*
6 *advance payment under section 1412(a) of*
7 *the Patient Protection and Affordable Care*
8 *Act of any premium tax credit allowed*
9 *under section 36B of the Internal Revenue*
10 *Code of 1986—*

11 *“(I) the number of individuals*
12 *who were determined eligible for a*
13 *qualified health plan, as defined in sec-*
14 *tion 1301(a)(1) of the Patient Protec-*
15 *tion and Affordable Care Act, or (if*
16 *applicable) the basic health program*
17 *established under section 1331 of such*
18 *Act; and*

19 *“(II) the number of individuals*
20 *identified in subclause (I) who made a*
21 *qualified health plan selection or were*
22 *enrolled in a basic health program*
23 *plan (if applicable).*

24 *“(E) The total call center volume, average*
25 *wait times, and average abandonment rate (as*

3780

1 *determined by the Secretary) for each call center*
2 *of the State agency responsible for administering*
3 *the State plan under this title (or a waiver of*
4 *such plan) during such month.*

5 “(F) *Such other information related to eli-*
6 *gibility redeterminations and renewals during*
7 *the period described in paragraph (1), as identi-*
8 *fied by the Secretary.*

9 “(2) *ENFORCEMENT AND CORRECTIVE ACTION.—*

10 “(A) *IN GENERAL.—For each fiscal quarter*
11 *that occurs during the period that begins on July*
12 *1, 2023, and ends on June 30, 2024, if a State*
13 *does not satisfy the requirements of paragraph*
14 *(1), the Federal medical assistance percentage*
15 *determined for the State for the quarter under*
16 *section 1905(b) shall be reduced by the number*
17 *of percentage points (not to exceed 1 percentage*
18 *point) equal to the product of 0.25 percentage*
19 *points and the number of fiscal quarters during*
20 *such period for which the State has failed to sat-*
21 *isfy such requirements.*

22 “(B) *CORRECTIVE ACTION PLAN; ADDI-*
23 *TIONAL AUTHORITY.—*

24 “(i) *IN GENERAL.—The Secretary may*
25 *assess a State’s compliance with all Federal*

3781

1 *requirements applicable to eligibility rede-*
2 *terminations and the reporting require-*
3 *ments described in paragraph (1), and, if*
4 *the Secretary determines that a State did*
5 *not comply with any such requirements*
6 *during the period that begins on April 1,*
7 *2023, and ends on June 30, 2024, the Sec-*
8 *retary may require the State to submit and*
9 *implement a corrective action plan in ac-*
10 *cordance with clause (ii).*

11 “(ii) *CORRECTIVE ACTION PLAN.*—A
12 *State that receives a written notice from the*
13 *Secretary that the Secretary has determined*
14 *that the State is not in compliance with a*
15 *requirement described in clause (i) shall—*

16 “(I) *not later than 14 days after*
17 *receiving such notice, submit a correc-*
18 *tive action plan to the Secretary;*

19 “(II) *not later than 21 days after*
20 *the date on which such corrective ac-*
21 *tion plan is submitted to the Secretary,*
22 *receive approval for the plan from the*
23 *Secretary; and*

3782

1 “(III) begin implementation of
2 such corrective action plan not later
3 than 14 days after such approval.

4 “(iii) *EFFECT OF FAILURE TO SUBMIT*
5 *OR IMPLEMENT A CORRECTIVE ACTION*
6 *PLAN.—If a State fails to submit or imple-*
7 *ment an approved corrective action plan in*
8 *accordance with clause (ii), the Secretary*
9 *may, in addition to any reduction applied*
10 *under subparagraph (A) to the Federal*
11 *medical assistance percentage determined*
12 *for the State and any other remedy avail-*
13 *able to the Secretary for the purpose of car-*
14 *rying out this title, require the State to sus-*
15 *pend making all or some terminations of*
16 *eligibility for medical assistance from the*
17 *State plan under this title (including any*
18 *waiver of such plan) that are for procedural*
19 *reasons until the State takes appropriate*
20 *corrective action, as determined by the Sec-*
21 *retary, and may impose a civil money pen-*
22 *alty of not more than \$100,000 for each day*
23 *a State is not in compliance.”.*

24 (c) *EFFECTIVE DATE.—The amendments made by this*
25 *section take effect on April 1, 2023.*

3783

1 ***Subtitle E—Medicaid Improvement***
2 ***Fund***

3 ***SEC. 5141. MEDICAID IMPROVEMENT FUND.***

4 *Section 1941(b)(3)(A) of the Social Security Act (42*
5 *U.S.C. 1396w–1(b)(3)(A)) is amended by striking “for fis-*
6 *cal year 2025 and thereafter, \$0” and inserting “for fiscal*
7 *year 2028 and thereafter, \$7,000,000,000”.*

8 ***TITLE VI—HUMAN SERVICES***

9 ***SEC. 6101. JACKIE WALORSKI MATERNAL AND CHILD HOME***
10 ***VISITING REAUTHORIZATION ACT OF 2022.***

11 *(a) SHORT TITLE.—This section may be cited as the*
12 *“Jackie Walorski Maternal and Child Home Visiting Reau-*
13 *thorization Act of 2022”.*

14 *(b) OUTCOMES DASHBOARD.—Section 511(d)(1) of the*
15 *Social Security Act (42 U.S.C. 711(d)(1)) is amended—*

16 *(1) in the paragraph heading, by striking*
17 *“BENCHMARK AREAS” and inserting “BENCHMARK*
18 *AREAS RELATED TO INDIVIDUAL FAMILY OUTCOMES”;*

19 *(2) in subparagraph (D)(i), by striking “(B)”*
20 *and inserting “(C)”;* and

21 *(3) by redesignating subparagraphs (B) through*
22 *(D) as subparagraphs (C) through (E), respectively,*
23 *and inserting after subparagraph (A) the following:*

24 *“(B) OUTCOMES DASHBOARDS.—The Sec-*
25 *retary shall, directly or by grant or contract, es-*

3784

1 *tablish and operate a website accessible to the*
2 *public that includes an annually updated dash-*
3 *board that—*

4 “(i) *provides easy-to-understand infor-*
5 *mation on the outcomes achieved by each el-*
6 *igible entity with respect to each of the*
7 *benchmarks described in subparagraph (A)*
8 *of this paragraph that apply to the eligible*
9 *entity, which shall be based on only the*
10 *data elements or types of data collected be-*
11 *fore the date of the enactment of this section*
12 *unless administering agencies and the Sec-*
13 *retary agree pursuant to subsection (h)(6)*
14 *that additional data is required;*

15 “(ii) *includes a template provided by*
16 *the Secretary that will enable comparison*
17 *among eligible entities not referred to in*
18 *subsection (k)(2)(A) of—*

19 “(I) *a profile of each eligible enti-*
20 *ty showing outcome indicators and*
21 *how the outcomes compare to bench-*
22 *marks described in subclause (II);*

23 “(II) *information on the outcome*
24 *indicators and requisite outcome levels*
25 *established for each eligible entity;*

† **HR 2617 EAS2**

3785

1 “(III) information on each model
2 employed in the program operated by
3 each eligible entity, and regarding each
4 benchmark area described in subsection
5 (d)(1)(A) in which the model used by
6 the eligible entity is expected to affect
7 participant outcomes;

8 “(IV) the most recently available
9 information from the report required
10 by subparagraph (E) of this para-
11 graph;

12 “(V) an electronic link to the
13 State needs assessment under sub-
14 section (b)(1); and

15 “(VI) information regarding any
16 penalty imposed, or other corrective ac-
17 tion taken, by the Secretary against a
18 State for failing to achieve a requisite
19 outcome level or any other requirement
20 imposed by or under this section, and
21 an indication as to whether the eligible
22 entity is operating under a corrective
23 action plan under subparagraph
24 (E)(ii) of this paragraph, and if so, a
25 link to the plan, an explanation of the

3786

1 *reason for the implementation of the*
2 *plan, and a report on any progress*
3 *made in operating under the plan;*

4 “(iii) includes information relating to
5 *those eligible entities for which funding is*
6 *reserved under subsection (k)(2)(A), with*
7 *modifications as necessary to reflect tribal*
8 *sovereignty, data privacy, and participant*
9 *confidentiality; and*
10 “(iv) protects data privacy and con-
11 *fidentiality of participant families.”.*

12 (c) *FUNDING.—*

13 (1) *GRANT AMOUNTS.—*

14 (A) *IN GENERAL.—Section 511(c)(4) of the*
15 *Social Security Act (42 U.S.C. 711(c)(4)) is*
16 *amended to read as follows:*

17 “(4) *GRANT AMOUNTS.—*

18 “(A) *BASE GRANTS.—*

19 “(i) *IN GENERAL.—*

20 “(I) *GENERAL RULE.—With re-*
21 *spect to each of fiscal years 2023*
22 *through 2027 for which an eligible en-*
23 *tity not referred to in subsection*
24 *(k)(2)(A) is awarded a base grant*
25 *under this section, the amount of the*

3787

1 *grant payable to the eligible entity for*
2 *the fiscal year is the amount described*
3 *by clause (ii) of this subparagraph*
4 *with respect to the eligible entity, ex-*
5 *cept as provided in subclause (II) of*
6 *this clause.*

7 “(II) *SUBSTITUTION OF SUC-*
8 *CESSOR ELIGIBLE ENTITY FOR PREDE-*
9 *CESSOR.—If the 1st fiscal year for*
10 *which an eligible entity is awarded a*
11 *base grant under this section for a pro-*
12 *gram operated in a State is among fis-*
13 *cal years 2024 through 2027, the*
14 *amount described by clause (ii) with*
15 *respect to the eligible entity is the*
16 *amount of the base grant for which a*
17 *program operated in the State was eli-*
18 *gible under this subparagraph for fis-*
19 *cal year 2023.*

20 “(ii) *AMOUNT DESCRIBED.—*

21 “(I) *GENERAL RULE.—Subject to*
22 *the succeeding provisions of this clause,*
23 *the amount described by this clause*
24 *with respect to an eligible entity is—*

3788

1 “(aa) the amount made
2 available under subsection (k) for
3 base grants for fiscal year 2023
4 that remains after making the res-
5 ervations required by subsection
6 (k)(2) or any other reductions re-
7 quired by Federal law for fiscal
8 year 2023; multiplied by

9 “(bb) the percentage of chil-
10 dren in all States who have not
11 attained 5 years of age (as deter-
12 mined by the Secretary on the
13 basis of the data most recently
14 available before fiscal year 2023)
15 that is represented by the number
16 of such children in the State in
17 which the eligible entity is oper-
18 ating a program pursuant to this
19 section (as so determined).

20 “(II) ADJUSTMENTS TO ENSURE
21 STABLE FUNDING.—If the amount oth-
22 erwise payable to an eligible entity
23 under subclause (I) for fiscal year 2023
24 is less than 90 percent, or greater than
25 110 percent, of the amount payable

3789

1 *under this section to the eligible entity*
2 *for the program for fiscal year 2021,*
3 *the Secretary shall increase the amount*
4 *otherwise so payable to 90 percent, or*
5 *decrease the amount otherwise so pay-*
6 *able to 110 percent, as the case may be,*
7 *of the amount otherwise so payable.*

8 “(III) *ADJUSTMENT TO ENSURE*
9 *ALL BASE GRANT FUNDS ARE ALLO-*
10 *CATED.—If the amount described by*
11 *subclause (I)(aa) is different than the*
12 *total of the amounts otherwise de-*
13 *scribed by subclause (I) after applying*
14 *subclause (II), the Secretary shall in-*
15 *crease or decrease the amounts other-*
16 *wise so described after applying sub-*
17 *clause (II) by such equal percentage as*
18 *is necessary to reduce that difference to*
19 *zero.*

20 “(IV) *MINIMUM BASE GRANT*
21 *AMOUNT.—Notwithstanding the pre-*
22 *ceding provisions of this clause, the*
23 *amount described by this clause with*
24 *respect to an eligible entity shall be not*
25 *less than \$1,000,000.*

3790

1 “(B) *MATCHING GRANTS.*—

2 “(i) *AMOUNT OF GRANT.*—

3 “(I) *GENERAL RULE.*—*With re-*
4 *spect to each of fiscal years 2024*
5 *through 2027 for which an eligible en-*
6 *tity not referred to in subsection*
7 *(k)(2)(A) is awarded a grant under*
8 *this section, the Secretary shall in-*
9 *crease the amount of the grant payable*
10 *to the eligible entity for the fiscal year*
11 *under subparagraph (A) of this para-*
12 *graph by the matching amount (if*
13 *any) determined under subclause (II)*
14 *of this clause with respect to the eligi-*
15 *ble entity for the fiscal year and the*
16 *additional matching amount (if any)*
17 *determined under clause (iii) of this*
18 *subparagraph with respect to the eligi-*
19 *ble entity for the fiscal year.*

20 “(II) *MATCHING AMOUNT.*—

21 “(aa) *IN GENERAL.*—*Subject*
22 *to item (bb) of this subclause, the*
23 *matching amount with respect to*
24 *an eligible entity for a fiscal year*
25 *is 75 percent of the sum of—*

† **HR 2617 EAS2**

3791

1 “(AA) the total amount
2 obligated by the eligible enti-
3 ty for home visiting services
4 in the State for the fiscal
5 year, from Federal funds
6 made available for the fiscal
7 year under this subpara-
8 graph; and

9 “(BB) the total amount
10 so obligated by the eligible
11 entity from non-Federal
12 funds, determined under sub-
13 clause (III).

14 “(bb) LIMITATION.—The
15 matching amount with respect to
16 an eligible entity for a fiscal year
17 shall not exceed the allotment
18 under subclause (IV) for the State
19 in which the eligible entity is op-
20 erating a program under this sec-
21 tion for the fiscal year.

22 “(III) DETERMINATION OF OBLI-
23 GATIONS FROM NON-FEDERAL
24 FUNDS.—For purposes of this clause,
25 the total amount obligated by an eligi-

3792

1 *ble entity from non-Federal funds is*
2 *the total of the amounts that are obli-*
3 *gated by the eligible entity from non-*
4 *Federal sources, to the extent that—*

5 *“(aa) the services are deliv-*
6 *ered in compliance with sub-*
7 *sections (d)(2) and (d)(3);*

8 *“(bb) the eligible entity has*
9 *reported the obligations to the*
10 *Secretary; and*

11 *“(cc) the amount is not*
12 *counted toward meeting the main-*
13 *tenance of effort requirement in*
14 *subsection (f).*

15 *“(IV) STATE ALLOTMENTS.—The*
16 *amount allotted under this subclause*
17 *for a State in which an eligible entity*
18 *is operating a program under this sec-*
19 *tion for a fiscal year is—*

20 *“(aa) the minimum match-*
21 *ing grant allocation amount for*
22 *the fiscal year; plus*

23 *“(bb)(AA) the amount (if*
24 *any) by which the amount made*
25 *available under subsection (k) for*

† HR 2617 EAS2

3793

1 *matching grants for the fiscal*
2 *year that remains after making*
3 *the reservations required by sub-*
4 *section (k)(2) or any other reduc-*
5 *tion required by Federal law for*
6 *the fiscal year exceeds the sum of*
7 *the minimum matching grant al-*
8 *location amounts for all eligible*
9 *entities for the fiscal year; multi-*
10 *plied by*

11 *“(BB) the percentage of chil-*
12 *dren in all States who have not*
13 *attained 5 years of age and are*
14 *members of families with income*
15 *not exceeding the poverty line (as*
16 *determined by the Secretary on*
17 *the basis of the most recently*
18 *available data) that is represented*
19 *by the number of such children in*
20 *the State (as so determined).*

21 *“(V) MINIMUM MATCHING GRANT*
22 *ALLOCATION AMOUNT.—Subject to sub-*
23 *clause (VI), for purposes of subclause*
24 *(IV), the minimum matching grant al-*
25 *location amount for a fiscal year is—*

† HR 2617 EAS2

3794

1 “(aa) in the case of fiscal
2 year 2024, \$776,000;

3 “(bb) in the case of fiscal
4 year 2025, \$1,000,000;

5 “(cc) in the case of fiscal
6 year 2026, \$1,500,000; and

7 “(dd) in the case of fiscal
8 year 2027, \$2,000,000.

9 “(VI) SPECIAL RULE.—If, after
10 making any reductions otherwise re-
11 quired by law for a fiscal year, the
12 amount made available for matching
13 grants under this clause for the fiscal
14 year is insufficient to provide the min-
15 imum matching grant allocation
16 amount to each eligible entity oper-
17 ating a program under this section for
18 the fiscal year, the Secretary may
19 make a proportionate adjustment to
20 the minimum matching grant alloca-
21 tion amount for the fiscal year to ac-
22 commodate the reductions.

23 “(ii) SUBMISSION OF STATEMENT EX-
24 PRESSING INTEREST IN ADDITIONAL MATCH-
25 ING FUNDS IF AVAILABLE.—Before the be-

3795

1 *ginning of a fiscal year for which an eligi-*
2 *ble entity desires a matching grant under*
3 *this subparagraph for a program operated*
4 *under this section, the eligible entity shall*
5 *submit to the Secretary a statement as to*
6 *whether the eligible entity desires additional*
7 *matching grant funds that may be made*
8 *available under clause (iii) for the fiscal*
9 *year.*

10 “(iii) *CARRYOVER AND REALLOCATION*
11 *OF UNOBLIGATED FUNDS.—*

12 “(I) *IN GENERAL.—If the Sec-*
13 *retary determines that an amount al-*
14 *lotted under clause (i)(IV) of this sub-*
15 *paragraph for a fiscal year will not be*
16 *awarded during the fiscal year, or that*
17 *an amount made available under sub-*
18 *section (k)(1) for a fiscal year for*
19 *matching grants will not be obligated*
20 *by an eligible entity for the fiscal year,*
21 *the amount shall be available for*
22 *matching grants under this subpara-*
23 *graph for the succeeding fiscal year for*
24 *eligible entities that have made submis-*
25 *sions under clause (ii) of this subpara-*

† HR 2617 EAS2

3796

1 *graph for additional matching grant*
2 *funds from the amount.*

3 “(II) *STATE ALLOTMENTS.*—*The*
4 *Secretary shall allot to each eligible en-*
5 *tity that has made such a submission*
6 *for a fiscal year—*

7 *“(aa) the total amount (if*
8 *any) made available under sub-*
9 *clause (I) for the fiscal year; mul-*
10 *tiplied by*

11 *“(bb) the percentage of chil-*
12 *dren who have not attained 5*
13 *years of age and are members of*
14 *families with income not exceed-*
15 *ing the poverty line (as deter-*
16 *mined by the Secretary on the*
17 *basis of the most recently avail-*
18 *able data) in all of the States in*
19 *which any eligible entity that has*
20 *made such a submission is so op-*
21 *erating a program, that is rep-*
22 *resented by the number of such*
23 *children in the State (as so deter-*
24 *mined) in which the eligible enti-*
25 *ty is operating such a program.*

3797

1 “(III) *ADDITIONAL MATCHING*
2 *AMOUNT.*—

3 “(aa) *IN GENERAL.*—*Subject*
4 *to item (bb) of this subclause, the*
5 *additional matching amount with*
6 *respect to an eligible entity for a*
7 *fiscal year is 75 percent of the*
8 *sum of—*

9 “(AA) *the total amount*
10 *obligated by the eligible enti-*
11 *ty for home visiting services*
12 *in the State for the fiscal*
13 *year, from Federal funds*
14 *made available for the fiscal*
15 *year under this subpara-*
16 *graph; and*

17 “(BB) *the total amount*
18 *so obligated by the eligible*
19 *entity from non-Federal*
20 *funds, determined under*
21 *clause (i)(III),*
22 *that are not taken into account in*
23 *determining the matching amount*
24 *with respect to the eligible entity*
25 *under clause (i).*

3798

1 “(bb) *LIMITATION.*—*The ad-*
2 *ditional matching amount with*
3 *respect to an eligible entity for a*
4 *fiscal year shall not exceed the al-*
5 *lotment under subclause (II) for*
6 *the State in which the eligible en-*
7 *tity is operating a program under*
8 *this section for the fiscal year.*”.

9 (B) *MAINTENANCE OF EFFORT.*—*Section*
10 *511(f) of such Act (42 U.S.C. 711) is amended*
11 *to read as follows:*

12 “(f) *MAINTENANCE OF EFFORT.*—

13 “(1) *IN GENERAL.*—*Notwithstanding any other*
14 *provision of this section, the Secretary may not make*
15 *a grant to an eligible entity under this section for a*
16 *fiscal year if the total amount of non-Federal funds*
17 *obligated by the eligible entity in the State in the fis-*
18 *cal year for a program operated pursuant to this sec-*
19 *tion is less than the total amount of non-Federal*
20 *funds reported to have been expended by any eligible*
21 *entity for such a program in the State in fiscal year*
22 *2019 or 2021, whichever is the lesser.*

23 “(2) *PUBLICATION OF AMOUNTS.*—*Not later than*
24 *June 30, 2023, the Secretary shall cause to have pub-*
25 *lished in the Federal Register the amount of non-Fed-*

3799

1 *eral funds expended as described in this section that*
2 *has been reported by each eligible entity not referred*
3 *to in subsection (k)(2)(A) for each of fiscal years 2019*
4 *and 2021.*

5 *“(3) GRACE PERIOD.—The Secretary may, in ex-*
6 *ceptional circumstances, allow an eligible entity a pe-*
7 *riod to come into compliance with this subsection.*
8 *The Secretary shall provide technical assistance to*
9 *any eligible entity to assist the entity in doing so.”.*

10 *(2) RESERVATIONS OF FUNDS FOR CERTAIN PUR-*
11 *POSES.—Section 511(j)(2) of such Act (42 U.S.C.*
12 *711(j)(2)) is amended—*

13 *(A) in the matter preceding subparagraph*
14 *(A), by striking “the amount” and inserting*
15 *“each amount made available for base grants*
16 *and each amount made available for matching*
17 *grants”;*

18 *(B) in subparagraph (A)—*

19 *(i) by striking “3” and inserting “6”;*

20 *(ii) by inserting “and administering”*
21 *before “grants”; and*

22 *(iii) by striking “and” at the end; and*

23 *(C) by striking subparagraph (B) and in-*
24 *serting the following:*

3800

1 “(B) 2 percent of such amount for purposes
2 of providing technical assistance, directly or
3 through grants or contracts—

4 “(i) for purposes as otherwise described
5 in subsections (c)(5), (d)(1)(C)(iii),
6 (d)(1)(E)(iii), and (d)(4)(E); and

7 “(ii) to entities referred to in subpara-
8 graph (A) of this paragraph;

9 “(C) 2 percent of such amount for purposes
10 of the provision of workforce support, retention,
11 and case management, including workforce-re-
12 lated technical assistance, to eligible entities, re-
13 search and evaluation, and program administra-
14 tion, directly or through grants or contracts, of
15 which the Secretary shall use not more than
16 \$1,500,000 to establish and operate the Jackie
17 Walorski Center for Evidence-Based Case Man-
18 agement; and

19 “(D) 3 percent of such amount for purposes
20 of research and evaluation (directly or through
21 grants or contracts), and for administering this
22 section (directly, through contracts, or other-
23 wise).”.

24 (3) APPROPRIATIONS.—

3801

1 (A) *IN GENERAL.*—Section 511(j)(1) of the
2 *Social Security Act* (42 U.S.C. 711(j)(1)) is
3 amended by striking subparagraphs (A) through
4 (H) and inserting the following:

5 “(A) for fiscal year 2023, \$500,000,000 for
6 base grants;

7 “(B) for fiscal year 2024, \$550,000,000, of
8 which \$500,000,000 shall be for base grants and
9 \$50,000,000 shall be for matching grants;

10 “(C) for fiscal year 2025, \$600,000,000, of
11 which \$500,000,000 shall be for base grants and
12 \$100,000,000 shall be for matching grants;

13 “(D) for fiscal year 2026, \$650,000,000, of
14 which \$500,000,000 shall be for base grants and
15 \$150,000,000 shall be for matching grants; and

16 “(E) for fiscal year 2027, \$800,000,000, of
17 which \$500,000,000 shall be for base grants and
18 \$300,000,000 shall be for matching grants.”.

19 (B) *SPECIAL RULE.*—Obligations and ex-
20 penditures made pursuant to section 201 of divi-
21 sion D of the Continuing Appropriations and
22 Ukraine Supplemental Appropriations Act, 2023
23 (Public Law 117–180) and section 201 of divi-
24 sion C of the Further Continuing Appropriations
25 and Extensions Act, 2023 shall be charged to the

3802

1 *appropriation made by section 511(j)(1)(A) of*
2 *the Social Security Act for fiscal year 2023 (as*
3 *added by subparagraph (A) of this paragraph).*

4 *(C) REPEAL.—Section 201 of title II of di-*
5 *vision D of Public Law 117–180 and section 201*
6 *of division C of the Further Continuing Appro-*
7 *priations and Extensions Act, 2023 are hereby*
8 *repealed.*

9 *(4) DISPOSITION OF EXCESS FUNDS RESERVED*
10 *FOR RESEARCH, EVALUATION, AND ADMINISTRA-*
11 *TION.—Section 511(j) of the Social Security Act (42*
12 *U.S.C. 711(j)) is amended by adding at the end the*
13 *following:*

14 *“(5) DISPOSITION OF EXCESS FUNDS RESERVED*
15 *FOR RESEARCH, EVALUATION, AND ADMINISTRA-*
16 *TION.—To the extent that the amounts reserved under*
17 *paragraph (2)(D) for a fiscal year are not obligated*
18 *in the fiscal year, the Secretary may use the funds for*
19 *any purpose described in this section or to offset any*
20 *reduction with respect to this section that is required*
21 *by Federal law.”.*

22 *(d) REQUIREMENT THAT HOME VISITING PROGRAMS*
23 *BE TARGETED AND INTENSIVE.—Section 511(d)(3) of the*
24 *Social Security Act (42 U.S.C. 711(d)(3)) is amended by*

3803

1 *redesignating subparagraph (B) as subparagraph (C) and*
2 *inserting after subparagraph (A) the following:*

3 “(B) *USE OF GRANT TO PROVIDE OR SUP-*
4 *PORT TARGETED, INTENSIVE HOME VISITING*
5 *SERVICES.—The program uses the grant to pro-*
6 *vide or support targeted, intensive home visiting*
7 *services for the populations described in para-*
8 *graph (5).”.*

9 (e) *LIMITATION ON USE OF FUNDS FOR ADMINISTRA-*
10 *TION.—*

11 (1) *IN GENERAL.—Section 511(d) of the Social*
12 *Security Act (42 U.S.C. 711(d)) is amended by add-*
13 *ing at the end the following:*

14 “(5) *LIMITATION ON USE OF FUNDS FOR ADMIN-*
15 *ISTRATIVE COSTS.—*

16 “(A) *IN GENERAL.—Except as provided in*
17 *subparagraph (B) of this paragraph, an eligible*
18 *entity to which funds are provided under sub-*
19 *section (c) or (h)(2)(B) shall not use more than*
20 *10 percent of the funds to cover the costs of ad-*
21 *ministration.*

22 “(B) *AUTHORITY TO GRANT EXCEPTIONS.—*

23 “(i) *IN GENERAL.—The Secretary may*
24 *authorize an eligible entity that meets a*
25 *condition of clause (ii) of this subparagraph*

3804

1 to exceed the percentage limitation in sub-
2 paragraph (A) with respect to a program
3 conducted under this subsection by not more
4 than 5 percentage points, subject to such
5 terms and conditions as the Secretary deems
6 appropriate.

7 “(ii) *CONDITIONS.*—An eligible entity
8 meets a condition of this clause if the eligi-
9 ble entity—

10 “(I) conducts the program by di-
11 rectly providing home visits to eligible
12 families and without a sub-recipient;

13 “(II) in the fiscal year for which
14 the grant for the program is made
15 under this section, proposes to expand
16 services in 1 or more communities
17 identified in the statewide needs assess-
18 ment under subsection (b) and in
19 which home visiting services are not
20 provided; or

21 “(III) has conducted the program
22 for fewer than 3 years.”.

23 (2) *CONFORMING AMENDMENTS.*—Section
24 511(i)(2) of such Act (42 U.S.C. 711(i)(2)) is amend-
25 ed by striking subparagraph (C) and redesignating

† HR 2617 EAS2

3805

1 subparagraphs (D) through (G) as subparagraphs (C)
2 through (F), respectively.

3 (f) *ANNUAL REPORT TO CONGRESS.*—

4 (1) *IN GENERAL.*—Section 511 of the Social Se-
5 curity Act (42 U.S.C. 711) is amended by redesign-
6 nating subsections (j) and (k) as subsections (k) and
7 (l), respectively, and inserting after subsection (i) the
8 following:

9 “(j) *ANNUAL REPORT TO CONGRESS.*—By December
10 31, 2023, and annually thereafter, the Secretary shall sub-
11 mit to the Congress a written report on the grants made
12 under this section for the then preceding fiscal year, which
13 shall include—

14 “(1) an eligible entity-by-eligible entity sum-
15 mary of the outcomes measured by the entity with re-
16 spect to each benchmark described in subsection (e)(5)
17 that apply to the entity;

18 “(2) information regarding any technical assist-
19 ance funded under subparagraph (B) or (C) of sub-
20 section (k)(2), including the type of any such assist-
21 ance provided;

22 “(3) information on the demographic makeup of
23 families served by each such entity to the extent pos-
24 sible while respecting participant confidentiality, in-
25 cluding race, ethnicity, educational attainment at en-

3806

1 *rollment, household income, and other demographic*
2 *markers as determined by the Secretary;*

3 *“(4) the information described in subsection*
4 *(d)(1)(E);*

5 *“(5) the estimated share of the eligible popu-*
6 *lation served using grants made under this section;*

7 *“(6) a description of each service delivery model*
8 *funded under this section by the eligible entities in*
9 *each State, and the share (if any) of the grants ex-*
10 *pended on each model;*

11 *“(7) a description of non-Federal expenditures*
12 *by eligible entities to qualify for matching funds*
13 *under subsection (c)(4);*

14 *“(8) information on the uses of funds reserved*
15 *under subsection (k)(2)(C);*

16 *“(9) information relating to those eligible enti-*
17 *ties for which funding is reserved under subsection*
18 *(k)(2)(A), with modifications as necessary to reflect*
19 *tribal data sovereignty, data privacy, and partici-*
20 *pant confidentiality; and*

21 *“(10) a list of data elements collected from eligi-*
22 *ble entities, and the purpose of each data element in*
23 *measuring performance or enforcing requirements*
24 *under this section.”.*

25 *(2) CONFORMING AMENDMENTS.—*

3807

1 (A) *Section 511 of such Act (42 U.S.C. 711)*

2 *is amended—*

3 (i) *in subsection (b)(1)(B)(iii), by*

4 *striking “(k)(2)” and inserting “(l)(2)”;*

5 *and*

6 (ii) *in subsection (h)(2)(B)—*

7 (I) *by striking “(j)” and inserting*

8 *“(k)”;* *and*

9 (II) *by striking “(k)(1)(B)” and*

10 *inserting “(l)(1)(B)”.*

11 (B) *Section 511A(c) of such Act (42 U.S.C.*

12 *711a(c)) is amended in each of paragraphs (5)*

13 *and (7) by striking “511(k)(2)” and inserting*

14 *“511(l)(2)”.*

15 (g) *REDUCTION OF ADMINISTRATIVE BURDEN.—Sec-*

16 *tion 511(h) of the Social Security Act (42 U.S.C. 711(h))*

17 *is amended by adding at the end the following:*

18 “(6) *REDUCTION OF ADMINISTRATIVE BURDEN.—*

19 “(A) *IN GENERAL.—The Secretary shall re-*

20 *duce the burden, on States and public and pri-*

21 *ivate implementing agencies at the local level, of*

22 *administering this section, by—*

23 “(i) *reviewing and revising adminis-*

24 *trative data collection instruments and*

25 *forms to eliminate duplication and stream-*

3808

1 *line reporting requirements for States, eligi-*
2 *ble entities referred to in subsection*
3 *(k)(2)(A), and nonprofit organizations re-*
4 *ferred to in subsection (l)(1)(B), including*
5 *timelines for submitting reports;*

6 “(ii) conducting an analysis of the
7 total number of hours reported by admin-
8 istering agencies on complying with paper-
9 work requirements, and exploring, in con-
10 sultation with administering agencies, ways
11 to reduce the number of hours spent by at
12 least 15 percent;

13 “(iii) conducting a review of paper-
14 work and data collection requirements for
15 tribal grantees, and exploring, in consulta-
16 tion with tribes and tribal organizations,
17 ways to reduce administrative burden, re-
18 spect sovereignty, and acknowledge the dif-
19 ferent focus points for tribal grantees;

20 “(iv) collecting input from relevant
21 State fiscal officials to align fiscal require-
22 ments and oversight for States and eligible
23 entities to ensure consistency with stand-
24 ards and guidelines for other Federal for-
25 mula grant programs; and

† HR 2617 EAS2

3809

1 “(v) consulting with administering
2 agencies and service delivery model rep-
3 resentatives on needed and unneeded data
4 elements regarding the dashboards provided
5 for in subsection (d)(1)(B), consistent with
6 the data requirements of such subsection.

7 “(B) FINDINGS ON PAPERWORK REDUC-
8 TION.—

9 “(i) INCLUSION IN REPORT.—In the 1st
10 report submitted pursuant to subsection (j)
11 more than 18 months after the date of the
12 enactment of this Act, the Secretary shall
13 include the findings of the Secretary with
14 respect to the matters described in subpara-
15 graph (A).

16 “(ii) IMPLEMENTATION.—Within 2
17 years after complying with clause (i), the
18 Secretary shall implement the findings re-
19 ferred to in clause (i).”.

20 (h) VIRTUAL HOME VISITING AUTHORIZATION AND
21 RESTRICTIONS.—

22 (1) VIRTUAL HOME VISITS.—

23 (A) APPLICATION REQUIREMENTS.—Section
24 511(e) of the Social Security Act (42 U.S.C.
25 711(e)) is amended by redesignating paragraph

3810

1 *(10) as paragraph (11) and inserting after para-*
2 *graph (9) the following:*

3 *“(10) At the option of the eligible entity—*

4 *“(A) a description of any limitations or*
5 *constraints on virtual home visits under the pro-*
6 *gram, including—*

7 *“(i) a description of the plan of the eli-*
8 *gible entity to encourage in-person home*
9 *visits; and*

10 *“(ii) a description of the consider-*
11 *ations to be used in determining when a*
12 *virtual home visit is appropriate, including*
13 *client consent, client preference, geographic*
14 *limitations, model fidelity, and hazardous*
15 *conditions including public health emer-*
16 *gencies, weather events, health concerns for*
17 *home visitors and client families, and other*
18 *local issues;*

19 *“(B) an assurance that—*

20 *“(i) the virtual home visit is imple-*
21 *mented as a model enhancement; or*

22 *“(ii) the Secretary has identified the*
23 *home visit as part of an effective model or*
24 *model adaptation, based on an evidence of*
25 *effectiveness review conducted using the cri-*

3811

1 *teria established under subsection*
2 *(d)(3)(A)(iii); and*

3 *“(C) an assurance to the Secretary that at*
4 *least 1 in-person home visit shall be conducted*
5 *for each client family under the program during*
6 *the 12-month period that begins with the entry*
7 *of the client family into the program, and dur-*
8 *ing each succeeding 12-month period, except that*
9 *any such period in which a public health emer-*
10 *gency declared under Federal law, or under the*
11 *law of the State in which the program is con-*
12 *ducted, is in effect shall be extended by the length*
13 *of time in which the declaration is in effect.”.*

14 *(B) APPLICABLE RULES.—Section 511(d) of*
15 *such Act (42 U.S.C. 711(d)) is amended by re-*
16 *designating paragraph (4) and paragraph (5)*
17 *(as added by subsection (e)(1) of this section) as*
18 *paragraphs (5) and (6), respectively, and insert-*
19 *ing after paragraph (3) the following:*

20 *“(4) VIRTUAL HOME VISITS.—*

21 *“(A) IN GENERAL.—A virtual home visit*
22 *conducted under the program shall be considered*
23 *a home visit for purposes of this section if the*
24 *application for funding of the program sub-*
25 *mitted pursuant to this section most recently*

3812

1 *after the effective date of this paragraph includes*
2 *the material described in subsection (e)(10).*

3 “(B) *STANDARDS FOR TRAINING APPLICA-*
4 *BLE TO VIRTUAL SERVICE DELIVERY.—The*
5 *standards for training requirements applicable*
6 *to virtual service delivery under a home visiting*
7 *model shall be equivalent to those that apply to*
8 *in-person service delivery under the model.*

9 “(C) *REPORTING REQUIREMENT.—A grant*
10 *made under this section for the program may*
11 *not be used for any virtual home visit during a*
12 *year, unless the eligible entity to which the grant*
13 *is made submits the report described in sub-*
14 *section (e)(8)(A) for the year.*

15 “(D) *VIRTUAL HOME VISIT DEFINED.—In*
16 *this section, the term ‘virtual home visit’ means*
17 *a visit conducted solely by use of electronic infor-*
18 *mation and telecommunications technologies.*

19 “(E) *TECHNICAL ASSISTANCE.—If the Sec-*
20 *retary finds that an eligible entity has not com-*
21 *plied with the assurance described in subsection*
22 *(e)(10)(C), the Secretary shall, directly or*
23 *through grants, contracts, or cooperative agree-*
24 *ments, provide the eligible entity with such tech-*

3813

1 *nical assistance as is necessary to assist the eli-*
2 *gible entity in doing so.”.*

3 (C) *PROGRAM REQUIREMENT.*—Section
4 *511(d)(3)(C) of such Act (42 U.S.C.*
5 *711(d)(3)(C)), as so redesignated by subsection*
6 *(d) of this section, is amended by adding at the*
7 *end the following:*

8 “(vii) *If the application submitted by*
9 *the eligible entity includes the assurance de-*
10 *scribed in subsection (e)(10)(C) with respect*
11 *to the program, the program provides in-*
12 *person service consistent with the assur-*
13 *ances.”.*

14 (D) *REPORTS.*—Section 511(e)(8)(A) of
15 *such Act (42 U.S.C. 711(e)(8)(A)) is amended by*
16 *inserting “, including the number of virtual*
17 *home visits conducted under the program in the*
18 *year covered by the report, disaggregated with*
19 *respect to each home visiting model under which*
20 *the virtual home visits are conducted” before the*
21 *semicolon.*

22 (2) *TRANSITION RULE.*—

23 (A) *IN GENERAL.*—A virtual home visit
24 *conducted before the effective date of the amend-*
25 *ments made by this subsection under an early*

3814

1 *childhood home visitation program funded under*
2 *section 511 of the Social Security Act shall be*
3 *considered a home visit for purposes of such sec-*
4 *tion.*

5 (B) *VIRTUAL HOME VISIT DEFINED.*—*In*
6 *subparagraph (A), the term “virtual home visit”*
7 *means a visit conducted solely by use of elec-*
8 *tronic information and telecommunications tech-*
9 *nologies.*

10 (i) *EFFECTIVE DATE.*—

11 (1) *IN GENERAL.*—*Except as provided in para-*
12 *graph (2), this section and the amendments made by*
13 *this section shall take effect on October 1, 2022.*

14 (2) *VIRTUAL HOME VISITING PROVISIONS.*—*The*
15 *amendments made by subsection (h) shall take effect*
16 *on October 1, 2023.*

17 **SEC. 6102. EXTENSION OF TEMPORARY ASSISTANCE FOR**
18 **NEEDY FAMILIES PROGRAM.**

19 *Activities authorized by part A of title IV (other than*
20 *under section 403(c) or 418) and section 1108(b) of the So-*
21 *cial Security Act shall continue through September 30,*
22 *2023, in the manner authorized for fiscal year 2022, and*
23 *out of any money in the Treasury of the United States not*
24 *otherwise appropriated, there are hereby appropriated such*
25 *sums as may be necessary for such purpose.*

3815

1 **SEC. 6103. 1-YEAR EXTENSION OF CHILD AND FAMILY SERV-**
2 **ICES PROGRAMS.**

3 *(a) The following provisions of the Social Security Act*
4 *are each amended by striking “2022” and inserting “2023”:*

5 *(1) Section 436(a) (42 U.S.C. 629f(a)).*

6 *(2) Section 436(b)(4)(A) (42 U.S.C.*
7 *629f(b)(4)(A)).*

8 *(3) Section 436(b)(5) (42 U.S.C. 629f(b)(5)).*

9 *(4) Section 438(d) (42 U.S.C. 629h(d)).*

10 *(b) The following provisions of the Social Security Act*
11 *are each amended by striking “2021” and inserting “2023”:*

12 *(1) Section 425 (42 U.S.C. 625).*

13 *(2) Section 437(a) (42 U.S.C. 629g(a)).*

14 *(3) Section 437(f)(3)(A) (42 U.S.C.*
15 *629g(f)(3)(A)).*

16 *(4) Section 437(f)(10) (42 U.S.C. 629g(f)(10)).*

17 **TITLE VII—SUPPLEMENTAL**
18 **FUNDING FOR THE WORLD**
19 **TRADE CENTER HEALTH PRO-**
20 **GRAM**

21 **SEC. 7701. SUPPLEMENTAL FUNDING FOR THE WORLD**
22 **TRADE CENTER HEALTH PROGRAM.**

23 *(a) IN GENERAL.—Title XXXIII of the Public Health*
24 *Service Act (42 U.S.C. 300mm et seq.) is amended by add-*
25 *ing at the end the following:*

3816

1 **“SEC. 3352. SUPPLEMENTAL FUND.**

2 “(a) *IN GENERAL.*—*There is established a fund to be*
3 *known as the World Trade Center Health Program Supple-*
4 *mental Fund (referred to in this section as the ‘Supple-*
5 *mental Fund’), consisting of amounts deposited into the*
6 *Fund under subsection (b).*

7 “(b) *AMOUNT.*—*Out of any money in the Treasury not*
8 *otherwise appropriated, there is appropriated for fiscal year*
9 *2023 \$1,000,000,000, for deposit into the Supplemental*
10 *Fund, which amounts shall remain available through fiscal*
11 *year 2032.*

12 “(c) *USES OF FUNDS.*—*Amounts deposited into the*
13 *Supplemental Fund under subsection (b) shall be available,*
14 *without further appropriation and without regard to any*
15 *spending limitation under section 3351(c), to the WTC Pro-*
16 *gram Administrator as needed at the discretion of such Ad-*
17 *ministrator, for carrying out any provision in this title,*
18 *including sections 3303 and 3341(c).*

19 “(d) *RETURN OF FUNDS.*—*Any amounts that remain*
20 *in the Supplemental Fund on September 30, 2032, shall*
21 *be deposited into the Treasury as miscellaneous receipts.”.*

22 (b) *CONFORMING AMENDMENTS.*—*Title XXXIII of the*
23 *Public Health Service Act (42 U.S.C. 300mm et seq.) is*
24 *amended—*

3817

1 (1) *in section 3311(a)(4)(B)(i)(II) (42 U.S.C.*
2 *300mm–21(a)(4)(B)(i)(II)), by striking “section*
3 *3351” and inserting “sections 3351 and 3352”;*

4 (2) *in section 3321(a)(3)(B)(i)(II) (42 U.S.C.*
5 *300mm–31(a)(3)(B)(i)(II)), by striking “section*
6 *3351” and inserting “sections 3351 and 3352”;*

7 (3) *in section 3331 (42 U.S.C. 300mm–41)—*

8 (A) *in subsection (a), by inserting “and the*
9 *World Trade Center Health Program Supple-*
10 *mental Fund” before the period at the end; and*

11 (B) *in subsection (d)—*

12 (i) *in paragraph (1)(B), by inserting*
13 *“(excluding any expenditures from amounts*
14 *in the World Trade Center Health Program*
15 *Supplemental Fund under section 3352)”*
16 *before the period at the end; and*

17 (ii) *in paragraph (2), in the flush text*
18 *following subparagraph (C), by inserting*
19 *“(excluding any expenditures from amounts*
20 *in the World Trade Center Health Program*
21 *Supplemental Fund under section 3352)”*
22 *before the period at the end; and*

23 (4) *in section 3351(b) (42 U.S.C. 300mm–*
24 *61(b))—*

3818

1 (A) in paragraph (2), by inserting “or as
2 available from the World Trade Center Health
3 Program Supplemental Fund under section
4 3352” before the period at the end; and

5 (B) in paragraph (3), by inserting “or as
6 available from the World Trade Center Health
7 Program Supplemental Fund under section
8 3352” before the period at the end.

9 (c) *PREVENTION AND PUBLIC HEALTH FUND.*—Sec-
10 tion 4002(b) of the Patient Protection and Affordable Care
11 Act (42 U.S.C. 300u-11(b)) is amended—

12 (1) in paragraph (8), by striking
13 “\$1,800,000,000; and” and inserting
14 “\$1,525,000,000;”;

15 (2) by striking paragraph (9) and inserting the
16 following:

17 “(9) for each of fiscal years 2028 and 2029,
18 \$1,725,000,000; and”; and

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

20 “(10) for fiscal year 2030 and each fiscal year
21 thereafter, \$2,000,000,000.”.

22 **SEC. 7702. RESEARCH COHORT FOR EMERGING HEALTH IM-**
23 **PACTS ON YOUTH.**

24 (a) *IN GENERAL.*—Section 3341 of the Public Health
25 Service Act (42 U.S.C. 300mm-51) is amended—

3819

1 (1) *in subsection (a)—*

2 (A) *in the matter preceding paragraph (1),*
3 *by striking “With respect” through “subtitle B,*
4 *the” and inserting “The”; and*

5 (B) *by striking “of such individuals” each*
6 *place it appears;*

7 (2) *in subsection (b)(1), by inserting “and indi-*
8 *viduals who were exposed within a geographic area*
9 *related to the September 11, 2001, terrorist attacks in*
10 *a manner similar to the exposure within such geo-*
11 *graphic area experienced by individuals meeting the*
12 *eligibility criteria under section 3311(a)(2) or*
13 *3321(a)(1)(B)” after “treatment”;*

14 (3) *by redesignating subsections (c) and (d) as*
15 *subsections (d) and (e), respectively; and*

16 (4) *by inserting after subsection (b) the fol-*
17 *lowing:*

18 “(c) *RESEARCH COHORT FOR EMERGING HEALTH IM-*
19 *PACTS ON YOUTH.—*

20 “(1) *IN GENERAL.—The WTC Program Adminis-*
21 *trator, in consultation with the Secretary of Edu-*
22 *cation, shall establish a research cohort of sufficient*
23 *size to conduct future research studies on the health*
24 *and educational impacts of exposure to airborne tox-*
25 *ins, or any other hazard or adverse condition, result-*

3820

1 *ing from the September 11, 2001, terrorist attacks, in-*
2 *cluding on the population of individuals who were 21*
3 *years of age or younger at the time of exposure, in-*
4 *cluding such individuals who are screening-eligible*
5 *WTC survivors or certified-eligible WTC survivors.*

6 “(2) *POPULATIONS STUDIED.*—*The research co-*
7 *hort under paragraph (1) may include—*

8 “(A) *individuals who, on September 11,*
9 *2001, were 21 years of age or younger and*
10 *were—*

11 “(i) *outside the New York City disaster*
12 *area; and*

13 “(ii) *in—*

14 “(I) *the area of Manhattan not*
15 *further north than 14th Street; or*

16 “(II) *Brooklyn; and*

17 “(B) *control populations, including popu-*
18 *lations of individuals who, on September 11,*
19 *2001, were 21 years of age or younger.”.*

20 “(b) *FUNDING.*—*Section 3351(b) of such Act (42 U.S.C.*
21 *300mm–61(b)) is amended by inserting after paragraph (3)*
22 *the following:*

23 “(4) *LIMITATION FOR RESEARCH COHORT FOR*
24 *EMERGING HEALTH IMPACTS ON YOUTH.*—*Notwith-*
25 *standing paragraph (1), the amounts made available*

3821

1 *under such paragraph may not be used for fiscal*
2 *years 2023 through 2032 to carry out subsection (c)*
3 *of section 3341.”.*

4 *(c) CONFORMING AMENDMENT.—Section 3301(f)(2)(E)*
5 *of such Act (42 U.S.C. 300mm(f)(2)(E)) is amended by*
6 *striking “section 3341(a)” and inserting “subsection (a) or*
7 *(c) of section 3341”.*

8 ***DIVISION GG—MERGER FILING***
9 ***FEE MODERNIZATION***

10 ***SEC. 101. SHORT TITLE.***

11 *This division may be cited as the “Merger Filing Fee*
12 *Modernization Act of 2022”.*

13 ***TITLE I—MODERNIZING MERGER***
14 ***FILING FEE COLLECTIONS;***
15 ***ACCOUNTABILITY REQUIRE-***
16 ***MENTS; LIMITATION ON***
17 ***FUNDING***

18 ***SEC. 101. MODIFICATION OF PREMERGER NOTIFICATION***
19 ***FILING FEES.***

20 *Section 605 of Public Law 101–162 (15 U.S.C. 18a*
21 *note) is amended—*

22 *(1) in subsection (b)—*

23 *(A) in paragraph (1)—*

24 *(i) by striking “\$45,000” and inserting*
25 *“\$30,000”;*

3822

1 (ii) by striking “\$100,000,000” and
2 inserting “\$161,500,000”;

3 (iii) by striking “2004” and inserting
4 “2023”; and

5 (iv) by striking “2003” and inserting
6 “2022”;

7 (B) in paragraph (2)—

8 (i) by striking “\$125,000” and insert-
9 ing “\$100,000”;

10 (ii) by striking “\$100,000,000” and
11 inserting “\$161,500,000”;

12 (iii) by striking “but less” and insert-
13 ing “but is less”; and

14 (iv) by striking “and” at the end;

15 (C) in paragraph (3)—

16 (i) by striking “\$280,000” and insert-
17 ing “\$250,000”; and

18 (ii) by striking the period at the end
19 and inserting “but is less than
20 \$1,000,000,000 (as so adjusted and pub-
21 lished);”; and

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

23 “(4) \$400,000 if the aggregate total amount de-
24 termined under section 7A(a)(2) of the Clayton Act
25 (15 U.S.C. 18a(a)(2)) is not less than \$1,000,000,000

3823

1 *(as so adjusted and published) but is less than*
2 *\$2,000,000,000 (as so adjusted and published);*

3 *“(5) \$800,000 if the aggregate total amount de-*
4 *termined under section 7A(a)(2) of the Clayton Act*
5 *(15 U.S.C. 18a(a)(2)) is not less than \$2,000,000,000*
6 *(as so adjusted and published) but is less than*
7 *\$5,000,000,000 (as so adjusted and published); and*

8 *“(6) \$2,250,000 if the aggregate total amount de-*
9 *termined under section 7A(a)(2) of the Clayton Act*
10 *(15 U.S.C. 18a(a)(2)) is not less than \$5,000,000,000*
11 *(as so adjusted and published).”;* and

12 *(2) by adding at the end the following:*

13 *“(c)(1) For each fiscal year commencing after Sep-*
14 *tember 30, 2023, the filing fees in this section shall be in-*
15 *creased by an amount equal to the percentage increase, if*
16 *any, in the Consumer Price Index, as determined by the*
17 *Department of Labor or its successor, for the year then*
18 *ended over the level so established for the year ending Sep-*
19 *tember 30, 2022.*

20 *“(2) As soon as practicable, but not later than Janu-*
21 *ary 31 of each year, the Federal Trade Commission shall*
22 *publish the adjusted amounts required by paragraph (1).*

23 *“(3) The Federal Trade Commission shall not adjust*
24 *amounts required by paragraph (1) if the percentage in-*
25 *crease described in paragraph (1) is less than 1 percent.*

3824

1 “(4) *An amount adjusted under this section shall be*
2 *rounded to the nearest multiple of \$5,000.*”.

3 **SEC. 102. REPORTING REQUIREMENTS FOR MERGER FEE**
4 **COLLECTIONS.**

5 (a) *FTC AND DOJ JOINT REPORT.*—For each of fiscal
6 years 2023 through 2027, the Federal Trade Commission
7 and Department of Justice shall jointly and annually re-
8 port to the Congress on the operation of section 7A of the
9 Clayton Act (15 U.S.C. 18a) and shall include in such re-
10 port the following:

11 (1) *The amount of funds made available to the*
12 *Federal Trade Commission and the Department of*
13 *Justice, respectively, from the premerger notification*
14 *filing fees under this section, as adjusted by the Merg-*
15 *er Filing Fee Modernization Act of 2022, as compared*
16 *to the funds made available to the Federal Trade*
17 *Commission and the Department of Justice, respec-*
18 *tively, from premerger notification filing fees as the*
19 *fees were determined in fiscal year 2022.*

20 (2) *The total revenue derived from premerger no-*
21 *tification filing fees, by tier, by the Federal Trade*
22 *Commission and the Department of Justice, respec-*
23 *tively.*

24 (3) *The gross cost of operations of the Federal*
25 *Trade Commission, by Budget Activity, and the Anti-*

3825

1 *trust Division of the Department of Justice, respec-*
2 *tively.*

3 *(b) FTC REPORT.—The Federal Trade Commission*
4 *shall include in the report required under subsection (a),*
5 *in addition to the requirements under subsection (a), for*
6 *the previous fiscal year—*

7 *(1) for actions with respect to which the record*
8 *of the vote of each member of the Federal Trade Com-*
9 *mission is on the public record of the Federal Trade*
10 *Commission, a list of each action with respect to*
11 *which the Federal Trade Commission took or declined*
12 *to take action on a 3 to 2 vote; and*

13 *(2) for all actions for which the Federal Trade*
14 *Commission took a vote, the percentage of such ac-*
15 *tions that were decided on a 3 to 2 vote.*

16 *(c) SUMMARY.—The Federal Trade Commission and*
17 *the Department of Justice shall make the report required*
18 *under subsection (a) available to the Committees on the Ju-*
19 *diciary of the House of Representatives and of the Senate,*
20 *and shall, for fiscal years 2023 through 2027, no later than*
21 *July 1, present a summary of the joint annual report for*
22 *the preceding fiscal year, including the information re-*
23 *quired in subsections (a) and (b) of this section, to the Com-*
24 *mittees on the Judiciary of the House of Representatives*
25 *and of the Senate.*

3826

1 **TITLE II—DISCLOSURE OF SUB-**
2 **SIDIES BY FOREIGN ADVER-**
3 **SARIES**

4 **SEC. 201. FINDINGS AND PURPOSE.**

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

6 (1) *Foreign subsidies, which can take the form of*
7 *direct subsidies, grants, loans (including below-mar-*
8 *ket loans), loan guarantees, tax concessions, pref-*
9 *erential government procurement policies, or govern-*
10 *ment ownership or control, can distort the competitive*
11 *process by enabling the subsidized firm to submit a*
12 *bid higher than other firms in the market, or other-*
13 *wise change the incentives of the firm in ways that*
14 *undermine competition following an acquisition.*

15 (2) *Foreign subsidies are particularly problem-*
16 *atic when granted by countries or entities that con-*
17 *stitute a strategic or economic threat to United States*
18 *interests.*

19 (3) *The Made in China 2025 plan, states that*
20 *the Chinese Communist Party will “support enter-*
21 *prises to carry out mergers and acquisitions (M&A),*
22 *equity investment, and venture capital overseas”.*

23 (4) *The 2020 report to Congress from the bipar-*
24 *tisan U.S.-China Economic and Security Review*
25 *Commission concluded that the Chinese Government*

3827

1 *subsidizes companies with a goal of their expanding*
2 *into the United States and other countries, finding*
3 *that “[t]his process assists Chinese national cham-*
4 *pions in surpassing and supplanting global market*
5 *leaders”. The report warns that the risk is particu-*
6 *larly acute when it comes to emerging technologies,*
7 *where China seeks to “surpass and displace the*
8 *United States altogether [and that] [f]ailure to appre-*
9 *ciate the gravity of this challenge and defend U.S.*
10 *competitiveness would be dire . . . [and] risks setting*
11 *back U.S. economic and technological progress for*
12 *decades”.*

13 *(5) In remarks before the Hudson Institute on*
14 *December 8, 2020, FTC Commissioner Noah Phillips*
15 *stated, “[O]ne area where antitrust needs to reckon*
16 *with the strategic interests of other nations is when*
17 *we scrutinize mergers or conduct involving state-*
18 *owned entities . . . companies that are controlled, to*
19 *varying degrees, by the state . . . [and] often are a*
20 *government tool for implementing industrial policies*
21 *or to protect national security”.*

22 *(b) PURPOSE.—The purpose of this section is to re-*
23 *quire parties providing pre-merger notifications to include*
24 *in the notification required under section 7A of the Clayton*
25 *Act (15 U.S.C. 18a) information concerning subsidies they*

3828

1 *receive from countries or entities that are strategic or eco-*
2 *nomie threats to the United States.*

3 **SEC. 202. MERGERS INVOLVING FOREIGN GOVERNMENT**
4 **SUBSIDIES.**

5 (a) *DEFINITION.*—*In this section, the term “foreign en-*
6 *tity of concern” has the meaning given the term in section*
7 *40207 of the Infrastructure Investment and Jobs Act (42*
8 *U.S.C. 18741(a)).*

9 (b) *ACCOUNTING FOR FOREIGN GOVERNMENT SUB-*
10 *SIDIES.*—*A person required to file a notification under sec-*
11 *tion 7A of the Clayton Act (15 U.S.C. 18a) that received*
12 *a subsidy from a foreign entity of concern shall include in*
13 *such notification content regarding such subsidy.*

14 (c) *AUTHORITY OF ANTITRUST REGULATORS.*—*The*
15 *Federal Trade Commission, with the concurrence of the As-*
16 *sistant Attorney General in charge of the Antitrust Division*
17 *of the Department of Justice, and in consultation with the*
18 *Chairperson of the Committee on Foreign Investment in the*
19 *United States, the Secretary of Commerce, the Chair of the*
20 *United States International Trade Commission, the United*
21 *States Trade Representative, and the heads of other appro-*
22 *priate agencies, and by rule in accordance with section 553*
23 *of title 5, United States Code, shall require that the notifica-*
24 *tion required under subsection (b) be in such form and con-*
25 *tain such documentary material and information relevant*

3829

1 *to a proposed acquisition as is necessary and appropriate*
2 *to enable the Federal Trade Commission and the Assistant*
3 *Attorney General in charge of the Antitrust Division of the*
4 *Department of Justice to determine whether such acquisi-*
5 *tion may, if consummated, violate the antitrust laws.*

6 *(d) EFFECTIVE DATE.—Subsection (b) shall take effect*
7 *on the date on which the rule described in subsection (c)*
8 *takes effect.*

9 **TITLE III—VENUE FOR STATE** 10 **ANTITRUST ENFORCEMENT**

11 **SEC. 301. VENUE FOR STATE ANTITRUST ENFORCEMENT.**

12 *Section 1407 of title 28, United States Code, is amend-*
13 *ed—*

14 *(1) in subsection (g) by inserting “or a State”*
15 *after “United States” and striking “; but shall not in-*
16 *clude section 4A of the Act of October 15, 1914, as*
17 *added July 7, 1955 (69 Stat. 282; 15 U.S.C. 15a)”;*
18 *and*

19 *(2) by striking subsection (h).*

20 **DIVISION HH—AGRICULTURE**

21 **SEC. 101. DEFINITION.**

22 *In this division, the term “Secretary” means the Sec-*
23 *retary of Agriculture.*

3830

1 ***TITLE I—CONSERVATION***

2 ***SEC. 201. GREENHOUSE GAS TECHNICAL ASSISTANCE PRO-***
3 ***VIDER AND THIRD-PARTY VERIFIER PRO-***
4 ***GRAM.***

5 (a) *DEFINITIONS.—In this section:*

6 (1) *ADVISORY COUNCIL.—The term “Advisory*
7 *Council” means the Greenhouse Gas Technical Assist-*
8 *ance Provider and Third-Party Verifier Program Ad-*
9 *visory Council established under subsection (f)(1).*

10 (2) *AGRICULTURE OR FORESTRY CREDIT.—The*
11 *term “agriculture or forestry credit” means a credit*
12 *representing an amount of greenhouse gas emissions*
13 *from an agricultural or forestry activity that are pre-*
14 *vented, reduced, or mitigated (including through the*
15 *sequestration of carbon) as a result of an agricultural*
16 *or forestry activity.*

17 (3) *BEGINNING, SOCIALLY DISADVANTAGED, LIM-*
18 *ITED RESOURCE, OR VETERAN FARMER, RANCHER, OR*
19 *PRIVATE FOREST LANDOWNER.—The term “beginning,*
20 *socially disadvantaged, limited resource, or veteran*
21 *farmer, rancher, or private forest landowner” means*
22 *a farmer, rancher, or private forest landowner who*
23 *is—*

24 (A) *a beginning farmer or rancher (as de-*
25 *finied in section 2501(a) of the Food, Agriculture,*

3831

1 *Conservation, and Trade Act of 1990 (7 U.S.C.*
2 *2279(a))*;

3 *(B) a socially disadvantaged farmer or*
4 *rancher (as defined in section 355(e) of the Con-*
5 *solidated Farm and Rural Development Act (7*
6 *U.S.C. 2003(e))*);

7 *(C) a limited resource farmer or rancher (as*
8 *defined in section 1470.3 of title 7, Code of Fed-*
9 *eral Regulations (or successor regulations))*; or

10 *(D) a veteran farmer (as defined in section*
11 *2501 of the Food, Agriculture, Conservation, and*
12 *Trade Act of 1990 (7 U.S.C. 2279)).*

13 *(4) COVERED ENTITY.—The term “covered enti-*
14 *ty” means a person or entity, including a private*
15 *business, non-profit organization, or public agency,*
16 *that either—*

17 *(A) is a provider of technical assistance to*
18 *farmers, ranchers, or private forest landowners*
19 *in carrying out sustainable land use manage-*
20 *ment practices that prevent, reduce, or mitigate*
21 *greenhouse gas emissions (including through the*
22 *sequestration of carbon)*; or

23 *(B) is a third-party verifier entity that con-*
24 *ducts the verification of the processes described*

3832

1 *in protocols for voluntary environmental credit*
2 *markets.*

3 (5) *GREENHOUSE GAS.*—*The term “greenhouse*
4 *gas” means—*

5 *(A) carbon dioxide;*

6 *(B) methane;*

7 *(C) nitrous oxide; and*

8 *(D) any other gas that the Secretary, in*
9 *consultation with the Advisory Council, deter-*
10 *mines has been identified to have heat trapping*
11 *qualities.*

12 (6) *PROGRAM.*—*The term “Program” means the*
13 *Greenhouse Gas Technical Assistance Provider and*
14 *Third-Party Verifier Program established under sub-*
15 *section (b).*

16 (7) *PROTOCOL.*—*The term “protocol” means a*
17 *systematic approach for generating an agriculture or*
18 *forestry credit, which follows a transparent and thor-*
19 *ough science-based methodology (including 1 or more*
20 *baseline scenarios)—*

21 *(A) for the development of projects to pre-*
22 *vent, reduce, or mitigate greenhouse gas emis-*
23 *sions (including projects to sequester carbon);*
24 *and*

3833

1 (B) for demonstrating how to quantify,
2 monitor, report, and verify the prevention, re-
3 duction, or mitigation of greenhouse gas emis-
4 sions by projects described in subparagraph (A).

5 (8) *SOCIALLY DISADVANTAGED GROUP*.—The
6 term “socially disadvantaged group” has the meaning
7 given that term in section 355(e) of the Consolidated
8 Farm and Rural Development Act (7 U.S.C. 2003(e)).

9 (9) *TECHNICAL ASSISTANCE*.—The term “tech-
10 nical assistance” means technical expertise, informa-
11 tion, and tools to assist a farmer, rancher, or private
12 forest landowner, who is engaged in or wants to en-
13 gage in a project to prevent, reduce, or mitigate
14 greenhouse gas emissions (including a project to se-
15 quester carbon), as necessary to meet a protocol.

16 (10) *VOLUNTARY ENVIRONMENTAL CREDIT MAR-*
17 *KET*.—The term “voluntary environmental credit
18 market” means a voluntary market through which ag-
19 riculture or forestry credits may be bought or sold.

20 (b) *ESTABLISHMENT OF PROGRAM*.—

21 (1) *DETERMINATION*.—

22 (A) *IN GENERAL*.—Not later than 270 days
23 after the date of enactment of this Act, the Sec-
24 retary shall make a determination of whether es-
25 tablishing a voluntary program to register cov-

3834

1 *ered entities that carry out activities described*
2 *in subsection (c)(2) will further each of the fol-*
3 *lowing purposes:*

4 *(i) Facilitating the participation of*
5 *farmers, ranchers, and private forest land-*
6 *owners in voluntary environmental credit*
7 *markets.*

8 *(ii) Facilitating the provision of tech-*
9 *nical assistance, through covered entities, to*
10 *farmers, ranchers, and private forest land-*
11 *owners to help overcome barriers to entry*
12 *into voluntary environmental credit mar-*
13 *kets.*

14 *(iii) Ensuring that participating*
15 *farmers, ranchers, and private forest land-*
16 *owners receive fair distribution of revenues*
17 *derived from the sale of an agriculture or*
18 *forestry credit.*

19 *(iv) Increasing access for farmers,*
20 *ranchers, and private forest landowners to*
21 *resources relating to existing voluntary en-*
22 *vironmental credit markets, including infor-*
23 *mation relating to the basic market struc-*
24 *ture and the various roles and qualifica-*
25 *tions of different parties.*

3835

1 (B) *CONSIDERATIONS.*—*In making the de-*
2 *termination under this paragraph, the Secretary*
3 *shall consider the results of the assessment con-*
4 *ducted under subsection (g)(2)(A) and any other*
5 *relevant information.*

6 (2) *ESTABLISHMENT.*—*If the Secretary deter-*
7 *mines under paragraph (1) that establishing such a*
8 *program will further such purposes, the Secretary*
9 *shall establish a voluntary program, to be known as*
10 *the “Greenhouse Gas Technical Assistance Provider*
11 *and Third-Party Verifier Program”, to register cov-*
12 *ered entities that carry out activities described in sub-*
13 *section (c).*

14 (3) *REPORT.*—*Not later than 90 days after mak-*
15 *ing the determination under paragraph (1), the Sec-*
16 *retary shall publish a report describing the reasons*
17 *for such determination, including how establishing a*
18 *program under this subsection would or would not*
19 *further each of the purposes described in paragraph*
20 *(1)(A).*

21 (c) *PROTOCOLS, QUALIFICATIONS, AND ACTIVITIES.*—

22 (1) *WIDELY ACCEPTED PROTOCOLS AND QUALI-*
23 *FICATIONS.*—*After providing public notice and at*
24 *least a 60-day period for public comment, but not*

3836

1 *later than 90 days after the date on which the Pro-*
2 *gram is established, the Secretary shall publish—*

3 *(A) a list of, and documents relating to,*
4 *widely accepted protocols that are designed to en-*
5 *sure consistency, reliability, effectiveness, effi-*
6 *ciency, and transparency of voluntary environ-*
7 *mental credit markets, including protocol docu-*
8 *ments and details relating to—*

9 *(i) calculations;*
10 *(ii) sampling methodologies;*
11 *(iii) voluntary environmental credit*
12 *accounting principles;*
13 *(iv) systems for verification, moni-*
14 *toring, measurement, and reporting; and*
15 *(v) methods to account for*
16 *additionality, permanence, leakage, and,*
17 *where appropriate, avoidance of double*
18 *counting; and*

19 *(B) descriptions of widely accepted quali-*
20 *fications possessed by covered entities that pro-*
21 *vide technical assistance to farmers, ranchers,*
22 *and private forest landowners.*

23 *(2) ACTIVITIES.—A covered entity may register*
24 *under the Program with respect to technical assist-*
25 *ance or process verification the covered entity carries*

† HR 2617 EAS2

3837

1 *out for activities that prevent, reduce, or mitigate*
2 *greenhouse gas emissions, including—*

3 *(A) land or soil carbon sequestration;*

4 *(B) emissions reductions derived from fuel*
5 *choice or reduced fuel use;*

6 *(C) livestock emissions reductions, including*
7 *emissions reductions achieved through—*

8 *(i) feeds, feed additives, and the use of*
9 *byproducts as feed sources; or*

10 *(ii) manure management practices;*

11 *(D) on-farm energy generation;*

12 *(E) energy feedstock production;*

13 *(F) fertilizer or nutrient use emissions re-*
14 *ductions;*

15 *(G) reforestation;*

16 *(H) forest management, including improv-*
17 *ing harvesting practices and thinning diseased*
18 *trees;*

19 *(I) prevention of the conversion of forests,*
20 *grasslands, and wetlands;*

21 *(J) restoration of wetlands or grasslands;*

22 *(K) grassland management, including pre-*
23 *scribed grazing;*

3838

1 (L) current practices associated with pri-
2 vate land conservation programs administered
3 by the Secretary; and

4 (M) such other activities, or combinations of
5 activities, that the Secretary, in consultation
6 with the Advisory Council, determines to be ap-
7 propriate.

8 (3) *INCLUSIONS*.—In publishing the list of wide-
9 ly accepted protocols and the descriptions of widely
10 accepted qualifications under paragraph (1), the Sec-
11 retary, in consultation with the Advisory Council,
12 shall include all relevant information relating to
13 market-based protocols, as appropriate, with regard
14 to—

15 (A) quantification;

16 (B) verification;

17 (C) additionality;

18 (D) permanence;

19 (E) reporting; and

20 (F) other expertise, as determined by the
21 Secretary.

22 (4) *PERIODIC REVIEW*.—As appropriate, the Sec-
23 retary shall periodically review and revise the list
24 and descriptions published under paragraph (1) to

3839

1 *include any additional protocols or qualifications de-*
2 *scribed in paragraph (3).*

3 *(d) REGISTRATION, WEBSITE, AND PUBLICATION OF*
4 *LISTS.—*

5 *(1) REGISTRATION LIST.—*

6 *(A) IN GENERAL.—Not later than 1 year*
7 *after establishing the Program, the Secretary*
8 *shall publish, through a website maintained by*
9 *the Secretary, a registration list consisting of a*
10 *list of covered entities that have submitted infor-*
11 *mation to the Secretary, which list the Secretary*
12 *shall regularly update.*

13 *(B) REGISTRATION.—A covered entity may*
14 *register under the Program to be included on the*
15 *registration list by submitting to the Secretary,*
16 *through a website maintained by the Secretary,*
17 *information that—*

18 *(i) shall include—*

19 *(I) the region in which the covered*
20 *entity provides its services;*

21 *(II) whether the covered entity is*
22 *a technical assistance provider or a*
23 *verifier; and*

24 *(III) the protocols in which the*
25 *covered entity has proficiency; and*

3840

1 (ii) may include additional informa-
2 tion that—

3 (I) has been identified by the Ad-
4 visory Council in its initial assessment
5 under subsection (g)(1) to ensure cer-
6 tainty for producers in the marketplace
7 for agriculture or forestry credits; and
8 (II) the Secretary determines is
9 appropriate for inclusion.

10 (2) WEBSITE AND SOLICITATION.—During the
11 180-day period beginning on the date on which the
12 Program is established, the Secretary shall publish,
13 through an existing website maintained by the Sec-
14 retary—

15 (A) information describing how covered en-
16 tities may register under the Program in accord-
17 ance with paragraph (1);

18 (B) a list of the widely accepted protocols
19 and qualifications published by the Secretary
20 under subsection (c)(1); and

21 (C) instructions and suggestions to assist
22 farmers, ranchers, and private forest landowners
23 in facilitating the development of agriculture or
24 forestry credits and accessing voluntary environ-
25 mental credit markets, including—

3841

1 (i) through working with covered enti-
2 ties registered under the Program; and

3 (ii) by providing information relating
4 to programs, registries, and protocols of
5 programs and registries that provide mar-
6 ket-based participation opportunities for
7 working and conservation agricultural and
8 forestry lands.

9 (3) PROGRAMMATIC INTEGRITY.—The Secretary
10 shall ensure, to the maximum extent practicable, that
11 covered entities registered under the Program—

12 (A) act in good faith to provide realistic es-
13 timates of costs and revenues relating to activi-
14 ties and verification of processes described in
15 subsection (c)(2), as applicable to the covered en-
16 tity; and

17 (B) demonstrate expertise in, and are able
18 to perform in accordance with, best management
19 practices for agricultural and forestry activities
20 that prevent, reduce, or mitigate greenhouse gas
21 emissions (including through the sequestration of
22 carbon).

23 (4) REMOVAL FROM REGISTRATION LIST.—

24 (A) IN GENERAL.—

3842

1 (i) *REMOVAL.*—*The Secretary shall re-*
2 *move a covered entity from the registration*
3 *list under the Program if the Secretary de-*
4 *termines that the covered entity has not*
5 *acted in accordance with—*

6 *(I) the information provided by*
7 *the entity under paragraph (1)(B); or*

8 *(II) best management practices*
9 *for agricultural and forestry activities*
10 *that prevent, reduce, or mitigate green-*
11 *house gas emissions (including through*
12 *the sequestration of carbon).*

13 (ii) *DETERMINATION.*—*The Secretary*
14 *may make a determination under clause*
15 *(i)—*

16 *(I) based on a periodic review of*
17 *a representative sample of covered enti-*
18 *ties, which shall occur not less fre-*
19 *quently than once each year; or*

20 *(II) as necessary.*

21 (B) *APPEAL OF REMOVAL.*—

22 (i) *IN GENERAL.*—*A covered entity*
23 *that has been removed from the registration*
24 *list pursuant to subparagraph (A) may ap-*
25 *peal the determination to the Secretary.*

3843

1 (ii) *RE-REGISTRATION*.—A covered en-
2 tity that appeals a determination under
3 clause (i) may re-register under the Pro-
4 gram if the covered entity successfully
5 proves, as determined by the Secretary, that
6 the covered entity has acted in accordance
7 with, as applicable—

8 (I) the information provided by
9 the entity under paragraph (1)(B);
10 and

11 (II) best management practices
12 for agricultural and forestry activities
13 that prevent, reduce, or mitigate green-
14 house gas emissions (including through
15 the sequestration of carbon).

16 (C) *NOTIFICATION*.—If the Secretary re-
17 moves a covered entity from the registration list
18 pursuant to subparagraph (A), to the extent
19 practicable, the Secretary shall—

20 (i) request from that covered entity
21 contact information for all farmers, ranch-
22 ers, and private forest landowners to which
23 the covered entity provided technical assist-
24 ance or the verification of the processes de-

3844

1 *scribed in protocols of voluntary environ-*
2 *mental credit markets; and*

3 *(ii) notify those farmers, ranchers, and*
4 *private forest landowners of the removal.*

5 (5) *SAVINGS CLAUSE.—Nothing in this section*
6 *authorizes the Secretary to compel a farmer, rancher,*
7 *or private forest landowner to participate in a trans-*
8 *action or project facilitated by a covered entity cer-*
9 *tified under paragraph (1).*

10 (e) *SUBMISSION OF FRAUDULENT INFORMATION OR*
11 *CLAIMS.—*

12 (1) *IN GENERAL.—A person or entity, regardless*
13 *of whether the person or entity is registered under the*
14 *Program, shall not make a fraudulent submission*
15 *under subsection (d) or make a fraudulent claim re-*
16 *garding the presence of that person or entity on the*
17 *registration list published under such subsection.*

18 (2) *PENALTY.—Any person or entity that vio-*
19 *lates paragraph (1) shall be—*

20 (A) *subject to a civil penalty equal to such*
21 *amount as the Secretary determines to be appro-*
22 *priate, not to exceed \$1,000 per violation; and*

23 (B) *ineligible to register under the Program*
24 *for the 5-year period beginning on the date of the*
25 *violation.*

3845

1 (f) *GREENHOUSE GAS TECHNICAL ASSISTANCE PRO-*
2 *VIDER AND THIRD-PARTY VERIFIER PROGRAM ADVISORY*
3 *COUNCIL.*—

4 (1) *IN GENERAL.*—*During the 90-day period be-*
5 *ginning on the date on which the Program is estab-*
6 *lished, the Secretary shall establish an advisory coun-*
7 *cil, to be known as the “Greenhouse Gas Technical As-*
8 *sistance Provider and Third-Party Verifier Program*
9 *Advisory Council”.*

10 (2) *MEMBERSHIP.*—

11 (A) *IN GENERAL.*—*The Advisory Council*
12 *shall be composed of members appointed by the*
13 *Secretary in accordance with this paragraph.*

14 (B) *GENERAL REPRESENTATION.*—*The Ad-*
15 *visory Council shall—*

16 (i) *be broadly representative of the ag-*
17 *riculture and private forest sectors;*

18 (ii) *include beginning, socially dis-*
19 *advantaged, limited resource, and veteran*
20 *farmers, ranchers, and private forest land-*
21 *owners; and*

22 (iii) *be composed of not less than 51*
23 *percent farmers, ranchers, or private forest*
24 *landowners.*

3846

1 (C) *MEMBERS.*—*Members appointed under*
2 *subparagraph (A) shall include—*

3 (i) *not more than 2 representatives of*
4 *the Department of Agriculture, as deter-*
5 *mined by the Secretary;*

6 (ii) *not more than 1 representative of*
7 *the Environmental Protection Agency, as*
8 *determined by the Administrator of the En-*
9 *vironmental Protection Agency;*

10 (iii) *not more than 1 representative of*
11 *the National Institute of Standards and*
12 *Technology;*

13 (iv) *not fewer than 12 representatives*
14 *of the agriculture industry, appointed in a*
15 *manner that is broadly representative of the*
16 *agriculture sector, including not fewer than*
17 *6 active farmers and ranchers;*

18 (v) *not fewer than 4 representatives of*
19 *private forest landowners or the forestry*
20 *and forest products industry appointed in a*
21 *manner that is broadly representative of the*
22 *private forest sector;*

23 (vi) *not more than 4 representatives of*
24 *the relevant scientific research community,*
25 *including not fewer than 2 representatives*

3847

1 *from land-grant colleges and universities*
2 *(as defined in section 1404 of the National*
3 *Agricultural Research, Extension, and*
4 *Teaching Policy Act of 1977 (7 U.S.C.*
5 *3103)), of which 1 shall be a representative*
6 *of a college or university eligible to receive*
7 *funds under the Act of August 30, 1890*
8 *(commonly known as the “Second Morrill*
9 *Act”)* (26 Stat. 417, chapter 841; 7 U.S.C.
10 *321 et seq.), including Tuskegee University;*
11 *(vii) not more than 2 experts or profes-*
12 *sionals familiar with voluntary environ-*
13 *mental credit markets and the verification*
14 *requirements in those markets;*
15 *(viii) not more than 3 members of non-*
16 *governmental or civil society organizations*
17 *with relevant expertise, of which not fewer*
18 *than 1 shall represent the interests of so-*
19 *cially disadvantaged groups;*
20 *(ix) not more than 3 members of pri-*
21 *vate sector entities or organizations that*
22 *participate in voluntary environmental*
23 *credit markets; and*
24 *(x) any other individual whom the*
25 *Secretary determines to be necessary to en-*

3848

1 *sure that the Advisory Council is composed*
2 *of a diverse group of representatives of in-*
3 *dustry, academia, independent researchers,*
4 *and public and private entities.*

5 *(D) CHAIR.—The Secretary shall designate*
6 *a member of the Advisory Council to serve as the*
7 *Chair.*

8 *(E) TERMS.—*

9 *(i) IN GENERAL.—The term of a mem-*
10 *ber of the Advisory Council shall be 2 years,*
11 *except that, of the members first ap-*
12 *pointed—*

13 *(I) not fewer than 8 members*
14 *shall serve for a term of 1 year;*

15 *(II) not fewer than 12 members*
16 *shall serve for a term of 2 years; and*

17 *(III) not fewer than 12 members*
18 *shall serve for a term of 3 years.*

19 *(ii) ADDITIONAL TERMS.—After the*
20 *initial term of a member of the Advisory*
21 *Council, including the members first ap-*
22 *pointed, the member may serve not more*
23 *than 4 additional 2-year terms.*

24 *(3) MEETINGS.—*

3849

1 (A) *FREQUENCY.*—*The Advisory Council*
2 *shall meet not less frequently than annually, at*
3 *the call of the Chair.*

4 (B) *INITIAL MEETING.*—*During the 90-day*
5 *period beginning on the date on which the mem-*
6 *bers are appointed under paragraph (2)(A), the*
7 *Advisory Council shall hold an initial meeting.*

8 (4) *GENERAL DUTIES.*—*The Advisory Council*
9 *shall—*

10 (A) *periodically review and recommend any*
11 *appropriate changes to—*

12 (i) *the list of protocols and description*
13 *of qualifications published by the Secretary*
14 *under subsection (c)(1); and*

15 (ii) *the activities described in sub-*
16 *section (c)(1)(B);*

17 (B) *make recommendations to the Secretary*
18 *regarding the best practices that should be in-*
19 *cluded in the protocols, description of qualifica-*
20 *tions, and activities described in subparagraph*
21 *(A); and*

22 (C) *advise the Secretary regarding—*

23 (i) *the current methods used by vol-*
24 *untary environmental credit markets to*
25 *quantify and verify the prevention, reduc-*

3850

1 *tion, or mitigation of greenhouse gas emis-*
2 *sions (including the sequestration of car-*
3 *bon);*

4 *(ii) means to reduce barriers to entry*
5 *in the business of providing technical assist-*
6 *ance or the verification of the processes de-*
7 *scribed in protocols of voluntary environ-*
8 *mental credit markets for covered entities,*
9 *including by improving technical assistance*
10 *provided by the Secretary;*

11 *(iii) means to reduce compliance and*
12 *verification costs for farmers, ranchers, and*
13 *private forest landowners in entering vol-*
14 *untary environmental credit markets, in-*
15 *cluding through mechanisms and processes*
16 *to aggregate the value of activities across*
17 *land ownership;*

18 *(iv) issues relating to land and asset*
19 *ownership in light of evolving voluntary en-*
20 *vironmental credit markets; and*

21 *(v) additional means to reduce barriers*
22 *to entry in voluntary environmental credit*
23 *markets for farmers, ranchers, and private*
24 *forest landowners, particularly for begin-*
25 *ning, socially disadvantaged, limited re-*

3851

1 *source, and veteran farmers, ranchers, and*
2 *private forest landowners.*

3 (5) *COMPENSATION.—The members of the Advi-*
4 *sory Council shall serve without compensation.*

5 (6) *CONFLICT OF INTEREST.—The Secretary*
6 *shall prohibit any member of the Advisory Council*
7 *from—*

8 (A) *engaging in any determinations or ac-*
9 *tivities of the Advisory Council that may result*
10 *in the favoring of, or a direct and predictable ef-*
11 *fect on—*

12 (i) *the member or a family member, as*
13 *determined by the Secretary;*

14 (ii) *stock owned by the member or a*
15 *family member, as determined by the Sec-*
16 *retary; or*

17 (iii) *the employer of, or a business*
18 *owned in whole or in part by, the member*
19 *or a family member, as determined by the*
20 *Secretary; or*

21 (B) *providing advice or recommendations*
22 *regarding, or otherwise participating in, matters*
23 *of the Advisory Council that—*

3852

1 (i) constitute a conflict of interest
2 under section 208 of title 18, United States
3 Code; or

4 (ii) may call into question the integ-
5 rity of the Advisory Council, the Program,
6 or the technical assistance or verification
7 activities described under subsection (c)(2).

8 (7) *FACA APPLICABILITY.*—The Advisory Coun-
9 cil shall be subject to the Federal Advisory Committee
10 Act (5 U.S.C. App.), except that section 14(a)(2) of
11 that Act shall not apply.

12 (g) *ASSESSMENT.*—

13 (1) *INITIAL ASSESSMENT.*—Not later than 90
14 days after the Advisory Council holds an initial meet-
15 ing, the Advisory Council shall submit to the Sec-
16 retary, the Committee on Agriculture of the House of
17 Representatives, and the Committee on Agriculture,
18 Nutrition, and Forestry of the Senate an initial as-
19 sessment that examines ways to ensure certainty for
20 farmers, ranchers, or private forest landowners in the
21 marketplace for agriculture or forestry credits, includ-
22 ing identification of any information that may be ap-
23 propriate for entities to provide when registering
24 under subsection (d)(1)(B).

3853

1 (2) *GENERAL ASSESSMENT.*—*Not later than 240*
2 *days after the date of enactment of this Act, the Sec-*
3 *retary, in consultation with the Administrator of the*
4 *Environmental Protection Agency, shall—*

5 (A) *conduct an assessment, which incor-*
6 *porates information from existing publications*
7 *and reports of the Department of Agriculture*
8 *and other entities with relevant expertise, re-*
9 *garding—*

10 (i) *the number and categories of non-*
11 *Federal actors in the nonprofit and for-*
12 *profit sectors involved in development, gen-*
13 *eration, or sale of agriculture or forestry*
14 *credits in voluntary environmental credit*
15 *markets;*

16 (ii) *the estimated overall domestic*
17 *market demand for agriculture or forestry*
18 *credits at the end of the preceding 4-cal-*
19 *endar year period, and historically, in vol-*
20 *untary environmental credit markets;*

21 (iii) *the total number of agriculture or*
22 *forestry credits (measured in metric tons of*
23 *carbon dioxide equivalent) that were esti-*
24 *mated to be in development, generated, or*
25 *sold in market transactions during the pre-*

3854

1 *ceding 4-calendar year period, and histori-*
2 *cally, in voluntary environmental credit*
3 *markets;*

4 *(iv) the estimated supply and demand*
5 *of metric tons of carbon dioxide equivalent*
6 *of offsets in the global marketplace for the*
7 *next 4 years;*

8 *(v) the barriers to entry due to compli-*
9 *ance and verification costs described in sub-*
10 *section (f)(4)(C)(iii);*

11 *(vi) the state of monitoring and meas-*
12 *urement technologies needed to quantify*
13 *long-term carbon sequestration in soils and*
14 *from other activities to prevent, reduce, or*
15 *mitigate greenhouse gas emissions in the ag-*
16 *riculture and forestry sectors;*

17 *(vii) means to reduce barriers to entry*
18 *into voluntary environmental credit mar-*
19 *kets for beginning, socially disadvantaged,*
20 *limited resource, and veteran farmers,*
21 *ranchers, and private forest landowners,*
22 *and the extent to which existing protocols of*
23 *voluntary environmental credit markets*
24 *allow for aggregation of projects among*

3855

1 *farmers, ranchers, and private forest land-*
2 *owners;*

3 *(viii) the extent to which the existing*
4 *regimes for generating and selling agri-*
5 *culture or forestry credits (as the regimes*
6 *exist at the end of the preceding 4-calendar*
7 *year period, and historically), and existing*
8 *voluntary environmental credit markets,*
9 *may be impeded or constricted, or achieve*
10 *greater scale and reach, if the Department*
11 *of Agriculture were involved, including in-*
12 *volvement in education described in clause*
13 *(ix);*

14 *(ix) the extent to which Department of*
15 *Agriculture education of stakeholders about*
16 *voluntary environmental credit markets*
17 *would benefit those stakeholders, including*
18 *whether that education would reduce bar-*
19 *riers to entry identified under clause (v);*

20 *(x) the extent to which existing proto-*
21 *cols of voluntary environmental credit mar-*
22 *kets, including verification, additionality,*
23 *permanence, and reporting, adequately take*
24 *into consideration and account for factors*
25 *encountered by the agriculture and private*

3856

1 *forest sectors in preventing, reducing, or*
2 *mitigating greenhouse gas emissions (in-*
3 *cluding by sequestering carbon) through ag-*
4 *riculture and forestry practices, considering*
5 *variances across regions, topography, soil*
6 *types, crop or species varieties, and business*
7 *models;*

8 *(xi) the extent to which existing proto-*
9 *cols of voluntary environmental credit mar-*
10 *kets consider options to ensure the contin-*
11 *ued valuation, through discounting or other*
12 *means, of agriculture and forestry credits in*
13 *the case of the practices underlying those*
14 *credits being disrupted due to unavoidable*
15 *events, including production challenges and*
16 *natural disasters; and*

17 *(xii) opportunities for other voluntary*
18 *markets outside of voluntary environmental*
19 *credit markets to foster the trading, buying,*
20 *or selling of credits that are derived from*
21 *activities that provide other ecosystem serv-*
22 *ice benefits, including activities that im-*
23 *prove water quality, water quantity, wild-*
24 *life habitat enhancement, and other eco-*

3857

1 *system services, as the Secretary determines*
2 *appropriate;*
3 *(B) publish the assessment; and*
4 *(C) submit the assessment to the Committee*
5 *on Agriculture, Nutrition, and Forestry of the*
6 *Senate and the Committee on Agriculture of the*
7 *House of Representatives.*

8 *(3) QUADRIENNIAL ASSESSMENT.—The Sec-*
9 *retary, in consultation with the Administrator of the*
10 *Environmental Protection Agency and the Advisory*
11 *Council, shall conduct the assessment described in*
12 *paragraph (2)(A) and publish and submit such as-*
13 *essment in accordance with subparagraphs (B) and*
14 *(C) of paragraph (2) every 4 years after the publica-*
15 *tion and submission of the first assessment under sub-*
16 *paragraphs (B) and (C) of paragraph (2).*

17 *(h) CONFIDENTIALITY.—*

18 *(1) PROHIBITION.—*

19 *(A) IN GENERAL.—Except as provided in*
20 *paragraph (2), the Secretary, any other officer or*
21 *employee of the Department of Agriculture or*
22 *any agency of the Department of Agriculture, or*
23 *any other person may not disclose to the public*
24 *the information held by the Secretary described*
25 *in subparagraph (B).*

3858

1 (B) *INFORMATION.*—

2 (i) *IN GENERAL.*—*Except as provided*
3 *in clause (ii), the information prohibited*
4 *from disclosure under subparagraph (A)*
5 *is—*

6 (I) *personally identifiable infor-*
7 *mation, including in a contract or*
8 *service agreement, of a farmer, ranch-*
9 *er, or private forest landowner, ob-*
10 *tained by the Secretary under sub-*
11 *section (d)(4)(C)(i); and*

12 (II) *confidential business informa-*
13 *tion in a contract or service agreement*
14 *of a farmer, rancher, or private forest*
15 *landowner obtained by the Secretary*
16 *under subsection (d)(4)(C)(i).*

17 (ii) *AGGREGATED RELEASE.*—*Informa-*
18 *tion described in clause (i) may be released*
19 *to the public if the information has been*
20 *transformed into a statistical or aggregate*
21 *form that does not allow the identification*
22 *of the person who supplied or is the subject*
23 *of the particular information.*

24 (2) *EXCEPTION.*—*Paragraph (1) shall not pro-*
25 *hibit the disclosure by an officer or employee of the*

3859

1 *Federal Government of information described in*
2 *paragraph (1)(B) as otherwise directed by the Sec-*
3 *retary or the Attorney General for enforcement pur-*
4 *poses.*

5 *(i) FUNDING.—*

6 *(1) AUTHORIZATION OF APPROPRIATIONS.—In*
7 *addition to the amount made available under para-*
8 *graph (2), there is authorized to be appropriated to*
9 *carry out this section \$1,000,000 for each of fiscal*
10 *years 2023 through 2027.*

11 *(2) DIRECT FUNDING.—*

12 *(A) RESCISSION.—There is rescinded*
13 *\$4,100,000 of the unobligated balance of amounts*
14 *made available by section 1003 of the American*
15 *Rescue Plan Act of 2021 (Public Law 117–2).*

16 *(B) APPROPRIATION.—If such unobligated*
17 *amounts are available to execute the rescission*
18 *under subparagraph (A), on the day after the*
19 *execution of the rescission, there is appropriated*
20 *to the Secretary, out of amounts in the Treasury*
21 *not otherwise appropriated, \$4,100,000 to carry*
22 *out this section to remain available for fiscal*
23 *years 2023 through 2027.*

3860

1 (3) *PROHIBITION.*—None of the funds of the
2 Commodity Credit Corporation shall be used to carry
3 out this section.

4 (j) *RULE OF CONSTRUCTION.*—Nothing in this section
5 shall be construed to provide authority to the Secretary for
6 the establishment or operation of a Federal market through
7 which agriculture or forestry credits may be bought or sold.

8 **SEC. 202. ACCEPTANCE AND USE OF PRIVATE FUNDS FOR**
9 **PUBLIC-PRIVATE PARTNERSHIPS.**

10 Section 1241(f) of the Food Security Act of 1985 (16
11 U.S.C. 3841(f)) is amended—

12 (1) in the subsection heading, by inserting “FOR
13 PUBLIC-PRIVATE PARTNERSHIPS” after “CONTRIBU-
14 TIONS”;

15 (2) by amending paragraph (1) to read as fol-
16 lows:

17 “(1) *ESTABLISHMENT OF PUBLIC-PRIVATE PART-*
18 *NERSHIP CONTRIBUTIONS ACCOUNTS.*—The Secretary
19 shall establish the necessary accounts and process to
20 accept contributions of private funds for the purposes
21 of addressing the changing climate, sequestering car-
22 bon, improving wildlife habitat, protecting sources of
23 drinking water, and addressing other natural resource
24 priorities identified by the Secretary.”;

3861

1 (3) *in paragraph (2), by striking “a conserva-*
2 *tion program administered by the Secretary under*
3 *subtitle D shall be deposited into the sub-account”*
4 *and inserting “a covered program shall be deposited*
5 *into the account”; and*

6 (4) *by adding at the end the following:*

7 “(3) *SECRETARIAL AUTHORITY.—*

8 “(A) *IN GENERAL.—The Secretary may ac-*
9 *cept under this subsection contributions of such*
10 *funds as the Secretary determines appropriate,*
11 *taking into consideration—*

12 “(i) *the source of the funds to be con-*
13 *tributed;*

14 “(ii) *the natural resource concerns to*
15 *be addressed through the use of the funds;*

16 “(iii) *the amount of funds to be con-*
17 *tributed;*

18 “(iv) *whether the activities proposed to*
19 *be carried out using the funds are consistent*
20 *with the priorities of the Secretary; and*

21 “(v) *any other factors the Secretary de-*
22 *termines to be relevant.*

23 “(B) *DETERMINATION.—A determination of*
24 *whether to accept private funds under this sub-*

3862

1 *section shall be at the sole discretion of the Sec-*
2 *retary.*

3 “(4) *MATCH OF CONTRIBUTED FUNDS.*—

4 “(A) *IN GENERAL.*—Subject to subpara-
5 *graph (B), the Secretary may provide matching*
6 *Federal funds, and determine the level of such*
7 *match, which shall not exceed 75 percent, for the*
8 *private funds contributed under this subsection,*
9 *subject to the availability of funding for the ap-*
10 *plicable covered program.*

11 “(B) *DISTRIBUTION OF FEDERAL FUNDING*
12 *FOR STATES.*—The Secretary may not provide
13 *any matching Federal funds pursuant to sub-*
14 *paragraph (A) in a manner that would result in*
15 *a substantial reduction in the historical distribu-*
16 *tion of Federal funding to any State for any cov-*
17 *ered program.*

18 “(C) *LIMITATION.*—No funds made avail-
19 *able pursuant to Public Law 117–169 may be*
20 *used to provide matching Federal funds pursu-*
21 *ant to subparagraph (A).*

22 “(5) *ROLE OF CONTRIBUTING ENTITY.*—An enti-
23 *ty contributing funds under this subsection may—*

3863

1 “(A) designate the covered program for
2 which the contributed funds are intended to be
3 used;

4 “(B) specify the geographic area in which
5 the contributed funds are intended to be used;

6 “(C) identify a natural resource concern the
7 contributed funds are intended to be used to ad-
8 dress;

9 “(D) with respect to an activity funded
10 pursuant to this subsection that may result in
11 environmental services benefits to be sold through
12 an environmental services market, subject to the
13 approval of the Secretary, prescribe the terms for
14 ownership of the entity’s share of such environ-
15 mental services benefits resulting from such ac-
16 tivity; and

17 “(E) work with the Secretary to promote
18 the activities funded pursuant to this subsection.

19 “(6) PRODUCER PARTICIPATION.—

20 “(A) NOTIFICATION.—The Secretary shall
21 establish a process to provide notice to pro-
22 ducers—

23 “(i) of activities that may be carried
24 out, through a covered program, pursuant
25 to this section; and

3864

1 “(ii) any terms prescribed by the con-
2 tributing entity under paragraph (5)(D)
3 with respect to such activities.

4 “(B) *RETENTION OF ENVIRONMENTAL SERV-*
5 *ICES BENEFITS.*—*The Secretary shall not claim*
6 *or impede any action of a producer with respect*
7 *to the environmental services benefits they accrue*
8 *through activities funded pursuant to this sub-*
9 *section.*

10 “(7) *CONSISTENCY WITH PROGRAM REQUIRE-*
11 *MENTS.*—

12 “(A) *IN GENERAL.*—*Except as provided in*
13 *subparagraph (B), the Secretary shall ensure*
14 *that the terms and conditions of activities car-*
15 *ried out using funds contributed under this sub-*
16 *section are consistent with the requirements of*
17 *the applicable covered program.*

18 “(B) *ADJUSTMENTS.*—

19 “(i) *IN GENERAL.*—*The Secretary may,*
20 *if the Secretary determines necessary, adjust*
21 *a regulatory requirement of a covered pro-*
22 *gram, or related guidance, as it applies to*
23 *an activity carried out using funds contrib-*
24 *uted under this subsection—*

3865

1 “(I) to provide a simplified proc-
2 ess; or

3 “(II) to better reflect unique local
4 circumstances and to address a specific
5 priority of the contributing entity.

6 “(ii) *LIMITATION.*—The Secretary shall
7 not adjust the application of statutory re-
8 quirements for a covered program, includ-
9 ing requirements governing appeals, pay-
10 ment limits, and conservation compliance.

11 “(8) *REPORT.*—Not later than December 31,
12 2024, and each year thereafter through December 31,
13 2031, the Secretary shall submit to the Committee on
14 Agriculture of the House of Representatives and the
15 Committee on Agriculture, Nutrition, and Forestry of
16 the Senate a report that contains—

17 “(A) the name and a description of each en-
18 tity contributing private funds under this sub-
19 section that took an action under paragraph (5),
20 and a description of each such action;

21 “(B) the name and a description of each en-
22 tity contributing private funds under this sub-
23 section for which the Secretary has provided
24 matching Federal funds, and the level of that

3866

1 *match, including the amount of such matching*
2 *Federal funds; and*

3 “(C) *the total amounts of—*

4 “(i) *private funds contributed under*
5 *this subsection; and*

6 “(ii) *matching Federal funds provided*
7 *by the Secretary under paragraph (4).*

8 “(9) *COVERED PROGRAM DEFINED.—In this sub-*
9 *section, the term ‘covered program’ means a program*
10 *carried out by the Secretary under—*

11 “(A) *subtitle D (except for subchapter B of*
12 *such subtitle), subtitle H, or subtitle I;*

13 “(B) *section 403 of the Agricultural Credit*
14 *Act of 1978 (16 U.S.C. 2203);*

15 “(C) *title V of the Healthy Forests Restora-*
16 *tion Act of 2003 (16 U.S.C. 6571 et seq.); or*

17 “(D) *the Watershed Protection and Flood*
18 *Prevention Act (16 U.S.C. 1001 et seq.), except*
19 *for any program established by the Secretary to*
20 *carry out section 14 of such Act (16 U.S.C.*
21 *1012).*

22 “(10) *DURATION OF AUTHORITY.—The authority*
23 *of the Secretary under this subsection shall expire,*
24 *with respect to each covered program, on the date on*
25 *which the authority of the covered program expires.”.*

3867

1 ***TITLE II—COMMODITY FUTURES***
2 ***TRADING COMMISSION WHIS-***
3 ***TLEBLOWER PROGRAM***

4 ***SEC. 301. IN GENERAL.***

5 *Section 1(b) of Public Law 117–25 (135 Stat. 297; 136*
6 *Stat. 2133) is amended—*

7 *(1) by redesignating paragraphs (2) and (3) as*
8 *paragraphs (3) and (4), respectively;*

9 *(2) by inserting after paragraph (1) the fol-*
10 *lowing:*

11 *“(2) ADDITIONAL TRANSFERS.—In addition to*
12 *amounts transferred under paragraph (1), the Com-*
13 *mission may transfer up to \$10,000,000 from the*
14 *Fund into the account.”;*

15 *(3) in paragraph (3) (as so redesignated)—*

16 *(A) by striking “paragraph (1)” and insert-*
17 *ing “paragraphs (1) and (2)”;* and

18 *(B) by striking “until” and all that follows*
19 *through the period at the end and inserting*
20 *“until October 1, 2024.”;* and

21 *(4) in paragraph (4) (as so redesignated), by*
22 *striking “on” and all that follows through “shall” and*
23 *inserting “on October 1, 2024, shall”.*

3868

TITLE III—FORESTRY***SEC. 401. MODIFICATION OR TERMINATION OF EASEMENTS
UNDER THE HEALTHY FORESTS RESERVE
PROGRAM.***

Section 502 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572) is amended by adding at the end the following:

“(g) EASEMENT MODIFICATION OR TERMINATION.—

“(1) IN GENERAL.—The Secretary may modify or terminate an easement or other interest in land administered by the Secretary under this title if—

“(A) the owner of the land agrees to the modification or termination; and

“(B) the Secretary determines that the modification or termination—

“(i) will address a compelling public need for which there is no practicable alternative; and

“(ii) is in the public interest.

“(2) CONSIDERATION; CONDITIONS.—

“(A) TERMINATION.—As consideration for termination of an easement or other interest in land under this subsection, the Secretary shall enter into a compensatory arrangement, as the Secretary determines to be appropriate.

3869

1 “(B) *MODIFICATION.*—*In the case of a*
2 *modification of an easement or other interest in*
3 *land under this subsection—*

4 “(i) *as a condition of the modification,*
5 *the owner of the land shall enter into a*
6 *compensatory arrangement, as the Secretary*
7 *determines to be appropriate, to incur the*
8 *costs of modification; and*

9 “(ii) *the Secretary shall ensure that—*
10 “(I) *the modification will not ad-*
11 *versely affect the forest ecosystem func-*
12 *tions and values for which the ease-*
13 *ment or other interest in land was ac-*
14 *quired;*

15 “(II) *any adverse impacts will be*
16 *mitigated by enrollment and restora-*
17 *tion of other land that provides greater*
18 *forest ecosystem functions and values*
19 *at no additional cost to the Federal*
20 *Government; and*

21 “(III) *the modification will result*
22 *in equal or greater environmental and*
23 *economic values to the United States.”.*

3870

1 ***TITLE IV—NUTRITION***

2 ***SEC. 501. EBT BENEFIT FRAUD PREVENTION.***

3 (a) *GUIDANCE; RULEMAKING.—The Secretary shall—*

4 (1) *issue guidance to State agencies, on an ongoing*
5 *basis, as informed by the process outlined in*
6 *paragraph (4), that describes security measures*
7 *that—*

8 (A) *are effective, as determined by the Sec-*
9 *retary, in detecting and preventing theft of bene-*
10 *fits, including through card skimming, card*
11 *cloning, and other similar fraudulent methods;*

12 (B) *are consistent with industry standards*
13 *for detecting, identifying, and preventing debit*
14 *and credit card skimming, card cloning, and*
15 *other similar fraudulent methods; and*

16 (C) *consider the feasibility of cost, avail-*
17 *ability, and implementation for States;*

18 (2) *promulgate regulations through notice-and-*
19 *comment rulemaking to require State agencies to take*
20 *the security measures described in the guidance issued*
21 *under paragraph (1);*

22 (3) *not later than December 1, 2023, promulgate*
23 *regulations (including an interim final rule) to re-*
24 *quire State agencies to implement procedures for the*
25 *replacement of benefits consistent with subsection (b);*

3871

1 (4) *coordinate with the Administrator of the Ad-*
2 *ministration for Children and Families of the De-*
3 *partment of Health and Human Services, the Attor-*
4 *ney General of the United States, State agencies, re-*
5 *tail food stores, and EBT contractors—*

6 (A) *to determine—*

7 (i) *how benefits are being stolen*
8 *through card skimming, card cloning, and*
9 *other similar fraudulent methods;*

10 (ii) *how those stolen benefits are used;*
11 *and*

12 (iii) *to the maximum extent prac-*
13 *ticable, the locations where card skimming,*
14 *card cloning, and other similar fraudulent*
15 *methods are taking place;*

16 (B) *to establish measures, including equip-*
17 *ment enhancements for retail food stores, to pre-*
18 *vent benefits from being stolen through card*
19 *skimming, card cloning, and other similar*
20 *fraudulent methods; and*

21 (C) *to establish standard reporting methods*
22 *for States to collect and share data with the Sec-*
23 *retary on the scope of benefits being stolen*
24 *through card skimming, card cloning, and other*
25 *similar fraudulent methods; and*

3872

1 (5) *not later than October 1, 2024, submit to the*
2 *Committee on Agriculture, Nutrition, and Forestry of*
3 *the Senate and the Committee on Agriculture of the*
4 *House of Representatives a report that includes—*

5 *(A) to the maximum extent practicable, in-*
6 *formation on the frequency of theft of benefits*
7 *and the location of those thefts, including benefits*
8 *stolen through card skimming, card cloning, and*
9 *other similar fraudulent methods;*

10 *(B) a description of the determinations*
11 *made under paragraph (4)(A), the measures es-*
12 *tablished under paragraph (4)(B), and methods*
13 *established in paragraph (4)(C);*

14 *(C) a description of the industry standards*
15 *described in paragraph (1)(B); and*

16 *(D) recommendations on how to consistently*
17 *detect, track, report, and prevent theft of benefits,*
18 *including benefits stolen through card skimming,*
19 *card cloning, and other similar fraudulent meth-*
20 *ods.*

21 (b) *REPLACEMENT OF BENEFITS.—The Secretary shall*
22 *use funds appropriated under section 18 of the Food and*
23 *Nutrition Act of 2008 (7 U.S.C. 2027) to require States to*
24 *replace benefits that are determined by the State agency to*

3873

1 *have been stolen through card skimming, card cloning, or*
2 *similar fraudulent methods, subject to the conditions that—*

3 *(1) the State agency shall submit to the Sec-*
4 *retary not later than 60 days after the date of the en-*
5 *actment of this Act for prior approval a plan for the*
6 *replacement of stolen benefits that—*

7 *(A) includes appropriate procedures, as de-*
8 *termined by the Secretary, for the timely submis-*
9 *sion of claims to, timely validation of claims by,*
10 *and replacement issuance by the State agency*
11 *that includes—*

12 *(i) a signed statement by the affected*
13 *household on the benefit theft, consistent*
14 *with the signature requirements and options*
15 *provided by section 11(e)(2)(C) of the Food*
16 *and Nutrition Act of 2008, as amended (7*
17 *U.S.C. 2020(e)(2)(C));*

18 *(ii) criteria to determine if a sub-*
19 *mitted claim is valid;*

20 *(iii) procedures for the documentation*
21 *of replacement issuances, including the sub-*
22 *mitted claims and findings from the valida-*
23 *tion;*

3874

1 (iv) the submission of data reports on
2 benefit theft and replacement activity to the
3 Secretary;

4 (v) procedures to inform households of
5 their right to a fair hearing, consistent with
6 those already established by section 11(e) of
7 the Food and Nutrition Act of 2008 (7
8 U.S.C. 2020(e)) and corresponding regula-
9 tions concerning replacement issuances; and

10 (vi) the State agency's use and
11 planned use of benefit theft prevention
12 measures, including any additional guid-
13 ance that may be issued under subsection
14 (a)(1);

15 (B) includes appropriate procedures, as de-
16 termined by the Secretary, for reporting the
17 scope and frequency of card skimming affecting
18 households within the State to the Secretary;

19 (C) upon approval shall be incorporated
20 into the State plan of operation required under
21 section 11(e) of the Food and Nutrition Act of
22 2008 (7 U.S.C. 2020(e)); and

23 (D) the Secretary may approve after the
24 date on which guidance is issued under sub-
25 section (a)(1);

3875

1 (2) *the replacement of stolen benefits for a house-*
2 *hold—*

3 (A) *shall not exceed the lesser of—*

4 (i) *the amount of benefits stolen from*
5 *the household; or*

6 (ii) *the amount equal to 2 months of*
7 *the monthly allotment of the household im-*
8 *mediately prior to the date on which the*
9 *benefits were stolen;*

10 (B) *shall not occur more than 2 times per*
11 *Federal fiscal year per household by a single*
12 *State agency; and*

13 (C) *shall only apply to benefits stolen dur-*
14 *ing the period beginning on October 1, 2022, and*
15 *ending on September 30, 2024;*

16 (3) *plans approved under paragraph (1) will re-*
17 *main in effect until the effective date of the rule pro-*
18 *mulgated pursuant to subsection (a)(3); and*

19 (4) *replacements of benefits under this section*
20 *shall not be regarded as losses for the purpose of sec-*
21 *tion 7(e) of the Food and Nutrition Act of 2008 (7*
22 *U.S.C. 2016(e)) to the extent such replacements are*
23 *made in accordance with an approved plan that com-*
24 *plies with this subsection.*

3876

1 (c) *DEFINITIONS.*—*In this section, the terms “allot-*
2 *ment”, “benefit”, “household”, “retail food store”, and*
3 *“State agency” have the meaning given those terms in sec-*
4 *tion 3 of the Food and Nutrition Act of 2008 (7 U.S.C.*
5 *2012).*

6 (d) *RESCISSION.*—*Of the unobligated balances made*
7 *available for the Supplemental Nutrition Assistance Pro-*
8 *gram as authorized by section 1101(b)(1) of the American*
9 *Rescue Plan Act of 2021 (Public Law 117–2), \$8,000,000*
10 *is hereby rescinded.*

11 **SEC. 502. INCREASING ACCESS TO SUMMER MEALS FOR**
12 **CHILDREN THROUGH EBT AND ALTERNATIVE**
13 **DELIVERY OPTIONS.**

14 (a) *AGREEMENTS.*—*Section 12(b) of the Richard B.*
15 *Russell National School Lunch Act (42 U.S.C. 1760(b)) is*
16 *amended—*

17 (1) *by inserting “and Indian Tribal organiza-*
18 *tions” after “State agencies” each place it appears;*
19 *and*

20 (2) *in paragraph (2)(B), in the matter preceding*
21 *clause (i), by inserting “and Indian Tribal organiza-*
22 *tion” before “budget”.*

23 (b) *NONCONGREGATE MEALS.*—*Section 13 of the Rich-*
24 *ard B. Russell National School Lunch Act (42 U.S.C. 1761)*
25 *is amended—*

3877

1 (1) *in subsection (a), by adding at the end the*
2 *following:*

3 “(13) *NONCONGREGATE MEALS.—*

4 “(A) *IN GENERAL.—Beginning not later*
5 *than summer 2023, the Secretary shall make*
6 *available an option to States to provide program*
7 *meals under this section for noncongregate con-*
8 *sumption in a rural area with no congregate*
9 *meal service, as determined by the Secretary.*

10 “(B) *SUMMER 2023.—Notwithstanding any*
11 *other provision in this paragraph, for summer*
12 *2023, the Secretary may allow States to use im-*
13 *plementation models developed by the Secretary*
14 *for demonstration projects carried out under sec-*
15 *tion 749(g) of the Agriculture, Rural Develop-*
16 *ment, Food and Drug Administration, and Re-*
17 *lated Agencies Appropriations Act, 2010 (Public*
18 *Law 111–80; 123 Stat. 2132), to carry out sub-*
19 *paragraph (A).*

20 “(C) *ELIGIBILITY DETERMINATION.—In ad-*
21 *ministering this paragraph, the Secretary shall*
22 *ensure that noncongregate meals are only avail-*
23 *able for a child—*

24 “(i) *in an area in which poor eco-*
25 *nomie conditions exist; and*

3878

1 “(ii) *in an area that is not an area in*
2 *which poor economic conditions exist, if the*
3 *child is determined to be eligible for a free*
4 *or reduced price lunch under this Act or a*
5 *free or reduced price breakfast under section*
6 *4 of the Child Nutrition Act of 1966 (42*
7 *U.S.C. 1773).*

8 “(D) *PRIORITIES.*—

9 “(i) *IN GENERAL.*—*States shall—*

10 *“(I) identify areas with no con-*
11 *gregate meal service that could benefit*
12 *the most from the provision of noncon-*
13 *gregate meals; and*

14 *“(II) encourage participating*
15 *service institutions in those areas to*
16 *provide noncongregate meals as appro-*
17 *priate.*

18 “(ii) *AREAS.*—*Areas identified under*
19 *clause (i) may include areas that are not*
20 *areas in which poor economic conditions*
21 *exist but that have children who are deter-*
22 *mined to be eligible for free or reduced price*
23 *lunch under this Act or free or reduced*
24 *price breakfast under section 4 of the Child*
25 *Nutrition Act of 1966 (42 U.S.C. 1773).*

3879

1 “(E) *ADMINISTRATION.—In administering*
2 *this paragraph, the Secretary shall ensure that—*

3 “(i) *any meal served for noncongregate*
4 *consumption—*

5 “(I) *meets all applicable State*
6 *and local health, safety, and sanitation*
7 *standards; and*

8 “(II) *meets the requirements*
9 *under subsection (f)(1);*

10 “(ii) *over a 10-day calendar period,*
11 *the number of reimbursable meals provided*
12 *to a child does not exceed the number of*
13 *meals that could be provided over a 10-day*
14 *calendar period, as established under sub-*
15 *section (b)(2); and*

16 “(iii) *States establish a process for*
17 *identifying gaps in service and barriers in*
18 *reaching needy children for congregate and*
19 *noncongregate models.*

20 “(F) *REGULATIONS.—Not later than 1 year*
21 *after the date of enactment of this paragraph, the*
22 *Secretary shall promulgate regulations (which*
23 *shall include interim final regulations) to carry*
24 *out this section, including provisions—*

3880

1 “(i) to ensure the integrity of the alter-
2 native option for program delivery de-
3 scribed in subparagraph (A); and

4 “(ii) to incorporate best practices and
5 lessons learned from noncongregate dem-
6 onstration projects under section 749(g) of
7 the Agriculture, Rural Development, Food
8 and Drug Administration, and Related
9 Agencies Appropriations Act, 2010 (Public
10 Law 111–80; 123 Stat. 2132).”; and

11 (2) in subsection (n)—

12 (A) by striking “by January 1 of each year
13 of its intent to administer the program and shall
14 submit for approval by February 15” and insert-
15 ing “of its intent to administer the program and
16 shall submit for approval by April 1, 2023,”;

17 (B) by striking “(1)” and inserting “(A)”;

18 (C) by striking “(2)” and inserting “(B)”;

19 (D) by striking “(3)” and inserting “(C)”;

20 (E) by striking “(4)” and inserting “(D)”;

21 (F) by striking “(5)” and inserting “(E)”;

22 (G) by striking “and (6)” and inserting
23 “(F)”;

24 (H) by striking the period at the end and
25 inserting “; and (G) the State’s plan for using

3881

1 *the alternative option for program delivery de-*
2 *scribed in subsection (a)(13), if applicable, in-*
3 *cluding plans to provide a reasonable oppor-*
4 *tunity to access meals across all areas of the*
5 *State.”;*

6 *(I) by striking the subsection designation*
7 *and all that follows through “Each State” and*
8 *inserting the following:*

9 “(n) *MANAGEMENT AND ADMINISTRATION STATE*
10 *PLANS.—*

11 *“(1) SUMMER 2023.—Each State”; and*

12 *(J) by adding at the end the following:*

13 *“(2) SUMMER 2024 AND BEYOND.—Beginning in*
14 *2024, each State desiring to participate in the pro-*
15 *gram under this section or in the summer EBT pro-*
16 *gram under section 13A shall notify the Secretary by*
17 *January 1 of each year of its intent to administer the*
18 *applicable program and shall submit for approval by*
19 *February 15 a management and administration plan*
20 *for the applicable program for the fiscal year, which*
21 *shall include, as applicable—*

22 *“(A) the requirements listed in subpara-*
23 *graphs (A) through (G) of paragraph (1);*

3882

1 “(B) the administrative budget of the State
2 for administering the summer EBT program
3 under section 13A;

4 “(C) the State’s plan to comply with the
5 State requirements in section 13A(c) and any
6 other standards prescribed by the Secretary
7 under section 13A;

8 “(D) the State’s plan to identify areas with
9 no congregate meal service;

10 “(E) the State’s plan to target priority
11 areas identified under subsection
12 (a)(13)(D)(i)(I); and

13 “(F) the State’s plan to ensure that summer
14 EBT benefits (as described in section 13A(a))
15 are issued to children based on their school at-
16 tendance at the end of the instructional year im-
17 mediately preceding such summer.”.

18 (c) *SUMMER EBT.*—The Richard B. Russell National
19 School Lunch Act is amended by inserting after section 13
20 (42 U.S.C. 1761) the following:

21 **“SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER FOR**
22 **CHILDREN PROGRAM.**

23 “(a) *PROGRAM ESTABLISHED.*—The Secretary shall
24 establish a program under which States and covered Indian
25 Tribal organizations electing to participate in such pro-

3883

1 *gram shall, beginning with summer 2024 and annually for*
2 *each summer thereafter, issue to each eligible household*
3 *summer electronic benefit transfer benefits (referred to in*
4 *this section as ‘summer EBT benefits’)—*

5 *“(1) in accordance with this section; and*

6 *“(2) for the purpose of providing nutrition as-*
7 *sistance through electronic benefit transfer or methods*
8 *described in clauses (ii) and (iii) of subsection*
9 *(b)(2)(B) during the summer months for each eligible*
10 *child, to ensure continued access to food when school*
11 *is not in session for the summer.*

12 *“(b) SUMMER EBT BENEFITS REQUIREMENTS.—*

13 *“(1) PURCHASE OPTIONS.—*

14 *“(A) BENEFITS ISSUED BY STATES.—Sum-*
15 *mer EBT benefits issued pursuant to subsection*
16 *(a) by a State may only be used by the eligible*
17 *household that receives such summer EBT bene-*
18 *fits to purchase food (as defined in section 3 of*
19 *the Food and Nutrition Act of 2008 (7 U.S.C.*
20 *2012)) from retail food stores that have been ap-*
21 *proved for participation in the supplemental nu-*
22 *trition assistance program established under*
23 *such Act and in accordance with section 7(b) of*
24 *such Act (7 U.S.C. 2016(b)) or in the nutrition*
25 *assistance program in American Samoa, the*

3884

1 *Commonwealth of Puerto Rico, and the Com-*
2 *monwealth of the Northern Mariana Islands.*

3 “(B) *BENEFITS ISSUED BY COVERED INDIAN*
4 *TRIBAL ORGANIZATIONS.—Summer EBT benefits*
5 *issued pursuant to subsection (a) by a covered*
6 *Indian Tribal organization may only be used by*
7 *the eligible household that receives such summer*
8 *EBT benefits to purchase supplemental foods*
9 *from vendors that have been approved for par-*
10 *ticipation in the special supplemental nutrition*
11 *program for women, infants, and children under*
12 *section 17 of the Child Nutrition Act of 1966 (42*
13 *U.S.C. 1786).*

14 “(2) *AMOUNT.—Summer EBT benefits issued*
15 *pursuant to subsection (a)—*

16 “(A) *shall be—*

17 “(i) *for calendar year 2024, in an*
18 *amount equal to \$40, which may be propor-*
19 *tionately higher consistent with the adjust-*
20 *ments established under section 12(f) for*
21 *each eligible child in the eligible household*
22 *per month during the summer operational*
23 *period; and*

24 “(ii) *for calendar year 2025 and each*
25 *year thereafter, in an amount equal to the*

3885

1 *unrounded benefit amount from the prior*
2 *year, adjusted to the nearest lower dollar*
3 *increment to reflect changes to the cost of*
4 *the diet described in section 3(u) of the*
5 *Food and Nutrition Act of 2008 (7 U.S.C.*
6 *2012(u)) for the 12-month period ending on*
7 *November 30 of the preceding calendar year*
8 *and rounded to the nearest lower dollar in-*
9 *crement; and*
10 *“(B) may be issued—*
11 *“(i) in the form of an EBT card;*
12 *“(ii) through other electronic methods,*
13 *as determined by the Secretary; or*
14 *“(iii) in the case of a State that does*
15 *not issue nutrition assistance program bene-*
16 *fits electronically, using the same methods*
17 *by which that State issues benefits under*
18 *the nutrition assistance program of that*
19 *State.*
20 *“(3) ENFORCEMENT.—Summer EBT benefits*
21 *issued pursuant to subsection (a) shall—*
22 *“(A) be subject to sections 12, 14, and 15 of*
23 *the Food and Nutrition Act of 2008 (7 U.S.C.*
24 *2021, 2023, 2024) and subsections (n), (o), and*

3886

1 *(p) of section 17 of the Child Nutrition Act of*
2 *1966 (42 U.S.C. 1786), as applicable; and*

3 *“(B) to the maximum extent practicable,*
4 *incorporate technology tools consistent with in-*
5 *dustry standards that track or prevent theft of*
6 *benefits, cloning, or other fraudulent activities.*

7 *“(4) TIMING.—*

8 *“(A) IN GENERAL.—Except as provided in*
9 *subparagraph (B), summer EBT benefits issued*
10 *pursuant to subsection (a) may only be issued*
11 *for the purpose of purchasing food during the*
12 *summer months, with appropriate issuance and*
13 *expungement timelines as determined by the Sec-*
14 *retary (but with an expungement timeline not to*
15 *exceed 4 months).*

16 *“(B) CONTINUOUS SCHOOL CALENDAR.—In*
17 *the case of children who are under a continuous*
18 *school calendar, the Secretary shall establish al-*
19 *ternative plans for the period during which sum-*
20 *mer EBT benefits may be issued pursuant to*
21 *subsection (a) and used.*

22 *“(c) ENROLLMENT IN PROGRAM.—*

23 *“(1) STATE REQUIREMENTS.—States that elect to*
24 *participate in the program under this section shall—*

3887

1 “(A) with respect to summer, automatically
2 enroll each eligible child who is directly certified,
3 is an identified student (as defined in section
4 11(a)(1)(F)(i)), or is otherwise determined by a
5 school food authority to be eligible to receive free
6 or reduced price meals in the instructional year
7 immediately preceding the summer or during the
8 summer operational period in the program
9 under this section, without further application
10 from households;

11 “(B) make an application available for
12 children who do not meet the criteria described
13 in subparagraph (A) and make eligibility deter-
14 minations using the eligibility criteria for free or
15 reduced price lunches under this Act;

16 “(C) establish procedures to carry out the
17 enrollment described in subparagraph (A);

18 “(D) establish procedures for expunging
19 summer EBT benefits from the account of a
20 household, consistent with the requirements
21 under subsection (b)(4); and

22 “(E) allow eligible households to opt out of
23 participation in the program under this section
24 and establish procedures for opting out of such
25 participation.

3888

1 “(2) *COVERED INDIAN TRIBAL ORGANIZATION*
2 *REQUIREMENTS.*—*Covered Indian Tribal organiza-*
3 *tions participating in the program under this section*
4 *shall, to the maximum extent practicable, meet the re-*
5 *quirements under paragraph (1).*

6 “(d) *ADMINISTRATIVE EXPENSES.*—*The Secretary*
7 *shall pay to each State agency and covered Indian Tribal*
8 *organization an amount equal to 50 percent of the adminis-*
9 *trative expenses incurred by the State agency or covered In-*
10 *dian Tribal organization in operating the program under*
11 *this section, including the administrative expenses of local*
12 *educational agencies and other agencies in each State or*
13 *covered Indian Tribal organization relating to the oper-*
14 *ation of the program under this section.*

15 “(e) *SUMMER EBT AUTHORITY.*—*Beginning in sum-*
16 *mer 2024, the Secretary shall not allow States to use the*
17 *authority in section 749(g) of the Agriculture, Rural Devel-*
18 *opment, Food and Drug Administration, and Related Agen-*
19 *cies Appropriations Act, 2010 (Public Law 111–80; 123*
20 *Stat. 2132), to provide access to food through electronic ben-*
21 *efit transfer benefits to children during the summer months*
22 *when schools are not in regular session.*

23 “(f) *ISSUANCE OF INTERIM FINAL REGULATIONS.*—
24 *Not later than 1 year after the date of enactment of this*
25 *section, the Secretary shall promulgate regulations (which*

3889

1 *shall include interim final regulations) to carry out this*
2 *section, including provisions that—*

3 *“(1) incorporate best practices and lessons*
4 *learned from demonstration projects under—*

5 *“(A) section 749(g) of the Agriculture,*
6 *Rural Development, Food and Drug Administra-*
7 *tion, and Related Agencies Appropriations Act,*
8 *2010 (Public Law 111–80; 123 Stat. 2132); and*

9 *“(B) the pandemic EBT program under*
10 *section 1101 of the Families First Coronavirus*
11 *Response Act (7 U.S.C. 2011 note; Public Law*
12 *116–127);*

13 *“(2) ensure timely and fair service to applicants*
14 *for and recipients of benefits under this section;*

15 *“(3) establish quality assurance and program in-*
16 *tegrity procedures to ensure that States and local edu-*
17 *cational agencies have adequate processes—*

18 *“(A) to correctly determine the eligibility of*
19 *children for benefits under this section; and*

20 *“(B) to reliably enroll and issue benefits to*
21 *eligible children; and*

22 *“(4) allow States and covered Indian Tribal or-*
23 *ganizations to streamline program administration,*
24 *including by—*

3890

1 “(A) automatically enrolling each eligible
2 child who is able to be directly certified; and

3 “(B) establishing a single summer oper-
4 ational period.

5 “(g) ADMINISTRATIVE AND MANAGEMENT PLAN.—Be-
6 ginning in 2024, each State desiring to participate in the
7 program under this section shall comply with the require-
8 ments under section 13(n).

9 “(h) DEFINITIONS.—In this section:

10 “(1) COVERED INDIAN TRIBAL ORGANIZATION.—
11 The term ‘covered Indian Tribal organization’ means
12 an Indian Tribal organization that participates in
13 the special supplemental nutrition program for
14 women, infants, and children established under sec-
15 tion 17 of the Child Nutrition Act of 1966 (42 U.S.C.
16 1786).

17 “(2) ELIGIBLE CHILD.—The term ‘eligible child’
18 means, with respect to a summer, a child who—

19 “(A) was, at the end of the instructional
20 year immediately preceding such summer or
21 during the summer operational period—

22 “(i) certified to receive free or reduced
23 price lunch under the school lunch program
24 under this Act;

3891

1 “(ii) certified to receive free or reduced
2 price breakfast under the school breakfast
3 program under section 4 of the Child Nutri-
4 tion Act of 1966 (42 U.S.C. 1773); or

5 “(iii) able to be directly certified;

6 “(B) was, at the end of the instructional
7 year immediately preceding such summer—

8 “(i) enrolled in a school described in
9 subparagraph (B), (C), (D), (E), or (F) of
10 section 11(a)(1); and

11 “(ii)(I) an identified student (as de-
12 fined in section 11(a)(1)(F)(i)); or

13 “(II) a child who otherwise met the re-
14 quirements to receive free or reduced price
15 meals, as determined through an applica-
16 tion process using the eligibility criteria for
17 free or reduced price meals under this Act;
18 or

19 “(C) has been determined to be eligible for
20 the program under this section in accordance
21 with subsection (c)(1)(B).

22 “(3) *ELIGIBLE HOUSEHOLD*.—The term ‘eligible
23 household’ means a household that includes at least 1
24 eligible child.

3892

1 “(4) *SUPPLEMENTAL FOODS.*—*The term ‘supple-*
2 *mental foods’—*

3 “(A) *means foods—*

4 “(i) *containing nutrients determined*
5 *by nutritional research to be lacking in the*
6 *diets of children; and*

7 “(ii) *that promote the health of the*
8 *population served by the program under*
9 *this section, as indicated by relevant nutri-*
10 *tion science, public health concerns, and*
11 *cultural eating patterns, as determined by*
12 *the Secretary; and*

13 “(B) *includes foods not described in sub-*
14 *paragraph (A) substituted by State agencies,*
15 *with the approval of the Secretary, that—*

16 “(i) *provide the nutritional equivalent*
17 *of foods described in such subparagraph;*
18 *and*

19 “(ii) *allow for different cultural eating*
20 *patterns than foods described in such sub-*
21 *paragraph.”.*

22 (d) *AMENDMENTS TO P-EBT FOR SUMMER 2023.—*
23 *Section 1101(i) of the Families First Coronavirus Response*
24 *Act (7 U.S.C. 2011 note; Public Law 116–127) is amend-*
25 *ed—*

3893

1 (1) *by striking “The Secretary” and inserting*
2 *the following:*

3 “(1) *IN GENERAL.—The Secretary*”;

4 (2) *in paragraph (1) (as so designated), by in-*
5 *serting “approve or” after “may”; and*

6 (3) *by adding at the end the following:*

7 “(2) *LIMITATION.—A State shall not provide*
8 *benefits during a covered summer period pursuant to*
9 *paragraph (1) to children who, at the end of the*
10 *school year immediately preceding the covered sum-*
11 *mer period, attended a school that did not participate*
12 *in the school lunch program or school breakfast pro-*
13 *gram described in that paragraph.*

14 “(3) *OTHER ASSISTANCE NOT REQUIRED.—A*
15 *State shall not be required to provide assistance*
16 *under subsection (a) or (h) in order to provide assist-*
17 *ance under this subsection.”.*

18 (e) *NO DUPLICATION OF SUMMER BENEFITS.—A State*
19 *may not provide to a household summer EBT benefits (as*
20 *described in section 13A(a) of the Richard B. Russell Na-*
21 *tional School Lunch Act) under that section and benefits*
22 *under section 1101(i) of the Families First Coronavirus Re-*
23 *sponse Act (7 U.S.C. 2011 note; Public Law 116–127) for*
24 *the same period.*

3894

1 **SEC. 503. OFFSETS.**

2 (a) *SUMMER 2023.*—Section 1101(i) of the Families
3 *First Coronavirus Response Act* (7 U.S.C. 2011 note; Public
4 *Law 116–127*) (as amended by section 502(d)) is amended
5 by adding at the end the following:

6 “(4) *SUMMER 2023.*—Any benefits issued to
7 households during a covered summer period pursuant
8 to paragraph (1) in summer 2023 shall not exceed
9 \$120 per child for the covered summer period, except
10 that benefits may be proportionately higher consistent
11 with any adjustments established under section 12(f)
12 of the *Richard B. Russell National School Lunch Act*
13 (42 U.S.C. 1760(f)).”.

14 (b) *ALLOTMENTS.*—Section 2302 of the *Families First*
15 *Coronavirus Response Act* (7 U.S.C. 2011 note; Public Law
16 116–127) is amended by adding at the end the following:
17 “(d) *SUNSET.*—The authority under subsection (a)(1)
18 shall expire after the issuance of February 2023 benefits
19 under that subsection.”.

20 **TITLE V—OTHER MATTERS**

21 **SEC. 601. SUPPORT FOR COTTON MERCHANTISERS.**

22 (a) *COTTON MERCHANTISER PANDEMIC ASSIST-*
23 *ANCE.*—

24 (1) *PANDEMIC ASSISTANCE PAYMENTS TO COT-*
25 *TON MERCHANTISERS.*—The Secretary shall make
26 pandemic assistance payments, under terms and con-

3895

1 *ditions as determined by the Secretary, to cotton mer-*
2 *chandisers that purchased cotton from a United*
3 *States cotton producer or marketed cotton on behalf of*
4 *a United States cotton producer during the period*
5 *that begins on March 1, 2020, and ends on the date*
6 *of enactment of this Act.*

7 (2) *PAYMENT DETERMINATIONS.—The Secretary*
8 *shall take into consideration economic impacts of*
9 *COVID–19 and other supply chain disruptions in de-*
10 *termining payment rates under this subsection, such*
11 *that the amounts made available under paragraph*
12 *(4)(A) are fully expended no later than 1 year after*
13 *the date of enactment of this section.*

14 (3) *COTTON MERCHANDISER DEFINED.—In this*
15 *subsection, the term “cotton merchandiser” means an*
16 *entity that markets, sells, or trades cotton to end*
17 *users.*

18 (4) *FUNDING LIMITATIONS.—*

19 (A) *IN GENERAL.—Of the funds made avail-*
20 *able under subsection (b), the Secretary shall*
21 *make available \$100,000,000 to carry out this*
22 *subsection.*

23 (B) *ADMINISTRATIVE EXPENSES.—The Sec-*
24 *retary may use not more than 1 percent of the*

3896

1 *funds under subparagraph (A) for administra-*
2 *tive costs necessary to carry out this subsection.*

3 **(b) FUNDING.**—*The Secretary shall make available*
4 *\$100,000,000 to be derived from the unobligated balances*
5 *of amounts made available under section 751 of division*
6 *N of the Consolidated Appropriations Act, 2021 (Public*
7 *Law 116–260) to carry out subsection (a).*

8 **SEC. 602. ASSISTANCE FOR RICE PRODUCERS.**

9 **(a) IN GENERAL.**—*The Secretary shall make a 1-time*
10 *payment to each producer of rice on a farm in the United*
11 *States with respect to the 2022 crop year.*

12 **(b) PAYMENT AMOUNT.**—*In accordance with the*
13 *amount made available under subsection (e), the amount*
14 *of a payment to a rice producer on a farm under subsection*
15 *(a) shall be equal to the product obtained by multiplying—*

16 *(1) the payment rate per pound, as determined*
17 *by the Secretary, but which shall be—*

18 *(A) the same for all varieties of rice;*

19 *(B) not less than 2 cents per pound; and*

20 *(C) notwithstanding subparagraph (B), ad-*
21 *justed by the Secretary such that the amount*
22 *made available under subsection (e) is fully ex-*
23 *pended;*

24 *(2)(A) in the case of a producer with an average*
25 *actual production history per planted acre of rice de-*

3897

1 *terminated in accordance with subparagraphs (A), (B),*
2 *and (E) of section 508(g)(2) of the Federal Crop In-*
3 *surance Act (7 U.S.C. 1508(g)(2)), that average ac-*
4 *tual production history; or*

5 *(B) in the case of a producer without an average*
6 *actual production history described in subparagraph*
7 *(A)—*

8 *(i) if an area yield for the 2022 crop year*
9 *determined in accordance with subparagraphs*
10 *(C) and (E) of that section is available, that*
11 *area yield; or*

12 *(ii) if an area yield described in clause (i)*
13 *is not available, the yield determined by the Sec-*
14 *retary; and*

15 *(3) the sum obtained by adding, as applicable—*

16 *(A) the number of certified planted acres of*
17 *rice on the farm for the 2022 crop year, as re-*
18 *ported to the Secretary; and*

19 *(B) the number of certified acres of rice pre-*
20 *vented from being planted on the farm for the*
21 *2022 crop year, as reported to the Secretary,*
22 *multiplied by the prevented planting coverage*
23 *factor applicable to those acres.*

24 *(c) LIMITATIONS.—*

3898

1 (1) *IN GENERAL.*—*In carrying out this section,*
2 *the Secretary shall impose payment limitations con-*
3 *sistent with section 760.1507(b) of title 7, Code of*
4 *Federal Regulations (as in effect on September 30,*
5 *2021).*

6 (2) *SEPARATE LIMITATIONS.*—*The payment lim-*
7 *itations imposed under paragraph (1) shall be sepa-*
8 *rate from annual payment limitations under any*
9 *other program.*

10 (d) *DEADLINE.*—*The Secretary shall make payments*
11 *under this section not later than 120 days after the date*
12 *of enactment of this Act.*

13 (e) *FUNDING.*—

14 (1) *RESCISSION.*—*Of the unobligated balance of*
15 *the amounts made available by section 751 of division*
16 *N of the Consolidated Appropriations Act, 2021 (Pub-*
17 *lic Law 116–260; 134 Stat. 2105), \$250,000,000 is re-*
18 *scinded.*

19 (2) *APPROPRIATION.*—*There is appropriated to*
20 *the Secretary, out of any amounts in the Treasury*
21 *not otherwise appropriated, \$250,000,000 to carry out*
22 *this section.*

3899

1 **SEC. 603. ENACTMENT OF CHRONIC WASTING DISEASE RE-**
2 **SEARCH AND MANAGEMENT ACT.**

3 *The provisions of H.R. 5608 of the 117th Congress, as*
4 *engrossed in the House of Representatives on December 8,*
5 *2021, are hereby enacted into law.*

6 **TITLE VI—PESTICIDES**
7 **Subtitle A—Pesticide Registration**
8 **Improvement Act of 2022**

9 **SEC. 701. SHORT TITLE.**

10 *This title may be cited as the “Pesticide Registration*
11 *Improvement Act of 2022”.*

12 **SEC. 702. BILINGUAL LABELING.**

13 *Section 3(f) of the Federal Insecticide, Fungicide, and*
14 *Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding*
15 *at the end the following:*

16 *“(5) BILINGUAL LABELING.—*

17 *“(A) REQUIREMENT.—*

18 *“(i) IN GENERAL.—Subject to clause*
19 *(ii), not later than the applicable deadline*
20 *described in subparagraph (B), each reg-*
21 *istered pesticide product released for ship-*
22 *ment shall include—*

23 *“(I) the translation of the parts of*
24 *the labeling contained in the Spanish*
25 *Translation Guide described in sub-*

3900

1 *paragraph (G) on the product con-*
2 *tainer; or*

3 “(II) *a link to such translation*
4 *via scannable technology or other elec-*
5 *tronic methods readily accessible on the*
6 *product label.*

7 “(ii) *EXCEPTIONS.—Notwithstanding*
8 *clause (i)—*

9 “(I) *an antimicrobial pesticide*
10 *product may, in lieu of including a*
11 *translation or a link under clause (i),*
12 *provide a link to the safety data sheets*
13 *in Spanish via scannable technology or*
14 *other electronic methods readily acces-*
15 *sible on the product label; or*

16 “(II) *a non-agricultural pesticide*
17 *product that is not classified by the*
18 *Administrator as restricted use under*
19 *subsection (d)(1)(A) may, in lieu of in-*
20 *cluding a translation or a link under*
21 *clause (i), provide a link to the safety*
22 *data sheets in Spanish via scannable*
23 *technology or other electronic methods*
24 *readily accessible on the product label.*

3901

1 “(B) *DEADLINES FOR BILINGUAL LABEL-*
2 *ING.*—

3 “(i) *PESTICIDE PRODUCTS CLASSIFIED*
4 *AS RESTRICTED USE.*—*In the case of pes-*
5 *ticide products classified by the Adminis-*
6 *trator as restricted use under subsection*
7 *(d)(1)(A), the deadline specified in this sub-*
8 *paragraph is the date that is 3 years fol-*
9 *lowing the date of enactment of this para-*
10 *graph.*

11 “(ii) *PESTICIDE PRODUCTS NOT CLAS-*
12 *SIFIED AS RESTRICTED USE.*—*In the case of*
13 *pesticide products not classified by the Ad-*
14 *ministrator as restricted use under sub-*
15 *section (d)(1)(A), the deadline specified in*
16 *this subparagraph shall be as follows:*

17 “(I) *AGRICULTURAL.*—

18 “(aa) *ACUTE TOXICITY CAT-*
19 *EGORY I.*—*For agricultural pes-*
20 *ticides classified as Acute Toxicity*
21 *Category I, the date that is 3*
22 *years after the date of enactment*
23 *of this paragraph.*

24 “(bb) *ACUTE TOXICITY CAT-*
25 *EGORY II.*—*For agricultural pes-*

3902

1 *ticides classified as Acute Toxicity*
2 *Category II, the date that is 5*
3 *years after the date of enactment*
4 *of this paragraph.*

5 “(II) *ANTIMICROBIAL AND NON-*
6 *AGRICULTURAL.*—

7 “(aa) *ACUTE TOXICITY CAT-*
8 *EGORY I.*—*For antimicrobial and*
9 *non-agricultural pesticide prod-*
10 *ucts classified as Acute Toxicity*
11 *Category I, the date that is 4*
12 *years after the date of enactment*
13 *of this paragraph.*

14 “(bb) *ACUTE TOXICITY CAT-*
15 *EGORY II.*—*For antimicrobial and*
16 *non-agricultural pesticide prod-*
17 *ucts classified as Acute Toxicity*
18 *Category II, the date that is 6*
19 *years after the date of enactment*
20 *of this paragraph.*

21 “(III) *OTHER PESTICIDE PROD-*
22 *UCTS.*—*With respect to pesticide prod-*
23 *ucts not described in subclause (I) or*
24 *(II), the date that is 8 years after the*
25 *date of enactment of this paragraph.*

3903

1 “(C) *IMPLEMENTATION.*—

2 “(i) *NON-NOTIFICATION.*—

3 “(I) *IN GENERAL.*—*In carrying*
4 *out this paragraph, the Administrator*
5 *shall allow translations of the parts of*
6 *the label of a pesticide contained in the*
7 *Spanish Translation Guide described*
8 *in subparagraph (G) and scannable*
9 *technology or other electronic methods*
10 *to be added using non-notification pro-*
11 *cedures.*

12 “(II) *NON-NOTIFICATION PROCEDURE*
13 *DEFINED.*—*In this clause, the*
14 *term ‘non-notification procedure’ refers*
15 *to a procedure under which a change*
16 *may be made to a pesticide label with-*
17 *out notifying the Administrator.*

18 “(ii) *COOPERATION AND CONSULTA-*
19 *TION.*—*In carrying out this paragraph, the*
20 *Administrator shall cooperate and consult*
21 *with State lead agencies for pesticide regu-*
22 *lation for the purpose of implementing bi-*
23 *lingual labeling as provided in this para-*
24 *graph as expeditiously as possible.*

3904

1 “(iii) *END USE LABELING.*—*The label-*
2 *ing requirements of this paragraph shall*
3 *apply to end use product labels.*

4 “(iv) *INCORPORATION TIMEFRAME.*—
5 *After initial translation deadlines provided*
6 *in subparagraph (B), updates to the Span-*
7 *ish Translation Guide described in subpara-*
8 *graph (G) shall be incorporated into label-*
9 *ing on the earlier of—*

10 “(I) *in the case of agricultural use*
11 *pesticide labels, as determined by the*
12 *Administrator—*

13 “(aa) *1 year after the date of*
14 *publication of the updated Span-*
15 *ish Label Translation Guide de-*
16 *scribed in subparagraph (G); or*

17 “(bb) *the released for ship-*
18 *ment date specified on the EPA*
19 *Stamped Approved Label after the*
20 *pesticide label is next changed or*
21 *amended following the date of*
22 *publication of the updated Span-*
23 *ish Label Translation Guide de-*
24 *scribed in subparagraph (G); and*

3905

1 “(II) in the case of antimicrobial
2 and non-agricultural use pesticide la-
3 bels, as determined by the Adminis-
4 trator—

5 “(aa) 2 years after the date
6 of publication of the updated
7 Spanish Label Translation Guide
8 described in subparagraph (G); or

9 “(bb) the released for ship-
10 ment date specified on the EPA
11 Stamped Approved Label after the
12 pesticide label is next changed or
13 amended following the date of
14 publication of the updated Span-
15 ish Label Translation Guide de-
16 scribed in subparagraph (G).

17 “(v) NOTIFICATION OF UPDATES TO
18 THE SPANISH TRANSLATION GUIDE FOR
19 PESTICIDE LABELING.—Not later than 10
20 days after updating the Spanish Trans-
21 lation Guide described in subparagraph
22 (G), the Administrator shall notify reg-
23 istrants of the update to such guide.

24 “(D) ACCESSIBILITY OF BILINGUAL LABEL-
25 ING FOR FARM WORKERS.—Not later than 180

3906

1 *days after the date of enactment of this para-*
2 *graph, to the maximum extent practicable, the*
3 *Administrator shall seek stakeholder input on*
4 *ways to make bilingual labeling required under*
5 *this paragraph accessible to farm workers.*

6 “(E) *PLAN.*—Not later than 3 years after
7 the date of enactment of this paragraph, the Ad-
8 ministrators shall implement a plan to ensure
9 that farm workers have access to the bilingual la-
10 beling required under this paragraph.

11 “(F) *REPORTING.*—Not later than 2 years
12 after the date of enactment of this paragraph, the
13 Administrator shall develop and implement, and
14 make publicly available, a plan for tracking the
15 adoption of the bilingual labeling required under
16 this paragraph.

17 “(G) *SPANISH TRANSLATION GUIDE DE-*
18 *SCRIBED.*—The Spanish Translation Guide de-
19 scribed in this subparagraph is the Spanish
20 Translation Guide for Pesticide Labeling issued
21 in October 2019, as in effect on the date of enact-
22 ment of the Pesticide Registration Improvement
23 Act of 2022, and any successor guides or amend-
24 ments to such guide.”.

3907

1 **SEC. 703. EXTENSION AND MODIFICATION OF MAINTENANCE**
2 **FEE AUTHORITY.**

3 (a) *EXTENSION AND MODIFICATION OF MAINTENANCE*
4 *FEE AUTHORITY.*—Section 4(i) of the Federal Insecticide,
5 Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)) is
6 amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (C), by striking
9 “2023” and inserting “2022, and \$42,000,000
10 for each of fiscal years 2023 through 2027”;

11 (B) in subparagraph (D)—

12 (i) in clause (i), by striking “2023”
13 and inserting “2022, and \$172,000 for each
14 of fiscal years 2023 through 2027”; and

15 (ii) in clause (ii), by striking “2023”
16 and inserting “2022, and \$277,200 for each
17 of fiscal years 2023 through 2027”;

18 (C) in subparagraph (E)(i)—

19 (i) in subclause (I), by striking “2023”
20 and inserting “2022, and \$105,000 for each
21 of fiscal years 2023 through 2027”; and

22 (ii) in subclause (II), by striking
23 “2023” and inserting “2022, and \$184,800
24 for each of fiscal years 2023 through 2027”;

3908

1 (D) by redesignating subparagraphs (G),
2 (H), and (I) as subparagraphs (L), (M), and
3 (N);

4 (E) by inserting after subparagraph (F) the
5 following:

6 “(G) *FARM WORKER TRAINING AND EDU-*
7 *CATION GRANTS.*—

8 “(i) *SET-ASIDE.*—*In addition to*
9 *amounts otherwise available, for fiscal years*
10 *2023 through 2027, the Administrator shall*
11 *use not more than \$7,500,000 of the*
12 *amounts collected under this paragraph to*
13 *provide grants to organizations described in*
14 *clause (ii) for purposes of facilitating—*

15 “(I) *training of farm workers;*

16 “(II) *education of farm workers*
17 *with respect to—*

18 “(aa) *rights of farm workers*
19 *relating to pesticide safety; and*

20 “(bb) *the worker protection*
21 *standard under part 170 of title*
22 *40, Code of Federal Regulations*
23 *(or successor regulations);*

24 “(III) *the development of new in-*
25 *formational materials;*

3909

1 “(IV) *the development of training*
2 *modules; and*

3 “(V) *the development of innova-*
4 *tive methods of delivery of such infor-*
5 *mational materials and training mod-*
6 *ules.*

7 “(ii) *ELIGIBILITY.—To be eligible to*
8 *receive a grant under this subparagraph, an*
9 *organization shall have demonstrated expe-*
10 *rience in—*

11 “(I) *providing training and edu-*
12 *cation services for farm workers or*
13 *handlers of pesticides; or*

14 “(II) *developing informational*
15 *materials for farm workers or handlers*
16 *of pesticides.*

17 “(iii) *COMMUNITY-BASED ORGANIZA-*
18 *TIONS.—*

19 “(I) *COMMUNITY-BASED NON-*
20 *PROFIT FARM WORKER ORGANIZATION*
21 *GRANTS.—The Administrator shall use*
22 *funds available under clause (i) to pro-*
23 *vide grants to community-based non-*
24 *profit farm worker organizations.*

3910

1 “(II) *APPLICATION OF FUNDS.*—

2 *The Administrator shall apply the*
3 *unspent balance of funds available (up*
4 *to \$1,800,000) under clause (i) in fis-*
5 *cal years 2025 through 2027 to carry*
6 *out subclause (I).*

7 “(iv) *INTERIM FUNDING.*—*In addition*
8 *to amounts otherwise available, the Admin-*
9 *istrator may use not more than \$1,200,000*
10 *in fiscal years 2023 and 2024 to fund exist-*
11 *ing cooperative agreements that were au-*
12 *thorized under section 33(c)(3)(B), as such*
13 *section was in effect as of March 8, 2019.*

14 “(v) *PARTNERSHIPS.*—*Organizations*
15 *described in clause (ii) may apply for a*
16 *grant under this subparagraph as a part-*
17 *nership with another organization, provided*
18 *such organizations, at the time of applica-*
19 *tion, have entered into an agreement desig-*
20 *nating—*

21 “(I) *a member of the partnership*
22 *that will enter into the assistance*
23 *agreement with the Environmental*
24 *Protection Agency for the purposes of*

3911

1 *accountability for the proper expendi-*
2 *ture of Federal funds;*

3 *“(II) performance of the assist-*
4 *ance agreement;*

5 *“(III) liability for claims for re-*
6 *covery of unallowable costs incurred*
7 *under the agreement; and*

8 *“(IV) specifying roles in per-*
9 *forming the proposed scope of work for*
10 *the assistance agreement.*

11 *“(H) HEALTH CARE PROVIDER TRAINING.—*

12 *“(i) SET-ASIDE.—In addition to other*
13 *amounts available, for the period of fiscal*
14 *years 2023 through 2027, the Administrator*
15 *shall use not more than \$2,500,000 of the*
16 *amounts collected under this paragraph to*
17 *provide grants to nonprofit organizations*
18 *described in clause (ii) for purposes of fa-*
19 *cilitating—*

20 *“(I) technical assistance and*
21 *training of health care providers relat-*
22 *ing to the recognition, treatment, and*
23 *management of pesticide-related inju-*
24 *ries and illnesses;*

3912

1 “(II) the development of informa-
2 tional materials for technical assist-
3 ance and training described in sub-
4 clause (I); and

5 “(III) the development of outreach
6 and delivery methods relating to the
7 recognition, treatment, and manage-
8 ment of pesticide-related illnesses.

9 “(ii) *ELIGIBILITY*.—To be eligible to
10 receive a grant under this subparagraph, a
11 nonprofit organization shall have dem-
12 onstrated experience in providing technical
13 assistance and training to health care pro-
14 viders who serve farm worker populations.

15 “(iii) *PARTNERSHIPS*.—Organizations
16 described in clause (ii) may apply for a
17 grant under this subparagraph as a part-
18 nership with another organization, provided
19 such organizations, at the time of applica-
20 tion, have entered into an agreement desig-
21 nating—

22 “(I) a member of the partnership
23 that will enter into the assistance
24 agreement with the Environmental
25 Protection Agency for the purposes of

3913

1 *accountability for the proper expendi-*
2 *ture of Federal funds;*

3 “(II) *performance of the assist-*
4 *ance agreement;*

5 “(III) *liability for claims for re-*
6 *covery of unallowable costs incurred*
7 *under the agreement; and*

8 “(IV) *roles in performing the pro-*
9 *posed scope of work for the assistance*
10 *agreement.*

11 “(I) *PARTNERSHIP GRANTS.—In addition*
12 *to funds otherwise available, for each of fiscal*
13 *years 2023 through 2027, the Administrator*
14 *shall use not more than \$500,000 of the amounts*
15 *collected under this paragraph for partnership*
16 *grants.*

17 “(J) *PESTICIDE SAFETY EDUCATION PRO-*
18 *GRAM.—In addition to amounts otherwise avail-*
19 *able, for each of fiscal years 2023 through 2027,*
20 *the Administrator shall use not more than*
21 *\$500,000 of the amounts collected under this*
22 *paragraph to carry out the pesticide safety edu-*
23 *cation program.*

24 “(K) *TECHNICAL ASSISTANCE TO GRANT-*
25 *EES.—*

3914

1 “(i) *SET-ASIDE.*—*In addition to other*
2 *amounts available, for fiscal years 2023*
3 *through 2027, the Administrator shall use*
4 *not more than \$1,750,000 of the amounts*
5 *collected under this paragraph to provide*
6 *grants to nonprofit organizations, subject to*
7 *such conditions as the Administrator estab-*
8 *lishes to prevent conflicts of interest, to pro-*
9 *vide easily accessible technical assistance to*
10 *grantees receiving, and potential grantees*
11 *applying for, grants under subparagraphs*
12 *(G) and (H).*

13 “(ii) *CONSIDERATIONS.*—*In evaluating*
14 *requests for grants under this subpara-*
15 *graph, the Administrator shall consider, at*
16 *a minimum, the extent to which—*

17 “(I) *the organization applying for*
18 *the grant has experience providing*
19 *technical assistance to farm worker or*
20 *clinician-training organizations; and*

21 “(II) *the proposed project would*
22 *make specific technical assistance*
23 *available to organizations seeking in-*
24 *formation and assistance concerning—*

3915

1 “(aa) the grant application
2 process;

3 “(bb) the drafting of grant
4 applications; and

5 “(cc) compliance with grant
6 management and reporting re-
7 quirements.

8 “(iii) *NO SUITABLE ORGANIZATION.*—
9 *If no suitable organization requests a grant*
10 *under this subparagraph, the Administrator*
11 *shall provide technical assistance described*
12 *in clause (i) using the amounts made avail-*
13 *able by that clause.*

14 “(iv) *STAKEHOLDER INPUT.*—*In for-*
15 *mulating requests for proposals for grants*
16 *under subparagraphs (G) and (H) for a fis-*
17 *cal year, the Administrator shall solicit and*
18 *consider, in an open and transparent man-*
19 *ner that does not provide a competitive ad-*
20 *vantage to any person or persons, input*
21 *from persons who conduct farm worker edu-*
22 *cation and training, or technical assistance*
23 *and training of clinicians, regarding the re-*
24 *quest for proposals.”; and*

3916

1 (F) in subparagraph (N) (as so redesign-
2 nated), by striking “2023” and inserting “2027”;
3 and

4 (2) in paragraph (2)—

5 (A) by striking “section 33(b)(3)” and in-
6 serting “section 33(b)(3)(B)”; and

7 (B) by striking “the Pesticide Registration
8 Improvement Extension Act of 2018 and ending
9 on September 30, 2025” and inserting “the Pes-
10 ticide Registration Improvement Act of 2022 and
11 ending on September 30, 2029”.

12 (b) *EXTENSION OF PROHIBITION ON TOLERANCE*
13 *FEES.*—Section 408(m)(3) of the Federal Food, Drug, and
14 *Cosmetic Act* (21 U.S.C. 346a(m)(3)) is amended by strik-
15 ing “the Pesticide Registration Improvement Renewal Act
16 and ending on September 30, 2023” and inserting “the Pes-
17 ticide Registration Improvement Act of 2022 and ending
18 on September 30, 2027”.

19 **SEC. 704. REREGISTRATION AND EXPEDITED PROCESSING**
20 **FUND.**

21 Section 4(k) of the Federal Insecticide, Fungicide, and
22 *Rodenticide Act* (7 U.S.C. 136a–1(k)) is amended—

23 (1) in paragraph (2)(A), in the first sentence, by
24 inserting “including, to the maximum extent prac-
25 ticable, during periods in which Environmental Pro-

3917

1 *tection Agency employees are on shutdown or emer-*
2 *gency furlough as a result of a lapse in appropria-*
3 *tions,” after “limitation,”;*

4 *(2) by striking paragraphs (3) and (4) and in-*
5 *serting the following:*

6 *“(3) REVIEW OF REGISTRANT SUBMISSIONS NOT*
7 *COVERED BY SECTION 33(B)(3)(B).—*

8 *“(A) DEFINITION OF SUBMISSION NOT COV-*
9 *ERED BY SECTION 33(B)(3)(B).—In this para-*
10 *graph, the term ‘submission not covered by sec-*
11 *tion 33(b)(3)(B)’ means any submission filed by*
12 *a registrant with the Administrator relating to*
13 *a registration that is not covered by a fee table*
14 *under section 33(b)(3)(B).*

15 *“(B) SET-ASIDE.—*

16 *“(i) IN GENERAL.—In addition to*
17 *amounts otherwise available for each of fis-*
18 *cal years 2023 through 2027, the Adminis-*
19 *trator shall use approximately $\frac{1}{8}$ of the*
20 *amounts made available to the Adminis-*
21 *trator in the Reregistration and Expedited*
22 *Processing Fund for the activities described*
23 *in clause (ii).*

24 *“(ii) ACTIVITIES.—In addition to*
25 *amounts otherwise available, the Adminis-*

3918

1 *trator shall use amounts made available*
2 *under clause (i) to obtain sufficient per-*
3 *sonnel and resources to process submissions*
4 *not covered by section 33(b)(3)(B) to meet*
5 *the applicable deadlines described in—*

6 *“(I) the notice of the Adminis-*
7 *trator entitled ‘Pesticide Registration*
8 *Notice (PR) 98–10: Notifications, Non-*
9 *Notifications and Minor Formulation*
10 *Amendments’ and dated October 22,*
11 *1998 (and any successor amendments*
12 *to such notice); and*

13 *“(II) subsections (c)(3)(B) and (h)*
14 *of section 3.*

15 *“(4) DEVELOPMENT OF PUBLIC HEALTH PER-*
16 *FORMANCE STANDARDS FOR ANTIMICROBIAL PES-*
17 *TICIDE DEVICES.—*

18 *“(A) SET-ASIDE.—In addition to amounts*
19 *otherwise available, for each of fiscal years 2023*
20 *through 2027, the Administrator shall use not*
21 *more than \$500,000 of the amounts made avail-*
22 *able to the Administrator in the Reregistration*
23 *and Expedited Processing Fund for the activities*
24 *described in subparagraph (B).*

3919

1 “(B) *ANTIMICROBIAL PESTICIDE DE-*
2 *VICES.—The Administrator shall use amounts*
3 *made available under subparagraph (A) to de-*
4 *velop efficacy test methods for antimicrobial pes-*
5 *ticide devices making public health claims.”;*

6 *(3) in paragraph (5)(A), by striking “2018*
7 *through 2023” and inserting “2023 through 2027”;*

8 *(4) by redesignating paragraphs (6) and (7) as*
9 *paragraphs (9) and (10), respectively;*

10 *(5) by inserting after paragraph (5) the fol-*
11 *lowing:*

12 “(6) *AGENCY TRAINING AND STAFF.—*

13 “(A) *SET-ASIDE.—In addition to amounts*
14 *otherwise available, for each of fiscal years 2023*
15 *through 2027, the Administrator shall use not*
16 *more than \$500,000 of the amounts made avail-*
17 *able to the Administrator in the Reregistration*
18 *and Expedited Processing Fund for the activities*
19 *described in subparagraph (B).*

20 “(B) *ACTIVITIES.—The Administrator shall*
21 *use amounts made available under subparagraph*
22 *(A) to carry out the following activities:*

23 “(i) *TRAINING FOR AGENCY EMPLOY-*
24 *EES.—The Administrator shall administer*
25 *training and education programs for em-*

3920

1 *ployees of the Environmental Protection*
2 *Agency, relating to the regulatory respon-*
3 *sibilities and policies established by this*
4 *Act, including programs—*

5 *“(I) for improving the scientific,*
6 *technical, and administrative skills of*
7 *officers and employees authorized to*
8 *administer programs under this Act;*

9 *“(II) to align competencies identi-*
10 *fied by the Administrator for mission*
11 *accomplishment;*

12 *“(III) for addressing best prac-*
13 *tices for operational performance and*
14 *improvement;*

15 *“(IV) for improving administra-*
16 *tive processes and procedures and ad-*
17 *dressing efficiency issues;*

18 *“(V) to promote consistent regu-*
19 *latory decision-making; and*

20 *“(VI) for educating registrants*
21 *and regulated stakeholders on regu-*
22 *latory procedures.*

23 *“(ii) AGREEMENTS WITH INSTITUTIONS*
24 *OF HIGHER EDUCATION.—Not later than 1*
25 *year, to the maximum extent practicable,*

† HR 2617 EAS2

3921

1 *after the date of enactment of the Pesticide*
2 *Registration Improvement Act of 2022, the*
3 *Administrator shall establish a competitive*
4 *grant program to develop training curricula*
5 *and programs in accordance with clause (i)*
6 *through financial assistance agreements*
7 *with 1 or more of the following institutions*
8 *of higher education:*

9 “(I) *Non-land-grant colleges of ag-*
10 *riculture (as defined in section 1404 of*
11 *the National Agricultural Research,*
12 *Extension, and Teaching Policy Act of*
13 *1977 (7 U.S.C. 3103)).*

14 “(II) *Land-grant colleges and*
15 *universities (as defined in section 1404*
16 *of the National Agricultural Research,*
17 *Extension, and Teaching Policy Act of*
18 *1977 (7 U.S.C. 3103)).*

19 “(III) *1994 Institutions (as de-*
20 *finied in section 532 of the Equity in*
21 *Educational Land-Grant Status Act of*
22 *1994 (7 U.S.C. 301 note; Public Law*
23 *103–382)).*

24 “(7) *VECTOR EXPEDITED REVIEW VOUCHERS.—*

3922

1 “(A) *SET-ASIDE.*—*In addition to amounts*
2 *otherwise available, for each of fiscal years 2023*
3 *through 2027, the Administrator shall use not*
4 *more than \$500,000 of the amounts made avail-*
5 *able to the Administrator in the Reregistration*
6 *and Expedited Processing Fund to establish and*
7 *carry out the Vector Expedited Review Voucher*
8 *program in accordance with subparagraph (B).*

9 “(B) *VECTOR EXPEDITED REVIEW VOUCHER*
10 *PROGRAM.*—

11 “(i) *DEFINITIONS.*—*In this subpara-*
12 *graph:*

13 “(I) *PROGRAM.*—*The term ‘pro-*
14 *gram’ means the Vector Expedited Re-*
15 *view Voucher program established*
16 *under clause (ii).*

17 “(II) *VOUCHER.*—*The term*
18 *‘voucher’ means a voucher—*

19 “(aa) *issued under the pro-*
20 *gram by the Administrator to a*
21 *pesticide registration applicant*
22 *that entitles the holder to an expe-*
23 *ditated review described under*
24 *clause (vi) of a single different*
25 *pesticide registration action; and*

3923

1 “(bb) the entitlement to
2 which may be transferred (includ-
3 ing by sale) by the holder of the
4 voucher, without limitation on the
5 number of times the voucher may
6 be transferred, before the voucher
7 is redeemed.

8 “(ii) *ESTABLISHMENT*.—Not later than
9 one year after the date of enactment of the
10 *Pesticide Registration Improvement Act of*
11 *2022, the Administrator, acting through the*
12 *Office of Pesticide Programs, shall establish*
13 *a program to be known as the Vector Expe-*
14 *ditied Review Voucher program.*

15 “(iii) *PURPOSE*.—The purpose of the
16 program is to incentivize the development of
17 new insecticides to control and prevent the
18 spread of vector borne disease by expediting
19 reviews by decreasing decision review times
20 provided in section 33(b)(3)(B).

21 “(iv) *ISSUANCE OF VOUCHERS*.—

22 “(I) *IN GENERAL*.—For each of
23 fiscal years 2023 through 2027, the Ad-
24 ministrator shall issue a voucher to a
25 pesticide registration applicant for a

3924

1 *new active ingredient if the applicant*
2 *submits and has successfully registered*
3 *a mosquito-control product that—*

4 “*(aa) demonstrates a proven*
5 *efficacy against pyrethroid or*
6 *other insecticide-resistant mosqui-*
7 *toes;*

8 “*(bb) prevents, mitigates, de-*
9 *stroys, or repels pyrethroid or*
10 *other insecticide-resistant mosqui-*
11 *toes, with a novel or unique mech-*
12 *anism or mode of action, different*
13 *from other insecticides already*
14 *registered by the Administrator*
15 *for mosquito control;*

16 “*(cc) targets mosquitoes ca-*
17 *pable of spreading such diseases*
18 *as Malaria, Dengue, Zika,*
19 *Chikungunya, St. Louis enceph-*
20 *alitis, Eastern encephalitis, West-*
21 *ern encephalitis, West Nile en-*
22 *cephalitis, Cache Valley enceph-*
23 *alitis, LaCrosse encephalitis, and*
24 *Yellow Fever;*

3925

1 “(dd) the registrant has sub-
2 mitted a global access plan that
3 will be made publicly available
4 for the active ingredient and that
5 includes—

6 “(AA) manufacturing
7 locations, including any li-
8 censed third-party manufac-
9 turers;

10 “(BB) distribution and
11 procurement processes for
12 malaria vector control pro-
13 grams in selected countries;
14 and

15 “(CC) the prices for
16 common quantities of the
17 product;

18 “(ee) meets the appropriate
19 guidelines as being effective in the
20 primary vector control interven-
21 tion areas, including insecticide-
22 treated nets and indoor residual
23 spray;

24 “(ff) is made accessible for
25 use in—

3926

1 “(AA) *the United*
2 *States, including territories*
3 *or possessions of the United*
4 *States; and*

5 “(BB) *countries where*
6 *mosquito-borne diseases, such*
7 *as malaria, are prevalent;*

8 “(gg) *meets registration re-*
9 *quirements for human health and*
10 *environmental effects, labeling,*
11 *and presents no unreasonable ad-*
12 *verse effects to the environment;*

13 “(hh) *broadens the adoption*
14 *of integrated pest management*
15 *strategies, such as insecticide re-*
16 *sistance management, or makes*
17 *those strategies more effective;*

18 “(ii) *is not contained in any*
19 *pesticide product registered by the*
20 *Administrator as of the date of*
21 *the enactment of the Pesticide*
22 *Registration Improvement Act of*
23 *2022; or*

24 “(jj) *does not contain as at-*
25 *tested to by the registrant, an ac-*

† HR 2617 EAS2

3927

1 *tive ingredient approved in the 2-*
2 *year period preceding the date of*
3 *registration by any global strin-*
4 *gent regulatory authority for the*
5 *same uses, vectors, and applica-*
6 *tions.*

7 “(II) *MOSQUITO VECTOR PRI-*
8 *ORITY.—For each of fiscal years 2023*
9 *through 2027, the focus of the program*
10 *shall be to incentivize the development*
11 *of insecticides to control and prevent*
12 *the spread of mosquitoes bearing dis-*
13 *eases described in subclause (I)(cc).*

14 “(III) *EXCEPTION.—If the Ad-*
15 *ministrator determines that there is a*
16 *significant public health benefit, an ac-*
17 *tive ingredient that is registered for ag-*
18 *ricultural use that is repurposed and*
19 *submitted for control of mosquitoes and*
20 *that otherwise meets the requirements*
21 *of subclause (I) (excluding items (bb)*
22 *and (jj)) as determined necessary by*
23 *the Administrator, shall be considered*
24 *a mosquito control product meeting the*
25 *criteria specified in such subclause.*

3928

1 “(IV) *ELIGIBILITY CRITERIA*
2 *MODIFICATIONS.*—

3 “(aa) *IN GENERAL.*—*Begin-*
4 *ning in fiscal year 2028, the Ad-*
5 *ministrator shall review the pro-*
6 *gram and recommend—*

7 “(AA) *modifications to*
8 *the requirements described in*
9 *subclause (I); and*

10 “(BB) *additional vec-*
11 *tors to be included in the*
12 *program, prioritizing vectors*
13 *that pose the most significant*
14 *population health risks.*

15 “(bb) *PUBLIC INVOLVE-*
16 *MENT.*—*In carrying out item*
17 *(aa), the Administrator shall so-*
18 *licit the involvement of reg-*
19 *istrants, nongovernmental organi-*
20 *zations, and governmental agen-*
21 *cies engaged in vector-borne dis-*
22 *ease mitigation and treatment.*

23 “(v) *REDEMPTION OF VOUCHERS.*—*To*
24 *redeem a voucher, the holder shall—*

3929

1 “(I) notify the Administrator of
2 the intent of the holder to submit a
3 pesticide application with a voucher
4 for expedited review not less than 90
5 days before the submission of the appli-
6 cation; and

7 “(II) pay the applicable registra-
8 tion service fee under section 33(b).

9 “(vi) *EXPEDITED REVIEW*.—On re-
10 demption of a voucher, in furtherance of the
11 purpose described in clause (iii), the Ad-
12 ministrator shall expedite decision review
13 times as follows:

14 “(I) 6 months less than the deci-
15 sion review time for Category R010,
16 New Active Ingredient, Food use.

17 “(II) 6 months less than the deci-
18 sion review time for Category R020,
19 New Active Ingredient, Food use; re-
20 duced risk.

21 “(III) 6 months less than the deci-
22 sion review time for Category R060,
23 New Active Ingredient, Non-food use;
24 outdoor.

3930

1 “(IV) 6 months less than the deci-
2 sion review time for Category R110,
3 New Active Ingredient, Non-food use;
4 indoor.

5 “(V) 4 months less than the deci-
6 sion review time for Category R070,
7 New Active Ingredient, Non-food use;
8 outdoor; reduced risk.

9 “(VI) 2 months less than the deci-
10 sion review time for Category R120,
11 New Active Ingredient, Non-food use;
12 indoor; reduced risk.

13 “(vii) *REPORTS*.—Not later than Sep-
14 tember 30, 2025, and not later than Sep-
15 tember 30 of each year thereafter, the Ad-
16 ministrators shall issue a report on the pro-
17 gram, including—

18 “(I) the number of submissions
19 seeking a voucher;

20 “(II) the total time in review for
21 each such submission;

22 “(III) the number of such vouch-
23 ers awarded;

24 “(IV) the number of such vouchers
25 redeemed; and

3931

1 “(V) *with respect to each such re-*
2 *deemed voucher—*

3 “(aa) *the decision review*
4 *time for the pesticide application*
5 *for which the voucher was re-*
6 *deemed; and*

7 “(bb) *the average standard*
8 *decision review time for the appli-*
9 *cable pesticide category.*

10 “(C) *UNUSED AMOUNTS.—Any unused*
11 *amounts made available under this paragraph at*
12 *the end of each fiscal year shall be made avail-*
13 *able to the Administrator to carry out other ac-*
14 *tivities for which amounts in the Reregistration*
15 *and Expedited Processing Fund are authorized*
16 *to be used.*

17 “(8) *PESTICIDE SURVEILLANCE PROGRAM.—In*
18 *addition to amounts otherwise available, for each of*
19 *fiscal years 2023 through 2027, the Administrator*
20 *shall use not more than \$500,000 of the amounts*
21 *made available to the Administrator in the Rereg-*
22 *istration and Expedited Processing Fund to support*
23 *the interagency agreement with the National Institute*
24 *for Occupational Safety and Health to support the*

3932

1 *Sentinel Event Notification System for Occupational*
2 *Risk pesticides program—*

3 *“(A) with a goal of increasing the number*
4 *of participating States, prioritizing expansion*
5 *in States with the highest numbers of agricul-*
6 *tural workers; and*

7 *“(B) to improve reporting by participating*
8 *States.”; and*

9 *(6) in paragraph (10) (as so redesignated), in*
10 *the first sentence, by striking “(2), (3), (4), and (5)”*
11 *and inserting “(2) through (8)”.*

12 **SEC. 705. PESTICIDE REGISTRATION SERVICE FEES.**

13 *(a) EXTENSION AND MODIFICATION OF FEE AUTHOR-*
14 *ITY.—*

15 *(1) IN GENERAL.—Section 33(b) of the Federal*
16 *Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.*
17 *136w–8(b)) is amended—*

18 *(A) in paragraph (2)(E)(iii), by striking*
19 *“after review” and inserting “on completion of,*
20 *where appropriate, the initial screening of the*
21 *contents of the application or the preliminary*
22 *technical screening”;*

23 *(B) by striking “paragraph (3)” each place*
24 *it appears and inserting “paragraph (3)(B)”;*

3933

1 (C) in paragraph (3), by striking “Subject
2 to paragraph (6),” and inserting the following:

3 “(A) *DATA EVALUATION RECORDS.*—At the
4 decision review time under a fee table specified
5 in subparagraph (B) or as agreed upon under
6 subsection (f)(5), for each covered application
7 under a fee table specified in such subparagraph
8 (B), the Administrator shall—

9 “(i) complete data evaluation records
10 for studies submitted by the applicant in
11 support of the application; and

12 “(ii) release those data evaluation
13 records to the applicant, using appropriate
14 protections for confidential business infor-
15 mation.

16 “(B) *SCHEDULE, ACTIONS, AND FEES.*—
17 Subject to paragraph (6),”;

18 (D) in paragraph (6)—

19 (i) by amending subparagraph (A) to
20 read as follows: “Subject to the following
21 sentence, effective for a covered application
22 received during the period beginning on Oc-
23 tober 1, 2024, and ending on September 30,
24 2026, the Administrator may increase by 5
25 percent the registration service fee payable

3934

1 *for the application under paragraph (3). No*
2 *adjustment may be made under the pre-*
3 *ceding sentence until the date on which the*
4 *Administrator begins to implement clauses*
5 *(i) and (ii) of subsection (k)(2)(A).”; and*

6 *(ii) by amending subparagraph (B) to*
7 *read as follows: “Subject to the following*
8 *sentence, effective for a covered application*
9 *received on or after October 1, 2026, the Ad-*
10 *ministrator may increase by an additional*
11 *5 percent the registration service fee in ef-*
12 *fect as of September 30, 2026. No adjust-*
13 *ment may be made under the preceding sen-*
14 *tence until the date on which the Adminis-*
15 *trator begins to implement any rec-*
16 *ommendations for process improvements*
17 *contained in the report under subsection*
18 *(c)(4), as appropriate.”; and*

19 *(E) in paragraph (7)(A), by striking “(com-*
20 *monly referred to as a Gold Seal letter)” and in-*
21 *serting “(including a Gold Seal letter and a Cer-*
22 *tificate of Establishment)”.*

23 (2) *CONFORMING AMENDMENT.—Section 33 of*
24 *the Federal Insecticide, Fungicide, and Rodenticide*
25 *Act (7 U.S.C. 136w–8) is amended by striking “sub-*

3935

1 *section (b)(3)” each place it appears and inserting*
2 *“subsection (b)(3)(B)”.*

3 *(b) PESTICIDE REGISTRATION FUND.—Section 33(c)*
4 *of the Federal Insecticide, Fungicide, and Rodenticide Act*
5 *(7 U.S.C. 136w–8(c)) is amended—*

6 *(1) in paragraph (3), by striking subparagraph*
7 *(B) and inserting the following:*

8 *“(B) ENDANGERED SPECIES REVIEW OF*
9 *OUTDOOR USE OF PESTICIDE PRODUCTS.—*

10 *“(i) IN GENERAL.—The Administrator*
11 *shall use the amounts made available in the*
12 *Fund to develop, receive comments with re-*
13 *spect to, and finalize, guidance to reg-*
14 *istrants regarding analysis necessary to*
15 *support the review of outdoor uses of pes-*
16 *ticide products under the Endangered Spe-*
17 *cies Act of 1973 (16 U.S.C. 1531 et seq.).*

18 *“(ii) DEADLINES FOR GUIDANCE.—The*
19 *Administrator shall issue final guidance re-*
20 *quired by clause (i) in accordance with the*
21 *following:*

22 *“(I) With respect to new active*
23 *ingredients or any registration review*
24 *decision proposed for 1 or more out-*
25 *door uses, not later than 9 months*

3936

1 *after the date of enactment of the Pes-*
2 *ticide Registration Improvement Act of*
3 *2022.*

4 “(II) *With respect to new outdoor*
5 *uses of a registered pesticide, not later*
6 *than 1 year after the date of enactment*
7 *of the Pesticide Registration Improve-*
8 *ment Act of 2022.*

9 “(III) *With respect to anti-*
10 *microbial pesticide products, not later*
11 *than 3 years after the date of enact-*
12 *ment of the Pesticide Registration Im-*
13 *provement Act of 2022.*

14 “(C) *INDEPENDENT THIRD PARTY ASSESS-*
15 *MENTS.—*

16 “(i) *IN GENERAL.—The Administrator*
17 *shall use the amounts made available in the*
18 *Fund to carry out the activities described in*
19 *clauses (ii) and (iii).*

20 “(ii) *WORKFORCE ASSESSMENT.—*

21 “(I) *IN GENERAL.—The Adminis-*
22 *trator shall procure a competitive con-*
23 *tract with a qualified, independent*
24 *contractor with expertise in assessing*
25 *public sector workforce data analysis*

3937

1 *and reporting to conduct an assessment*
2 *of current methodologies and data or*
3 *metrics available to represent the work-*
4 *force implementing the Pesticide Reg-*
5 *istration Improvement Act of 2022 and*
6 *the amendments made by that Act, in-*
7 *cluding an assessment of filled and va-*
8 *cant positions and full-time equivalent*
9 *employees relating to that implementa-*
10 *tion.*

11 “(II) *REPORT.*—*Not later than 2*
12 *years after the date of enactment of the*
13 *Pesticide Registration Improvement*
14 *Act of 2022—*

15 “(aa) *the contractor selected*
16 *under subclause (I) shall submit*
17 *to the Administrator a report de-*
18 *scribing—*

19 “(AA) *the findings from*
20 *the assessment under that*
21 *subclause; and*

22 “(BB) *recommendations*
23 *for improved methodologies*
24 *to represent full-time equiva-*

3938

1 *lent resources described in*
2 *that subclause; and*

3 *“(bb) the Administrator shall*
4 *publish the report submitted*
5 *under item (aa) on the website of*
6 *the Environmental Protection*
7 *Agency.*

8 *“(iii) PROCESS ASSESSMENT.—*

9 *“(I) IN GENERAL.—*

10 *“(aa) CONTRACTS.—Within*
11 *1 year of the date of enactment of*
12 *the Pesticide Registration Im-*
13 *provement Act of 2022, to the ex-*
14 *tent practicable, the Adminis-*
15 *trator shall issue a competitive*
16 *contract to a private, independent*
17 *consulting firm—*

18 *“(AA) to conduct the as-*
19 *essment described in sub-*
20 *clause (II); and*

21 *“(BB) to submit to the*
22 *Administrator a report de-*
23 *scribing the findings of the*
24 *assessment and the processes*
25 *and performance of the Envi-*

3939

1 *ronmental Protection Agency*
2 *relating to the implementa-*
3 *tion of the Pesticide Reg-*
4 *istration Improvement Act of*
5 *2022 and the amendments*
6 *made by that Act.*

7 “(bb) *ELIGIBILITY.—The*
8 *firm described in item (aa) shall*
9 *be capable of performing the tech-*
10 *nical analysis, management as-*
11 *essment, and program evaluation*
12 *tasks required to address the scope*
13 *of the assessment under subclause*
14 *(II).*

15 “(II) *ASSESSMENT.—*

16 “(aa) *IN GENERAL.—The Ad-*
17 *ministrator, applicants, and reg-*
18 *istrants shall participate in a tar-*
19 *geted assessment of the process for*
20 *the review of applications sub-*
21 *mitted under this Act.*

22 “(bb) *CONSULTATION.—The*
23 *firm selected under subclause (I)*
24 *shall consult with the Adminis-*
25 *trator and applicants at the start*

3940

1 *of the assessment under item (aa)*
2 *and prior to submission of the re-*
3 *port under subclause (I)(aa)(BB).*

4 “(cc) *REQUIREMENTS.—The*
5 *assessment under item (aa) shall*
6 *evaluate and make recommenda-*
7 *tions regarding—*

8 “(AA) *the initial con-*
9 *tent screen;*

10 “(BB) *the preliminary*
11 *technical screen;*

12 “(CC) *performance,*
13 *processes, and progress to-*
14 *ward reducing renegotiation*
15 *rates and the average length*
16 *of renegotiations;*

17 “(DD) *performance,*
18 *processes, and progress to-*
19 *ward eliminating the backlog*
20 *of registrant submissions not*
21 *covered by subsection (b)(3);*

22 “(EE) *performance,*
23 *processes, and progress to-*
24 *ward ensuring that all reg-*
25 *istrant submissions not cov-*

3941

1 *ered by subsection (b)(3) are*
2 *completed by the applicable*
3 *deadlines described in the no-*
4 *tice of the Administrator en-*
5 *titled ‘Pesticide Registration*
6 *Notice (PR) 98–10: Notifica-*
7 *tions, Non-Notifications and*
8 *Minor Formulation Amend-*
9 *ments’ and dated October 22,*
10 *1998 (and any successor*
11 *amendments to that notice)*
12 *and described in subsections*
13 *(c)(3)(B) and (h) of section*
14 *3;*

15 *“(FF) compliance with*
16 *the provisions of this Act re-*
17 *lating to renegotiations and*
18 *registrant submissions not*
19 *covered by subsection (b)(3);*

20 *“(GG) information tech-*
21 *nology systems;*

22 *“(HH) recommended*
23 *improvements to employee*
24 *training;*

3942

1 “(II) performance,
2 progress, and processes in
3 completing registration re-
4 view; and

5 “(JJ) other appropriate
6 issues, such as submissions
7 by inert suppliers and fast-
8 track amendments under sub-
9 sections (c)(3)(B) and (h) of
10 section 3.

11 “(III) REPORT TO CONGRESS.—
12 Not later than 1 year after the receipt
13 of an assessment required under this
14 section, the Administrator shall submit
15 to the Committee on Agriculture, Nu-
16 trition, and Forestry of the Senate and
17 the Committee on Agriculture of the
18 House of Representatives—

19 “(aa) a copy of each such as-
20 sessment; and

21 “(bb) the Administrator’s
22 evaluation of the findings and rec-
23 ommendations contained in each
24 such assessment.

3943

1 “(IV) *RECOMMENDATIONS.*—*The*
2 *Administrator shall include with the*
3 *report submitted under subclause (III)*
4 *a classification of each recommenda-*
5 *tion described in the report as—*

6 “(aa) *can be implemented*
7 *through administrative action of*
8 *the Administrator; or*

9 “(bb) *requires a statutory*
10 *change.*”; and

11 (2) *in paragraph (4)—*

12 (A) *in subparagraph (A), by striking “and”*
13 *at the end;*

14 (B) *by redesignating subparagraph (B) as*
15 *subparagraph (C); and*

16 (C) *by inserting after subparagraph (A) the*
17 *following:*

18 “(B) *shall be available during periods in*
19 *which Environmental Protection Agency employ-*
20 *ees are on shutdown or emergency furlough as a*
21 *result of a lapse in appropriations; and”.*

22 (c) *ASSESSMENT OF FEES.*—*Section 33(d)(2) of the*
23 *Federal Insecticide, Fungicide, and Rodenticide Act (7*
24 *U.S.C. 136w–8(d)(2)) is amended—*

3944

1 (1) by striking “(as in existence in fiscal year
2 2012)”; and

3 (2) by striking “the amount of appropriations
4 for covered functions for fiscal year 2012 (excluding
5 the amount of any fees appropriated for the fiscal
6 year).” and inserting “\$166,000,000.”.

7 (d) *REFORMS TO REDUCE DECISION TIME REVIEW*
8 *PERIODS AND PREVENT DOUBLE PAYMENT OF REGISTRA-*
9 *TION FEES.*—Section 33(e) of the Federal Insecticide, Fun-
10 gicide, and Rodenticide Act (7 U.S.C. 136w–8(e)) is amend-
11 ed—

12 (1) by striking the subsection designation and
13 heading and all that follows through “To the max-
14 imum” and inserting the following:

15 “(e) *REFORMS TO REDUCE DECISION TIME REVIEW*
16 *PERIODS AND PREVENT DOUBLE PAYMENT OF REGISTRA-*
17 *TION FEES.*—

18 “(1) *REDUCTION OF DECISION TIME REVIEW PE-*
19 *RIODS.*—To the maximum”; and

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

21 “(2) *PREVENTION OF DOUBLE PAYMENT OF REG-*
22 *ISTRATION SERVICE FEES.*—The Administrator shall
23 develop and implement a process to determine the ap-
24 propriate fee category or categories for an application
25 that qualifies for more than one fee category in order

3945

1 *to assist applicants and prevent unnecessary payment*
2 *of fees for multiple categories for a single applica-*
3 *tion.”.*

4 *(e) DECISION TIME REVIEW PERIODS.—Section 33(f)*
5 *of the Federal Insecticide, Fungicide, and Rodenticide Act*
6 *(7 U.S.C. 136w–8(f)) is amended—*

7 *(1) in paragraph (1), by striking “Pesticide Reg-*
8 *istration Improvement Extension Act of 2018” and*
9 *inserting “Pesticide Registration Improvement Act of*
10 *2022”;*

11 *(2) in paragraph (4)—*

12 *(A) in subparagraph (B)—*

13 *(i) in clause (i), by adding at the end*
14 *the following:*

15 *“(III) FINAL FEE CATEGORY.—*

16 *The fee category of a covered applica-*
17 *tion or other actions may not be*
18 *changed, without providing the infor-*
19 *mation to the applicant, after comple-*
20 *tion of the preliminary technical*
21 *screening described in clause (iv).”;*

22 *(ii) in clause (iii), in the matter pre-*
23 *ceding subclause (I), by inserting “automate*
24 *the process, to the maximum extent prac-*
25 *ticable, and” before “determine”; and*

3946

1 *(iii) in clause (iv)—*

2 *(I) in the matter preceding sub-*
3 *clause (I), by striking “shall determine*
4 *if—” and inserting “shall—”;*

5 *(II) in subclause (I)—*

6 *(aa) by inserting “determine*
7 *if” before “the application and”;*
8 *and*

9 *(bb) by striking “and” at the*
10 *end;*

11 *(III) in subclause (II)—*

12 *(aa) by inserting “determine*
13 *if” before “the application, data,”;*
14 *and*

15 *(bb) by striking the period at*
16 *the end and inserting a semicolon;*
17 *and*

18 *(IV) by adding at the end the fol-*
19 *lowing:*

20 *“(III) determine, if applicable,*
21 *whether an application qualifies for a*
22 *reduced risk determination under sub-*
23 *section (c)(10) or (h) of section 3;*

3947

1 “(IV) grant or deny any data
2 waiver requests submitted by the appli-
3 cant with the application;

4 “(V) verify and validate the accu-
5 racy of the fee category selected by the
6 applicant; and

7 “(VI) notify the applicant, in
8 writing, if a new or different fee cat-
9 egory is required and calculate the new
10 decision review time based on the
11 original submission date.”; and

12 (B) by striking subparagraph (E) and in-
13 serting the following:

14 “(E) APPLICATIONS FOR REDUCED RISK.—

15 “(i) FEE.—If an application for a re-
16 duced risk new active ingredient or a re-
17 duced risk new use is determined not to
18 qualify as reduced risk, the applicant shall
19 pay the difference in fee for the cor-
20 responding non-reduced risk application.

21 “(ii) DECISION REVIEW TIME PE-
22 RIOD.—After receipt by the Administrator
23 of the original covered reduced risk applica-
24 tion and fee, the decision time review period
25 for the corresponding non-reduced risk ap-

3948

1 *plication shall begin within the time peri-*
2 *ods described in subparagraph (A), based on*
3 *the submission date of the original covered*
4 *reduced risk application.”; and*

5 *(3) by striking paragraph (5) and inserting the*
6 *following:*

7 *“(5) EXTENSION OF DECISION TIME REVIEW PE-*
8 *RIOD.—*

9 *“(A) NOTIFICATION.—If the Administrator*
10 *cannot meet a decision time review period under*
11 *this subsection, the Administrator shall notify*
12 *the applicant, in writing, of—*

13 *“(i) the reasons why additional time is*
14 *needed; and*

15 *“(ii) the number of days needed that*
16 *would allow the Administrator to make a*
17 *regulatory decision.*

18 *“(B) EXTENSION BY NEGOTIATION OR MU-*
19 *TUAL AGREEMENT.—The Administrator, acting*
20 *solely through the Director of the Office of Pes-*
21 *ticide Programs, and the applicant may mutu-*
22 *ally agree, in writing, to extend a decision time*
23 *review period under this subsection if—*

24 *“(i) there is new or additional data or*
25 *information from the applicant that is nec-*

3949

1 *essary for the Administrator to make a de-*
2 *cision on the application that cannot be*
3 *made available within the original decision*
4 *time review period; or*

5 *“(ii) a public comment period associ-*
6 *ated with the application generates signifi-*
7 *cant comments that cannot be addressed*
8 *within the original decision time review pe-*
9 *riod.*

10 *“(C) PRIORITY.—Once a decision time re-*
11 *view period for a covered action described in*
12 *subsection (b)(3)(B) is missed or extended, the*
13 *Administrator shall make any action on the ap-*
14 *plication a priority.”.*

15 *(f) REPORTS AND INFORMATION TECHNOLOGY.—Sec-*
16 *tion 33 of the Federal Insecticide, Fungicide, and*
17 *Rodenticide Act (7 U.S.C. 136w–8) is amended by striking*
18 *subsection (k) and inserting the following:*

19 *“(k) REPORTS AND INFORMATION TECHNOLOGY.—*

20 *“(1) REPORTS.—*

21 *“(A) IN GENERAL.—Not later than 120*
22 *days after the last day of each of fiscal years*
23 *2023 through 2027, the Administrator shall pub-*
24 *lish an annual report describing—*

25 *“(i) actions taken under this section;*

3950

1 “(ii) registrant submissions not covered
2 by subsection (b)(3)(B);

3 “(iii) the initial content and prelimi-
4 nary technical screenings required in sub-
5 section (f)(4)(B); and

6 “(iv) staffing relating to implementing
7 the Pesticide Registration Improvement Act
8 of 2022 and the amendments made by that
9 Act.

10 “(B) CONTENTS.—Each report published
11 under subparagraph (A) shall include a sum-
12 mary of the following information:

13 “(i) ACTIONS UNDER THIS SECTION.—
14 To the extent practicable, data for each ac-
15 tion taken under this section that is com-
16 pleted during the fiscal year covered by the
17 report or pending at the conclusion of that
18 fiscal year, organized by registering divi-
19 sion, including—

20 “(I) the Action Code;

21 “(II) the application receipt date;

22 “(III) the electronic portal track-
23 ing number assigned to the application
24 at the time of submission to the elec-
25 tronic submission portal or the Envi-

3951

1 *ronmental Protection Agency tracking*
2 *number;*

3 *“(IV) the original decision due*
4 *date based on the Action Code;*

5 *“(V) the dates of any renegoti-*
6 *ations and the renegotiated due dates,*
7 *if applicable;*

8 *“(VI) the reasons for each renego-*
9 *tiation, if applicable;*

10 *“(VII) if the submission had to be*
11 *recoded, reassigned codes, if applicable;*

12 *“(VIII) the date that the submis-*
13 *sion was recoded, if applicable;*

14 *“(IX) the decision completion*
15 *date, if the action has been completed;*

16 *“(X) the status of the action,*
17 *which may be—*

18 *“(aa) failed initial content*
19 *screen;*

20 *“(bb) failed preliminary*
21 *technical screen;*

22 *“(cc) approved;*

23 *“(dd) withdrawn;*

24 *“(ee) denied;*

25 *“(ff) do not grant; or*

3952

1 “(gg) pending;

2 “(XI) the reason for any denial or
3 do not grant decision, if applicable;

4 “(XII) a review of the progress
5 made in carrying out each requirement
6 of subsections (e) and (f), including, to
7 the extent determined appropriate by
8 the Administrator and consistent with
9 the authorities of the Administrator
10 and limitations on delegation of func-
11 tions by the Administrator, rec-
12 ommendations for the allowance and
13 use of summaries of acute toxicity
14 studies;

15 “(XIII) a review of the progress
16 in carrying out section 3(g), includ-
17 ing—

18 “(aa) the number of pes-
19 ticides or pesticide cases reviewed
20 and the number of registration re-
21 view decisions completed, includ-
22 ing—

23 “(AA) the number of
24 cases cancelled;

3953

1 “(BB) the number of
2 cases requiring risk mitiga-
3 tion measures;

4 “(CC) the number of
5 cases removing risk mitiga-
6 tion measures;

7 “(DD) the number of
8 cases with no risk mitigation
9 needed; and

10 “(EE) the number of
11 cases in which risk mitiga-
12 tion has been fully imple-
13 mented;

14 “(XIV) a review of the progress
15 made toward implementing enhance-
16 ments to—

17 “(aa) the electronic tracking
18 of conditional registrations; and

19 “(bb) the endangered species
20 database;

21 “(XV) a review of the progress
22 made in updating the Pesticide Inci-
23 dent Data System, including progress
24 toward making the information con-
25 tained in the System available to the

3954

1 *public (as the Administrator deter-*
2 *mines is appropriate);*

3 *“(XVI) an assessment of the pub-*
4 *lic availability of summary pesticide*
5 *usage data;*

6 *“(XVII) the number of the active*
7 *ingredients approved, new uses, and*
8 *pesticide end use products granted in*
9 *connection with the Design for the En-*
10 *vironment program (or any successor*
11 *program) of the Environmental Protec-*
12 *tion Agency;*

13 *“(XVIII) with respect to funds in*
14 *the Reregistration and Expedited Proc-*
15 *essing Fund described under section*
16 *4(k), a review that includes—*

17 *“(aa) a description of the*
18 *amount and use of such funds—*

19 *“(AA) to carry out ac-*
20 *tivities relating to worker*
21 *protection under subpara-*
22 *graphs (G) and (H) of sec-*
23 *tion 4(i)(1);*

24 *“(BB) to award part-*
25 *nership grants under sub-*

3955

1 *paragraph (I) of such sec-*
2 *tion; and*

3 *“(CC) to carry out the*
4 *pesticide safety education*
5 *program under subparagraph*
6 *(J) of such section;*

7 *“(bb) an evaluation of the*
8 *appropriateness and effectiveness*
9 *of the activities, grants, and pro-*
10 *gram under subparagraphs (G),*
11 *(H), (I), and (J) of such section;*

12 *“(cc) a description of how*
13 *stakeholders are engaged in the*
14 *decision to fund such activities,*
15 *grants, and program in accord-*
16 *ance with the stakeholder input*
17 *provided under such subpara-*
18 *graphs; and*

19 *“(dd) with respect to activi-*
20 *ties relating to worker protection*
21 *carried out under subparagraphs*
22 *(G) and (H) of section 4(i)(1), a*
23 *summary of the analyses from*
24 *stakeholders, including from work-*
25 *er community-based organiza-*

† HR 2617 EAS2

3956

1 *tions, on the appropriateness and*
2 *effectiveness of such activities.*

3 *“(XIX) beginning two years after*
4 *enactment, report on the progress of*
5 *meeting the deadlines listed in para-*
6 *graph (5) of section 3(f); and*

7 *“(XX) a review of progress made*
8 *in implementing the pesticide surveil-*
9 *lance program referred to in para-*
10 *graph (8) of section 4(k).*

11 *“(ii) REGISTRANT SUBMISSIONS NOT*
12 *COVERED BY SECTION 33(B)(3)(B).—Each*
13 *registrant submission not covered by sub-*
14 *section (b)(3)(B), that is completed during*
15 *the fiscal year covered by the report or*
16 *pending at the conclusion of that fiscal*
17 *year, organized by registering division, in-*
18 *cluding—*

19 *“(I) the submission date;*

20 *“(II) the electronic portal tracking*
21 *number assigned to the application at*
22 *the time of the submission of the appli-*
23 *cation to the electronic submission por-*
24 *tal;*

3957

1 “(III) the type of regulatory ac-
2 tion, as defined by statute or guidance
3 document, and the specific label action;

4 “(IV) the status of the action;

5 “(V) the due date;

6 “(VI) the reason for the outcome;

7 and

8 “(VII) the completion date, if ap-
9 plicable.

10 “(iii) SCREENING PROCESS.—Data for
11 the initial content screens and preliminary
12 technical screens that are completed during
13 the fiscal year covered by the report or
14 pending at the conclusion of that fiscal
15 year, organized by registering division, in-
16 cluding—

17 “(I) the number of applications
18 successfully passing each type of screen;

19 “(II) the number of applications
20 that failed the screening process for
21 each type of screen;

22 “(III) the number of notifications
23 issued by the Administrator under sub-
24 section (f)(4)(B)(ii)(II);

3958

1 “(IV) the number of notifications
2 issued by the Administrator under sub-
3 section (f)(4)(B)(ii)(I) and the number
4 of applications resulting in a rejection;
5 and

6 “(V) the number of notifications
7 issued under section 152.105 of title
8 40, Code of Federal Regulations (or
9 successor regulations), and to the ex-
10 tent practicable, the reasons for that
11 issuance.

12 “(iv) STAFFING.—Data on the staffing
13 relating to work covered under the Pesticide
14 Registration Improvement Act of 2022 and
15 the amendments made by that Act, orga-
16 nized by registering division, including—

17 “(I) the number of new hires and
18 personnel departures;

19 “(II) the number of full-time
20 equivalents at the end of each fiscal
21 year;

22 “(III) the number of full-time
23 equivalents working on registration re-
24 view activities; and

3959

1 “(IV) *the number of full-time*
2 *equivalents working on registrant sub-*
3 *missions not covered by subsection*
4 *(b)(3)(B).*

5 “(C) *PUBLICATION.—The Administrator*
6 *shall publish each report under subparagraph*
7 *(A)—*

8 *“(i) on the website of the Environ-*
9 *mental Protection Agency; and*

10 *“(ii) by such other methods as the Ad-*
11 *ministrator determines to be the most effec-*
12 *tive for efficiently disseminating the report.*

13 “(2) *INFORMATION TECHNOLOGY.—*

14 “(A) *SYSTEM.—Not later than 1 year after*
15 *the date of enactment of the Pesticide Registra-*
16 *tion Improvement Act of 2022, the Adminis-*
17 *trator shall establish an information technology*
18 *system that—*

19 *“(i) includes all registering divisions*
20 *in the Office of Pesticide Programs;*

21 *“(ii) provides a real-time, accurate,*
22 *tracking system for all regulatory submis-*
23 *sions to the Office of Pesticide Programs;*

24 *“(iii) provides a real-time, accessible*
25 *information that provides each applicant*

3960

1 *confidential, online access to the status and*
2 *progress of the regulatory submissions of the*
3 *applicant; and*

4 *“(iv) updates the electronic submission*
5 *portal—*

6 *“(I) to ensure that label reviews*
7 *are limited to current label changes, to*
8 *the maximum extent practicable;*

9 *“(II) to automate, to the extent*
10 *practicable, minor, low risk regulatory*
11 *actions; and*

12 *“(III) to allow self-certification of*
13 *certain regulatory actions, as deter-*
14 *mined by the Administrator.*

15 *“(B) ACCESS TO REGISTRATION DATA AND*
16 *DECISIONS.—The Administrator shall implement*
17 *efforts to expand existing, and develop new, in-*
18 *formation technology tools and databases to im-*
19 *prove access by Environmental Protection Agen-*
20 *cy employees to data used to fulfill registrations,*
21 *and public access to information about regu-*
22 *latory decisionmaking tools, including opportu-*
23 *nities for—*

3961

1 “(i) analysis of the impact of sub-
2 mitted studies on Environmental Protection
3 Agency assessments and decisions;

4 “(ii) facilitation of read-across or com-
5 putational model development to help fill
6 information gaps;

7 “(iii) tracking and reporting submis-
8 sion and decision metrics relating to the use
9 and acceptance of test methods; and

10 “(iv) drafting and publication of poli-
11 cies communicating Environmental Protec-
12 tion Agency acceptance of novel technologies
13 or approaches.”.

14 (g) *TERMINATION OF EFFECTIVENESS.*—Section 33(m)
15 of the Federal Insecticide, Fungicide, and Rodenticide Act
16 (7 U.S.C. 136w–8(m)) is amended—

17 (1) by striking “2023” each place it appears and
18 inserting “2027”; and

19 (2) in paragraph (2)—

20 (A) in subparagraph (A)—

21 (i) in the subparagraph heading, by
22 striking “2024” and inserting “2028”; and

23 (ii) by striking “2024” and inserting
24 “2028”; and

3962

1 (B) in each of subparagraphs (B) and
2 (C)—

3 (i) in the subparagraph heading, by
4 striking “2025” each place it appears and
5 inserting “2029”; and

6 (ii) by striking “2025” each place it
7 appears and inserting “2029”.

8 **SEC. 706. REVISION OF TABLES REGARDING COVERED PES-**
9 **TICIDE REGISTRATION APPLICATIONS AND**
10 **OTHER COVERED ACTIONS AND THEIR COR-**
11 **RESPONDING REGISTRATION SERVICE FEES.**

12 Section 33(b)(3) of the Federal Insecticide, Fungicide,
13 and Rodenticide Act (7 U.S.C. 136w–8(b)(3)) (as amended
14 by section 705(a)(1)(C)) is amended by striking subpara-
15 graph (B) and inserting the following:

16 “(B) *SCHEDULE, ACTIONS, AND FEES.*—
17 Subject to paragraph (6), the schedule of reg-
18 istration applications and other covered actions
19 and their corresponding registration service fees
20 shall be as follows:

“TABLE 1. — REGISTRATION DIVISION (RD) — NEW
ACTIVE INGREDIENTS

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R010</i>	<i>1</i>	<i>New Active Ingre- dient, Food use. (2) (3)</i>	<i>36</i>	<i>1,079,356</i>

† **HR 2617 EAS2**

3963

*“TABLE 1. — REGISTRATION DIVISION (RD) — NEW
ACTIVE INGREDIENTS—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R020</i>	<i>2</i>	<i>New Active Ingre- dient, Food use; reduced risk. (2) (3)</i>	<i>27</i>	<i>899,464</i>
<i>R040</i>	<i>3</i>	<i>New Active Ingre- dient, Food use; Experimental Use Permit ap- plication; estab- lish temporary tolerance; sub- mitted before ap- plication for reg- istration; credit 45% of fee to- ward new active ingredient ap- plication that follows. (3) (4)</i>	<i>18</i>	<i>662,883</i>
<i>R060</i>	<i>4</i>	<i>New Active Ingre- dient, Non-food use; outdoor. (2) (3)</i>	<i>30</i>	<i>749,886</i>
<i>R070</i>	<i>5</i>	<i>New Active Ingre- dient, Non-food use; outdoor; re- duced risk. (2) (3)</i>	<i>24</i>	<i>624,905</i>
<i>R090</i>	<i>6</i>	<i>New Active Ingre- dient, Non-food use; outdoor; Ex- perimental Use Permit applica- tion; submitted before applica- tion for registra- tion; credit 45% of fee toward new active in- gredient appli- cation that fol- lows. (3) (4)</i>	<i>16</i>	<i>463,930</i>

3964

*“TABLE 1. — REGISTRATION DIVISION (RD) — NEW
ACTIVE INGREDIENTS—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R110</i>	<i>7</i>	<i>New Active Ingre- dient, Non-food use; indoor. (2) (3) (4)</i>	<i>20</i>	<i>417,069</i>
<i>R120</i>	<i>8</i>	<i>New Active Ingre- dient, Non-food use; indoor; re- duced risk. (2) (3) (4)</i>	<i>14</i>	<i>347,556</i>
<i>R121</i>	<i>9</i>	<i>New Active Ingre- dient, Non-food use; indoor; Ex- perimental Use Permit applica- tion; submitted before applica- tion for registra- tion; credit 45% of fee toward new active in- gredient appli- cation that fol- lows. (3) (4)</i>	<i>18</i>	<i>261,322</i>
<i>R122</i>	<i>10</i>	<i>Enriched isomer(s) of registered mixed-isomer ac- tive ingredient. (2) (3)</i>	<i>27</i>	<i>454,526</i>
<i>R123</i>	<i>11</i>	<i>New Active Ingre- dient, Seed treatment only; includes agricul- tural and non- agricultural seeds; non-food use, not requir- ing a tolerance. (2) (3)</i>	<i>27</i>	<i>676,296</i>

3965

*“TABLE 1. — REGISTRATION DIVISION (RD) — NEW
ACTIVE INGREDIENTS—Continued*

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registra- tion Service Fee (\$)
<i>R126</i>	<i>12 (new)</i>	<i>New Active Ingre- dient, Seed treatment only; limited uptake into raw agri- cultural com- modities; use re- quiring a toler- ance. (2) (3)</i>	<i>31</i>	<i>743,925</i>
<i>R125</i>	<i>13</i>	<i>New Active Ingre- dient, Seed treatment; Ex- perimental Use Permit applica- tion; submitted before applica- tion for registra- tion; credit 45% of fee toward new active in- gredient appli- cation that fol- lows. (3) (4)</i>	<i>16</i>	<i>463,930</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

3966

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

“TABLE 2. — REGISTRATION DIVISION (RD) — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
<i>R130</i>	<i>14</i>	<i>First food use; indoor; food/food handling. (2) (3) (5)</i>	<i>23</i>	<i>274,388</i>
<i>R140</i>	<i>15</i>	<i>Additional food use; Indoor; food/food handling. (3) (4) (5)</i>	<i>17</i>	<i>64,028</i>
<i>R150</i>	<i>16</i>	<i>First food use. (2) (3) (5)</i>	<i>23</i>	<i>454,490</i>
<i>R155</i>	<i>17</i>	<i>First food use, Experimental Use Permit application; active ingredient registered for non-food use. (3) (4) (5)</i>	<i>21</i>	<i>378,742</i>
<i>R160</i>	<i>18</i>	<i>First food use; reduced risk. (2) (3) (5)</i>	<i>18</i>	<i>378,742</i>
<i>R170</i>	<i>19</i>	<i>Additional food use. (3) (4) (5)</i>	<i>17</i>	<i>113,728</i>

3967

*“TABLE 2. — REGISTRATION DIVISION (RD) — NEW
USES—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R175</i>	<i>20</i>	<i>Additional food uses covered within a crop group resulting from the conver- sion of existing approved crop group(s) to one or more revised crop groups. (3) (4) (5)</i>	<i>14</i>	<i>94,774</i>
<i>R180</i>	<i>21</i>	<i>Additional food use; reduced risk. (3) (4) (5)</i>	<i>12</i>	<i>94,774</i>
<i>R190</i>	<i>22</i>	<i>Additional food uses; 6 or more submitted in one application. (3) (4) (5)</i>	<i>17</i>	<i>682,357</i>
<i>R200</i>	<i>23</i>	<i>Additional Food Use; 6 or more submitted in one application; Re- duced Risk. (3) (4) (5)</i>	<i>12</i>	<i>568,632</i>
<i>R210</i>	<i>24</i>	<i>Additional food use; Experi- mental Use Per- mit application; establish tem- porary tolerance; no credit toward new use registra- tion. (3) (4) (5)</i>	<i>12</i>	<i>70,210</i>

3968

*“TABLE 2. — REGISTRATION DIVISION (RD) — NEW
USES—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R220</i>	<i>25</i>	<i>Additional food use; Experi- mental Use Per- mit application; crop destruct basis; no credit toward new use registration. (3) (4) (5)</i>	<i>6</i>	<i>28,434</i>
<i>R230</i>	<i>26</i>	<i>Additional use; non-food; out- door. (3) (4) (5)</i>	<i>16</i>	<i>45,453</i>
<i>R240</i>	<i>27</i>	<i>Additional use; non-food; out- door; reduced risk. (3) (4) (5)</i>	<i>10</i>	<i>37,878</i>
<i>R250</i>	<i>28</i>	<i>Additional use; non-food; out- door; Experi- mental Use Per- mit application; no credit toward new use registra- tion. (3) (4) (5)</i>	<i>6</i>	<i>28,434</i>
<i>R251</i>	<i>29</i>	<i>Experimental Use Permit applica- tion which re- quires no changes to the tolerance(s); non-crop de- struct basis. (3) (5)</i>	<i>8</i>	<i>28,434</i>
<i>R260</i>	<i>30</i>	<i>New use; non-food; indoor. (3) (4) (5)</i>	<i>12</i>	<i>21,954</i>
<i>R270</i>	<i>31</i>	<i>New use; non-food; indoor; reduced risk. (3) (4) (5)</i>	<i>9</i>	<i>18,296</i>

3969

*“TABLE 2. — REGISTRATION DIVISION (RD) — NEW
USES—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R271</i>	<i>32</i>	<i>New use; non-food; indoor; Experi- mental Use Per- mit application; no credit toward new use registra- tion. (3) (4) (5)</i>	<i>6</i>	<i>13,940</i>
<i>R273</i>	<i>33</i>	<i>Additional use; seed treatment only; use not re- quiring a new tolerance; in- cludes crops with established tolerances (e.g., for soil or foliar application). (3) (4) (5)</i>	<i>12</i>	<i>72,302</i>
<i>R274</i>	<i>34</i>	<i>Additional use; seed treatment only; 6 or more submitted in one application; uses not requiring new tolerances; includes crops with established tolerances (e.g., for soil or foliar application). (3) (4) (5)</i>	<i>12</i>	<i>433,793</i>
<i>R276</i>	<i>35 (new)</i>	<i>Additional use, seed treatment only; limited up- take into raw agricultural commodities; use requiring a tol- erance. (3) (4) (5)</i>	<i>14</i>	<i>79,560</i>

3970

*“TABLE 2. — REGISTRATION DIVISION (RD) — NEW
USES—Continued*

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
R277	36 (new)	Additional use, seed treatment only; 6 or more submitted in one application; lim- ited uptake into raw agricultural commodities; use requiring a tol- erance. (3) (4) (5)	14	477,360

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

3971

(4) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(5) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

“TABLE 3. — REGISTRATION DIVISION (RD) — IMPORT
AND OTHER TOLERANCES

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
R280	37	Establish tolerances for residues in imported commodities; new active ingredient or first food use. (2)	22	457,311
R290	38	Establish tolerances for residues in imported commodities; Additional new food use.	16	91,465

3972

*“TABLE 3. — REGISTRATION DIVISION (RD) — IMPORT
AND OTHER TOLERANCES—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R291</i>	<i>39</i>	<i>Establish toler- ances for resi- dues in imported commodities; ad- ditional food uses; 6 or more crops submitted in one petition.</i>	<i>16</i>	<i>548,773</i>
<i>R292</i>	<i>40</i>	<i>Amend an estab- lished tolerance (e.g., decrease or increase) and/or harmonize estab- lished tolerances with Codex Max- imum Residue Limits; domestic or import; ap- plicant-initi- ated.</i>	<i>12</i>	<i>64,987</i>
<i>R293</i>	<i>41</i>	<i>Establish toler- ance(s) for inad- vertent residues in one crop; ap- plicant-initi- ated.</i>	<i>13</i>	<i>76,656</i>
<i>R294</i>	<i>42</i>	<i>Establish toler- ances for inad- vertent residues; 6 or more crops submitted in one application; ap- plicant-initi- ated.</i>	<i>13</i>	<i>459,922</i>

3973

*“TABLE 3. — REGISTRATION DIVISION (RD) — IMPORT
AND OTHER TOLERANCES—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R295</i>	<i>43</i>	<i>Establish toler- ance(s) for resi- dues in one rota- tional crop in response to a specific rota- tional crop ap- plication; sub- mission of cor- responding label amendments which specify the necessary plant- back restrictions; applicant-initi- ated. (3) (4)</i>	<i>16</i>	<i>94,774</i>
<i>R296</i>	<i>44</i>	<i>Establish toler- ances for resi- dues in rota- tional crops in response to a specific rota- tional crop peti- tion; 6 or more crops submitted in one applica- tion; submission of corresponding label amend- ments which specify the nec- essary plant- back restrictions; applicant-initi- ated. (3) (4)</i>	<i>16</i>	<i>568,632</i>
<i>R297</i>	<i>45</i>	<i>Amend 6 or more established toler- ances (e.g., de- crease or in- crease) in one petition; domes- tic or import; applicant-initi- ated.</i>	<i>12</i>	<i>389,897</i>

† **HR 2617 EAS2**

3974

*“TABLE 3. — REGISTRATION DIVISION (RD) — IMPORT
AND OTHER TOLERANCES—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R298</i>	<i>46</i>	<i>Amend an estab- lished tolerance (e.g., decrease or increase); domes- tic or import; submission of corresponding amended labels (requiring science review). (3) (4)</i>	<i>14</i>	<i>83,940</i>
<i>R299</i>	<i>47</i>	<i>Amend 6 or more established toler- ances (e.g., de- crease or in- crease); domestic or import; sub- mission of cor- responding amended labels (requiring science review). (3) (4)</i>	<i>14</i>	<i>408,853</i>
<i>R281</i>	<i>48 (new)</i>	<i>Establish toler- ances for resi- dues in imported commodities; ad- ditional new food use; submis- sion of residue chemistry data review conducted by Codex or other competent national regu- latory authority.</i>	<i>12</i>	<i>68,599</i>

3975

*“TABLE 3. — REGISTRATION DIVISION (RD) — IMPORT
AND OTHER TOLERANCES—Continued*

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
R282	49 (new)	Establish toler- ances for resi- dues in imported commodities; ad- ditional new food uses; 6 or more crops sub- mitted in one petition; submis- sion of residue chemistry data review conducted by Codex or other competent national regu- latory authority.	12	411,580

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

3976

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) Amendment applications to add the revised use pattern(s) to registered product labels are covered by the base fee for the category. All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the amendment application package is subject to the registration service fee for a new product or a new inert approval. However, if an amendment application only proposes to register the amendment for a new product and there are no amendments in the application, then review of one new product application is covered by the base fee. All such associated applications that are submitted together will be subject to the category decision review time.

3977

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R300</i>	<i>50</i>	<i>New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; no data review on acute toxicity, efficacy or child-resistant packaging — only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% repackage of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2) (3)</i>	<i>4</i>	<i>2,270</i>

3978

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R301</i>	<i>51</i>	<i>New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy (identical data citation and claims to cited product(s)), where applicant does not own all required data and does not have a specific authorization letter from data owner. (2) (3)</i>	<i>4</i>	<i>2,720</i>

3979

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R310</i>	<i>52</i>	<p><i>New end-use or manufacturing-use product with registered source(s) of active ingredient(s); includes products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</i></p> <ol style="list-style-type: none"> <i>1. product chemistry and/or</i> <i>2. acute toxicity and/or</i> <i>or</i> <i>4. Child-resistant packaging and/or</i> <i>4. pest(s) requiring efficacy – for up to 3 target pests. (2)</i> <i>(3) (4)</i> 	<i>7</i>	<i>10,466</i>

3980

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R314</i>	<i>53</i>	<p><i>New end-use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</i></p> <ol style="list-style-type: none"> <i>1. product chemistry and/or</i> <i>2. acute toxicity and/or</i> <i>3. child resistant packaging and/or</i> <i>4. pest(s) requiring efficacy ⁽⁴⁾ for up to 3 target pests.</i> <p><i>(2) (3)</i></p>	<i>8</i>	<i>12,364</i>

3981

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R319</i>	<i>54</i>	<p><i>New end-use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</i></p> <ol style="list-style-type: none"> <i>1. product chemistry and/or</i> <i>2. acute toxicity and/or</i> <i>3. child resistant packaging and/or</i> <i>4. pest(s) requiring efficacy (4) - for 4 to 7 target pests.</i> <p><i>(2) (3)</i></p>	<i>10</i>	<i>18,097</i>

3982

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R318</i>	<i>55</i>	<p><i>New end-use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</i></p> <ol style="list-style-type: none"> <i>1. product chemistry and/or</i> <i>2. acute toxicity and/or</i> <i>3. child resistant packaging and/or</i> <i>4. pest(s) requiring efficacy – for up to 3 target pests. (2)</i> <p><i>(3) (4)</i></p>	<i>9</i>	<i>18,994</i>

3983

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R321</i>	<i>56</i>	<p><i>New end-use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</i></p> <ol style="list-style-type: none"> <i>1. product chemistry and/or</i> <i>2. acute toxicity and/or</i> <i>3. child resistant packaging and/or</i> <i>4. pest(s) requiring efficacy (4) - for 4 to 7 target pests.</i> <p><i>(2) (3)</i></p>	<i>11</i>	<i>24,727</i>

3984

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registration Service Fee (\$)</i>
<i>R315</i>	<i>57</i>	<i>New end-use on-animal product, registered source of active ingredient(s) with submission of data and/or waivers for only:</i> <i>1. animal safety and</i> <i>2. pest(s) requiring efficacy and/or</i> <i>3. product chemistry and/or</i> <i>4. acute toxicity and/or</i> <i>5. child resistant packaging. (2) (3) (4)</i>	<i>9</i>	<i>14,075</i>
<i>R316</i>	<i>58</i>	<i>New end-use or manufacturing-use product with registered source(s) of active ingredient(s) including products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; and requires review of data and/or waivers for only:</i> <i>1. product chemistry and/or</i> <i>2. acute toxicity and/or</i> <i>3. child resistant packaging and/or</i> <i>4. pest(s) requiring efficacy - for 4 to 7 target pests. (2) (3) (4)</i>	<i>9</i>	<i>16,199</i>

† **HR 2617 EAS2**

3985

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R317</i>	<i>59</i>	<i>New end-use or manufacturing-use product with registered source(s) of active ingredient(s) including products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; and requires review of data and/or waivers for only:</i> <i>1. product chemistry and/or</i> <i>2. acute toxicity and/or</i> <i>3. child resistant packaging and/or</i> <i>4. Pest(s) requiring efficacy - for greater than 7 target pests, (2) (3) (4)</i>	<i>10</i>	<i>21,932</i>
<i>R320</i>	<i>60</i>	<i>New product; new physical form; requires data review in science divisions. (2) (3) (5)</i>	<i>12</i>	<i>18,958</i>
<i>R331</i>	<i>61</i>	<i>New product; repack of identical registered end-use product as a manufacturing-use product; same registered uses only. (2) (3)</i>	<i>3</i>	<i>3,627</i>

3986

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registration Service Fee (\$)</i>
<i>R332</i>	<i>62</i>	<i>New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of completely new generic data package; registered uses only; requires review in RD and science divisions. (2) (3)</i>	<i>24</i>	<i>405,919</i>
<i>R333</i>	<i>63</i>	<i>New product; manufacturing-use product or end-use product with unregistered source of active ingredient; requires science data review; new physical form; etc. Cite-all or selective data citation where applicant owns all required data. (2) (3)</i>	<i>11</i>	<i>28,434</i>
<i>R334</i>	<i>64</i>	<i>New product; manufacturing-use product or end-use product with unregistered source of the active ingredient; requires science data review; new physical form; etc. Selective data citation. (2) (3)</i>	<i>12</i>	<i>33,108</i>

3987

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R361</i>	<i>65 (new)</i>	<p><i>New end-use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</i></p> <ol style="list-style-type: none"> <i>1. product chemistry and/or</i> <i>2. acute toxicity and/or</i> <i>3. Child resistant packaging and/or</i> <i>4. pest(s) requiring efficacy – for more than 7 target pests.</i> <p><i>(2) (3) (4)</i></p>	<i>12</i>	<i>23,400</i>

3988

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R362</i>	<i>66 (new)</i>	<p><i>New end-use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</i></p> <ol style="list-style-type: none"> <i>1. product chemistry and/or</i> <i>2. acute toxicity and/or</i> <i>3. Child resistant packaging and/or</i> <i>4. pest(s) requiring efficacy – for more than 7 target pests.</i> <p><i>(2) (3) (4)</i></p>	<i>13</i>	<i>25,350</i>

3989

“TABLE 4. — REGISTRATION DIVISION (RD) — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R363	67 (new)	New product; repack of identical registered manufacturing-use product as an end-use product; same registered uses only, with no additional data. (2) (3)	6	7,800

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) For the purposes of classifying proposed registration actions into PRIA categories, “pest(s) requiring efficacy” are both invertebrate and vertebrate pests. Invertebrate public health pests (e.g., ticks, mosquitoes, cockroaches, flies, etc.), structural pests (e.g., termites, carpenter ants, and wood-boring beetles) and certain invasive invertebrate species (e.g., Asian Longhorned beetle, Emerald Ashborer) are listed in the product performance rule, subpart R of part 158 of title 40, Code of Federal Regulations. This list may be updated/refined as invasive pest needs arise. All other pests (e.g., vertebrates) are listed in the Pesticide Registration Notice 2002-1. To determine the number of pests for the PRIA categories, pest groups, subgroups, and pest specific claims as listed in part 158 of title 40, Code of Federal Regulations, should be counted as follows. If seeking a label claim against a general pest group (e.g., cockroaches, mosquitoes, termites, etc.), each group will count as 1. If seeking a claim against a pest subgroup (e.g., small biting flies, filth flies, etc.) or specific pests (e.g., smokybrown cockroach, house fly, etc.) without a general claim, then each subgroup or specific pest will count as 1.

(5) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

3990

*“TABLE 5. — REGISTRATION DIVISION (RD) —
AMENDMENTS*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R340</i>	68	<i>Amendment re- quiring data re- view within RD (e.g., changes to precautionary label state- ments); includes adding/modi- fying pest(s) claims for up to 2 target pests; excludes prod- ucts requiring or citing an ani- mal safety study. (2) (3)</i>	4	7,150
<i>R341</i>	69	<i>Amendment re- quiring data re- view within RD (e.g., changes to precautionary label state- ments), includes adding/modi- fying pest(s) claims for great- er than 2 target pests; excludes products requir- ing or citing an animal safety study. (2) (3)</i>	6	8,584

3991

*“TABLE 5. — REGISTRATION DIVISION (RD) —
AMENDMENTS—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>R345</i>	<i>70</i>	<i>Amending on-animal products previously registered, with the submission of data and/or waivers for only:</i> <i>1. animal safety and</i> <i>2. pest(s) requiring efficacy and/or</i> <i>3. product chemistry and/or</i> <i>4. acute toxicity and/or</i> <i>5. child resistant packaging. (2)</i> <i>(3) (4)</i>	<i>7</i>	<i>12,643</i>
<i>R350</i>	<i>71</i>	<i>Amendment requiring data review in science divisions (e.g., changes to Restricted Entry Interval, or Personal Protective Equipment, or Preharvest Interval, or use rate, or number of applications; or add aerial application; or modify Ground Water/Surface Water advisory statement). (2)</i> <i>(3) (5)</i>	<i>9</i>	<i>18,958</i>
<i>R351</i>	<i>72</i>	<i>Amendment adding a new unregistered source of active ingredient. (2) (3)</i>	<i>8</i>	<i>18,958</i>

3992

*“TABLE 5. — REGISTRATION DIVISION (RD) —
AMENDMENTS—Continued*

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registra- tion Service Fee (\$)
<i>R352</i>	<i>73</i>	<i>Amendment adding already approved uses; selective method of support; does not apply if the applicant owns all cited data. (2) (3)</i>	<i>8</i>	<i>18,958</i>
<i>R371</i>	<i>74</i>	<i>Amendment to Experimental Use Permit; (does not include extending a permit's time period). (3)</i>	<i>6</i>	<i>14,463</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

3993

(4) For the purposes of classifying proposed registration actions into PRIA categories, “pest(s) requiring efficacy” are both invertebrate and vertebrate pests. Invertebrate public health pests (e.g., ticks, mosquitoes, cockroaches, flies, etc.), structural pests (e.g., termites, carpenter ants, and wood-boring beetles) and certain invasive invertebrate species (e.g., Asian Longhorned beetle, Emerald Ashborer) are listed in the product performance rule, subpart R of part 158 of title 40, Code of Federal Regulations. This list may be updated/refined as invasive pest needs arise. All other pests (e.g., vertebrates) are listed in the Pesticide Registration Notice 2002-1. To determine the number of pests for the PRIA categories, pest groups, subgroups, and pest specific claims as listed in part 158 of title 40, Code of Federal Regulations, should be counted as follows. If seeking a label claim against a general pest group (e.g., cockroaches, mosquitoes, termites, etc.), each group will count as 1. If seeking a claim against a pest subgroup (e.g., small biting flies, filth flies, etc.) or specific pests (e.g., smokybrown cockroach, house fly, etc.) without a general claim, then each subgroup or specific pest will count as 1.

(5) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

“TABLE 6. — REGISTRATION DIVISION (RD) — OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
<i>R124</i>	<i>75</i>	<i>Conditional Ruling on Pre-application Study Waivers; applicant-initiated.</i>	<i>6</i>	<i>3,627</i>
<i>R272</i>	<i>76</i>	<i>Review of Study Protocol applicant-initiated; excludes Data Analysis Reporting Tool, pre-registration conference, Rapid Response review, developmental neurotoxicity protocol review, protocol needing Human Studies Review Board review, companion animal safety protocol.</i>	<i>3</i>	<i>3,627</i>

3994

“TABLE 6. — REGISTRATION DIVISION (RD) — OTHER ACTIONS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>R275</i>	<i>77</i>	<i>Rebuttal of Agency reviewed protocol, applicant initiated.</i>	<i>3</i>	<i>3,627</i>
<i>R278</i>	<i>78 (new)</i>	<i>Review of Protocol for companion animal safety study.</i>	<i>5</i>	<i>4,927</i>
<i>R279</i>	<i>79 (new)</i>	<i>Comparative product determination for reduced risk submission, applicant initiated; submitted before application for reduced risk new active ingredient or reduced risk new use.</i>	<i>3</i>	<i>5,200</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

“TABLE 7. — ANTIMICROBIAL DIVISION (AD) — NEW ACTIVE INGREDIENTS

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>A380</i>	<i>80</i>	<i>New Active Ingredient; Indirect Food use; establish tolerance or tolerance exemption if required. (2) (3) (4)</i>	<i>26</i>	<i>227,957</i>

3995

*“TABLE 7. — ANTIMICROBIAL DIVISION (AD) — NEW
ACTIVE INGREDIENTS—Continued*

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
A390	81	New Active Ingre- dient; Direct Food use; estab- lish tolerance or tolerance exemp- tion if required. (2) (3) (4)	26	329,265
A410	82	New Active Ingre- dient Non-food use. (2) (3) (4)	23	278,659
A431	83	New Active Ingre- dient, Non-food use; low-risk. (2) (3) (4)	14	114,984

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

3996

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

“TABLE 8. — ANTIMICROBIAL DIVISION (AD) — NEW
USES

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
A440	84	New Use, Indirect Food Use, establish tolerance or tolerance exemption. (2) (3) (4) (6)	23	45,737
A441	85	Additional Indirect food uses; establish tolerances or tolerance exemptions if required; 6 or more submitted in one application. (3) (4) (5) (6)	23	164,639
A450	86	New use, Direct food use, establish tolerance or tolerance exemption. (2) (3) (4) (6)	23	137,198

3997

*“TABLE 8. — ANTIMICROBIAL DIVISION (AD) — NEW
USES—Continued*

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
A451	87	Additional Direct food uses; establish tolerances or tolerance exemptions if required; 6 or more submitted in one application. (3) (4) (5) (6)	22	261,333
A500	88	New use, non-food. (4) (5) (6)	15	45,737
A501	89	New use, non-food; 6 or more submitted in one application. (4) (5) (6)	17	109,764

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) If EPA data rules are amended to newly require clearance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

3998

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(6) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

3999

“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW PRODUCTS AND AMENDMENTS

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
A530	90	<i>New product, identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite all data citation or selective data citation where applicant owns all required data; or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2) (3)</i>	4	1,833

4000

*“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW
PRODUCTS AND AMENDMENTS—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>A531</i>	<i>91</i>	<i>New product; identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner. (2) (3)</i>	<i>4</i>	<i>2,616</i>
<i>A532</i>	<i>92</i>	<i>New product; identical or substantially similar in composition and use to a registered product; registered active ingredient; unregistered source of active ingredient; cite-all data citation except for product chemistry; product chemistry data submitted. (2) (3)</i>	<i>5</i>	<i>7,322</i>

4001

*“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW
PRODUCTS AND AMENDMENTS—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>A550</i>	<i>93</i>	<i>New end-use prod- uct; uses other than FIFRA §2(mm); non- FQPA product. (2) (3) (5)</i>	<i>9</i>	<i>18,958</i>
<i>A560</i>	<i>94</i>	<i>New manufac- turing-use prod- uct; registered active ingre- dient; selective data citation. (2) (3)</i>	<i>6</i>	<i>18,054</i>
<i>A565</i>	<i>95</i>	<i>New manufac- turing-use prod- uct; registered active ingre- dient; unregis- tered source of active ingre- dient; submis- sion of new ge- neric data pack- age; registered uses only; re- quires science re- view. (2) (3)</i>	<i>18</i>	<i>26,135</i>
<i>A572</i>	<i>96</i>	<i>New Product or amendment re- quiring data re- view for risk as- sessment by Science Branch (e.g., changes to Restricted Entry Interval, or Per- sonal Protective Equipment, or use rate). (2) (3) (4) (7)</i>	<i>9</i>	<i>18,958</i>

4002

*“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW
PRODUCTS AND AMENDMENTS—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>A460</i>	<i>97 (new)</i>	<i>New end-use prod- uct; FIFRA §2(mm) uses only; 0 to 10 public health or- ganisms. (2) (3) (5) (6)</i>	<i>5</i>	<i>7,322</i>
<i>A461</i>	<i>98 (new)</i>	<i>New end-use prod- uct; FIFRA §2(mm) uses only; 11 to 20 public health or- ganisms. (2) (3) (5) (6)</i>	<i>6</i>	<i>10,158</i>
<i>A462</i>	<i>99 (new)</i>	<i>New end-use prod- uct; FIFRA §2(mm) uses only; 21 to 30 public health or- ganisms. (2) (3) (5) (6)</i>	<i>7</i>	<i>12,995</i>
<i>A463</i>	<i>100 (new)</i>	<i>New end-use prod- uct; FIFRA §2(mm) uses only; 31 to 40 public health or- ganisms. (2) (3) (5) (6)</i>	<i>9</i>	<i>15,831</i>
<i>A464</i>	<i>101 (new)</i>	<i>New end-use prod- uct; FIFRA §2(mm) uses only; 41 to 50 public health or- ganisms. (2) (3) (5) (6)</i>	<i>10</i>	<i>18,668</i>
<i>A465</i>	<i>102 (new)</i>	<i>New end-use prod- uct; FIFRA §2(mm) uses only; 51 or more public health or- ganisms. (2) (3) (5) (6)</i>	<i>11</i>	<i>21,505</i>

4003

*“TABLE 9. — ANTIMICROBIAL DIVISION (AD) — NEW
PRODUCTS AND AMENDMENTS—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>A470</i>	<i>103 (new)</i>	<i>Label amendment requiring data review; 0 to 10 public health or- ganisms. (3) (4) (5) (6)</i>	<i>4</i>	<i>5,493</i>
<i>A471</i>	<i>104 (new)</i>	<i>Label amendment requiring data review; 11 to 20 public health or- ganisms. (3) (4) (5) (6)</i>	<i>5</i>	<i>8,506</i>
<i>A472</i>	<i>105 (new)</i>	<i>Label amendment requiring data review; 21 to 30 public health or- ganisms. (3) (4) (5) (6)</i>	<i>6</i>	<i>10,219</i>
<i>A473</i>	<i>106 (new)</i>	<i>Label amendment requiring data review; 31 to 40 public health or- ganisms. (3) (4) (5) (6)</i>	<i>7</i>	<i>11,933</i>
<i>A474</i>	<i>107 (new)</i>	<i>Label amendment requiring data review; 41 to 50 public health or- ganisms. (3) (4) (5) (6)</i>	<i>8</i>	<i>13,646</i>
<i>A475</i>	<i>108 (new)</i>	<i>Label amendment requiring data review; 51 or more public health orga- nisms. (3) (4) (5) (6)</i>	<i>9</i>	<i>15,766</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

† **HR 2617 EAS2**

4004

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under Pesticide Registration (PR) Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(5) The applicant must identify the substantially similar product if opting to use cite-all or the selective method to support acute toxicity data requirements.

(6) Once an application for an amendment or a new product with public health organisms has been submitted and classified into any of categories A460 through A465 or A470 through A475, additional organisms submitted for the same product before the first application is granted will result in combination and reclassification of both the original and subsequent submissions into the appropriate new category based on the sum of the number of organisms in both submissions. Submission of additional organisms would result in a new PRIA start date and may require additional fees to meet the fee of a new category.

(7) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

“TABLE 10. — ANTIMICROBIAL DIVISION (AD) —
EXPERIMENTAL USE PERMITS AND OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
A520	109	Experimental Use Permit application, non-food use. (2) (3)	9	9,151

4005

“TABLE 10. — ANTIMICROBIAL DIVISION (AD) — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>A521</i>	<i>110</i>	<i>Review of public health efficacy study protocol within AD, per AD Internal Guidance for the Efficacy Protocol Review Process; Code will also include review of public health efficacy study protocol; applicant-initiated; Tier 1.</i>	<i>6</i>	<i>6,776</i>
<i>A522</i>	<i>111</i>	<i>Review of public health efficacy study protocol outside AD by members of AD Efficacy Protocol Review Expert Panel; Code will also include review of public health efficacy study protocol; applicant-initiated; Tier 2.</i>	<i>12</i>	<i>17,424</i>
<i>A537</i>	<i>112</i>	<i>New Active Ingredient/New Use, Experimental Use Permit application; Direct food use; Establish tolerance or tolerance exemption if required. Credit 45% of fee toward new active ingredient/new use application that follows. (3)</i>	<i>18</i>	<i>219,512</i>

† **HR 2617 EAS2**

4006

“TABLE 10. — ANTIMICROBIAL DIVISION (AD) — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
A538	113	<i>New Active Ingredient/New Use, Experimental Use Permit application; Indirect food use; Establish tolerance or tolerance exemption if required Credit 45% of fee toward new active ingredient/new use application that follows. (3)</i>	18	137,198
A539	114	<i>New Active Ingredient/New Use, Experimental Use Permit application; Nonfood use. Credit 45% of fee toward new active ingredient/new use application that follows. (3)</i>	15	132,094
A529	115	<i>Amendment to Experimental Use Permit; requires data review or risk assessment. (2) (3)</i>	9	16,383
A523	116	<i>Review of protocol other than a public health efficacy study (i.e., Toxicology or Exposure Protocols).</i>	9	17,424

4007

“TABLE 10. — ANTIMICROBIAL DIVISION (AD) — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>A571</i>	<i>117</i>	<i>Science reassessment; refined ecological risk, and/or endangered species; applicant-initiated. (3)</i>	<i>18</i>	<i>137,198</i>
<i>A533</i>	<i>118</i>	<i>Exemption from the requirement of an Experimental Use Permit. (2)</i>	<i>4</i>	<i>3,559</i>
<i>A534</i>	<i>119</i>	<i>Rebuttal of Agency reviewed protocol, applicant initiated.</i>	<i>4</i>	<i>6,776</i>
<i>A535</i>	<i>120</i>	<i>Conditional ruling on pre-application study waiver or data bridging argument; applicant-initiated.</i>	<i>6</i>	<i>3,454</i>
<i>A536</i>	<i>121</i>	<i>Conditional ruling on pre-application direct food, indirect food, nonfood use determination; applicant-initiated.</i>	<i>4</i>	<i>3,559</i>
<i>A575</i>	<i>122 (new)</i>	<i>Efficacy similarity determination; if two products can be bridged or if confirmatory efficacy data are needed.</i>	<i>4</i>	<i>3,389</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

4008

(2) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

3) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

“TABLE 11. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B580	123	New active ingredient; petition to establish a tolerance. (2) (3) (4)	22	73,173
B590	124	New active ingredient; petition to establish a tolerance exemption. (2) (3) (4)	20	45,737
B600	125	New active ingredient; no change to a permanent tolerance or tolerance exemption (includes non-food uses). (2) (3) (4)	15	27,443

4009

*“TABLE 11. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — NEW ACTIVE INGREDIENTS—
Continued*

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B610	126	New active ingredient; Experimental Use Permit application; petition to establish a permanent or temporary tolerance or temporary tolerance exemption. (3) (4)	12	18,296
B620	127	New active ingredient; Experimental Use Permit application; non-food use (includes crop destruct). (3) (4)	9	9,151

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

4010

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

**“TABLE 12. — BIOPESTICIDES AND POLLUTION
PREVENTION DIVISION (BPPD) — NEW USES**

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
B630	128	First food use; petition to establish/amend a tolerance exemption. (2) (4) (5)	13	18,296
B640	129	First food use; petition to establish/amend a tolerance. (2) (4) (5)	19	27,443
B644	130	New use, no change to an established tolerance or tolerance exemption (includes non-food uses). (3) (4) (5)	8	18,296

4011

*“TABLE 12. — BIOPESTICIDES AND POLLUTION
PREVENTION DIVISION (BPPD) — NEW USES—Continued*

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
B645	131	New use; Experi- mental Use Per- mit; petition to establish a per- manent or tem- porary tolerance or tolerance ex- emption. (4) (5)	12	18,296
B646	132	New use; Experi- mental Use Per- mit; non-food use (includes crop destruct). (4) (5)	7	9,151

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

4012

(3) *Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.*

(4) *Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.*

(5) *If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.*

4013

*“TABLE 13. — BIOPESTICIDES AND POLLUTION
PREVENTION DIVISION (BPPD) — NEW PRODUCTS*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>B660</i>	<i>133</i>	<i>New product; reg- istered source of active ingre- dient(s); iden- tical or substan- tially similar in composition and use to a reg- istered product; no change in an established toler- ance or tolerance exemption; no data submission or data matrix (or submission of product chem- istry data only). (2) (3)</i>	<i>6</i>	<i>1,833</i>
<i>B670</i>	<i>134</i>	<i>New product; reg- istered source of active ingre- dient(s); no change in an es- tablished toler- ance or tolerance exemption; (in- cluding non- food); Must ad- dress Product- Specific Data Requirements. (2) (3)</i>	<i>9</i>	<i>7,322</i>

4014

“TABLE 13. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>B672</i>	<i>135</i>	<i>New product; un-registered source of at least one active ingredient (or registered source with new generic data package); no change in an established tolerance or tolerance exemption (including non-food); must address Product-Specific and Generic Data Requirements. (2) (3)</i>	<i>15</i>	<i>13,069</i>
<i>B673</i>	<i>136</i>	<i>New product; un-registered source of active ingredient(s); citation of Technical Grade Active Ingredient (TGAI) data previously reviewed and accepted by the Agency; requires an Agency determination that the cited data support the new product. (2) (3)</i>	<i>12</i>	<i>7,322</i>

4015

“TABLE 13. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — NEW PRODUCTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registration Service Fee (\$)</i>
<i>B674</i>	<i>137</i>	<i>New product; re-pack of identical registered end-use product or repack of an end-use product as a manufacturing-use product; same registered uses only. (2) (3)</i>	<i>4</i>	<i>1,833</i>
<i>B677</i>	<i>138</i>	<i>New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data for only:</i> <i>1. product chemistry and/or</i> <i>2. acute toxicity and/or</i> <i>3. public health pest efficacy and/or</i> <i>4. animal safety studies and/or</i> <i>5. child resistant packaging. (2) (3)</i>	<i>12</i>	<i>12,643</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

4016

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

**“TABLE 14. — BIOPESTICIDES AND POLLUTION
PREVENTION DIVISION (BPPD) — AMENDMENTS**

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
B621	139	Amendment; Ex- perimental Use Permit; no change to an es- tablished tem- porary or per- manent toler- ance or tolerance exemption. (3) (4)	7	7,322
B622	140	Amendment; Ex- perimental Use Permit; petition to amend a per- manent or tem- porary tolerance or tolerance ex- emption. (3) (4)	11	18,296
B641	141	Amendment; changes to an es- tablished toler- ance or tolerance exemption. (4)	13	18,296

4017

“TABLE 14. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — AMENDMENTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>B680</i>	<i>142</i>	<i>Amendment; registered sources of active ingredient(s); no new use(s); no changes to an established tolerance or tolerance exemption; requires data submission. (2) (3)</i>	<i>5</i>	<i>7,322</i>
<i>B681</i>	<i>143</i>	<i>Amendment; unregistered source of active ingredient(s); no change to an established tolerance or tolerance exemption; requires data submission. (2) (3)</i>	<i>7</i>	<i>8,714</i>
<i>B683</i>	<i>144</i>	<i>Amendment; no change to an established tolerance or tolerance exemption; requires review/update of previous risk assessment(s) without data submission (e.g., labeling changes to Restricted Entry Interval, Personal Protective Equipment, Preharvest Interval). (2) (3)</i>	<i>6</i>	<i>7,322</i>

4018

“TABLE 14. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — AMENDMENTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>B684</i>	<i>145</i>	<i>Amending non-food animal product that includes submission of target animal safety data; previously registered. (2) (3)</i>	<i>8</i>	<i>12,643</i>
<i>B685</i>	<i>146</i>	<i>Amendment; add a new biochemical unregistered source of active ingredient or a new microbial production site; requires submission of analysis of samples data and source/production site-specific manufacturing process description. (3)</i>	<i>5</i>	<i>7,322</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under Pesticide Registration (PR) Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

4019

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

“TABLE 15. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — STRAIGHT-CHAIN LEPIDOPTERAN PHEROMONES (SCLP)

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
<i>B690</i>	<i>147</i>	<i>SCLP; new active ingredient; food or non-food use. (2) (6) (7)</i>	<i>7</i>	<i>3,662</i>
<i>B700</i>	<i>148</i>	<i>SCLP; Experimental Use Permit application; new active ingredient or new use. (6) (7)</i>	<i>7</i>	<i>1,833</i>
<i>B701</i>	<i>149</i>	<i>SCLP; Extend or amend Experimental Use Permit. (6) (7)</i>	<i>4</i>	<i>1,833</i>

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“TABLE 15. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — STRAIGHT-CHAIN LEPIDOPTERAN PHEROMONES (SCLP)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
<i>B710</i>	<i>150</i>	<i>SCLP; new product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption; no data submission or data matrix (or only product chemistry data); (Includes 100% re-pack; repack of registered end-use product as a manufacturing-use product). (3) (6)</i>	<i>4</i>	<i>1,833</i>
<i>B720</i>	<i>151</i>	<i>SCLP; new product; registered source of active ingredient(s); no change in an established tolerance or tolerance exemption (including non-food); Must address Product-Specific Data Requirements. (3) (6)</i>	<i>5</i>	<i>1,833</i>

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“TABLE 15. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — STRAIGHT-CHAIN LEPIDOPTERAN PHEROMONES (SCLP)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
<i>B721</i>	<i>152</i>	<i>SCLP; new product; unregistered source of active ingredient; no change in an established tolerance or tolerance exemption (including non-food); must address Product-Specific and Generic Data Requirements. (3) (6)</i>	<i>7</i>	<i>3,836</i>
<i>B722</i>	<i>153</i>	<i>SCLP; new use and/or amendment; petition to establish a tolerance or tolerance exemption. (4) (5) (6) (7)</i>	<i>7</i>	<i>3,552</i>
<i>B730</i>	<i>154</i>	<i>SCLP; amendment requiring data submission. (4) (6)</i>	<i>5</i>	<i>1,833</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

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(2) *All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the Agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.*

(3) *An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.*

(4) (a) *EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under Pesticide Registration (PR) Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.*

(5) *Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the preliminary technical screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.*

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(6) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(7) If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.

**“TABLE 16. — BIOPESTICIDES AND POLLUTION
PREVENTION DIVISION (BPPD) — OTHER ACTIONS**

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
B614	155	Pre-application; Conditional Rul- ing on ration- ales for address- ing a data re- quirement in lieu of data; ap- plicant-initi- ated; applies to one (1) rationale at a time.	3	3,627
B682	156	Protocol review; applicant initi- ated; excludes time for Human Studies Review Board review (Includes rebut- tal of protocol review).	3	3,487

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“TABLE 16. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — OTHER ACTIONS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>B616</i>	<i>157 (new)</i>	<i>Pre-application; Conditional Ruling on a non-food use determination.</i>	<i>5</i>	<i>4,715</i>
<i>B617</i>	<i>158 (new)</i>	<i>Pre-application; biochemical classification determination.</i>	<i>5</i>	<i>4,715</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>B740</i>	<i>159</i>	<i>Experimental Use Permit application; no petition for tolerance/tolerance exemption; includes:</i> <ol style="list-style-type: none"><i>1. non-food/feed use(s) for a new (2) or registered (3) PIP (12);</i><i>2. food/feed use(s) for a new or registered PIP with crop destruct;</i><i>3. food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s). (4) (5) (12)</i>	<i>9</i>	<i>137,198</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
<i>B750</i>	<i>160</i>	<i>Experimental Use Permit application; with a petition to establish a temporary or permanent tolerance/tolerance exemption for the active ingredient. Includes new food/feed use for a registered (3) PIP. (4) (12)</i>	<i>12</i>	<i>182,927</i>
<i>B771</i>	<i>161</i>	<i>Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows. (5) (12)</i>	<i>13</i>	<i>182,927</i>
<i>B772</i>	<i>162</i>	<i>Application to amend or extend a PIP Experimental Use Permit; no petition since the established tolerance/tolerance exemption for the active ingredient is unaffected. (12)</i>	<i>3</i>	<i>18,296</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
<i>B773</i>	<i>163</i>	<i>Application to amend or extend a PIP Experimental Use Permit; with petition to extend a temporary tolerance/tolerance exemption for the active ingredient. (12)</i>	<i>9</i>	<i>45,737</i>
<i>B780</i>	<i>164</i>	<i>Registration application; new (2) PIP; non-food/feed or food/feed without tolerance petition based on an existing permanent tolerance exemption. (5) (12) (14)</i>	<i>16</i>	<i>228,657</i>
<i>B800</i>	<i>165</i>	<i>Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (5) (12) (14)</i>	<i>17</i>	<i>246,949</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
<i>B820</i>	<i>166</i>	<i>Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. (5) (12) (14)</i>	<i>19</i>	<i>292,682</i>
<i>B851</i>	<i>167</i>	<i>Registration application; new event of a previously registered PIP active ingredient(s); no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). (12)</i>	<i>9</i>	<i>182,927</i>
<i>B870</i>	<i>168</i>	<i>Registration application; registered (3) PIP; new product; new use; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (4) (12) (14)</i>	<i>9</i>	<i>54,881</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>B880</i>	<i>169</i>	<i>Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (5) (6) (7) (12) (14)</i>	<i>9</i>	<i>45,737</i>
<i>B883</i>	<i>170</i>	<i>Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (5) (8) (12) (14)</i>	<i>13</i>	<i>182,927</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)</i> ₍₁₎	<i>Registration Service Fee (\$)</i>
<i>B884</i>	<i>171</i>	<i>Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. (5) (8) (12) (14)</i>	<i>19</i>	<i>228,657</i>
<i>B885</i>	<i>172</i>	<i>Registration application; registered (2) PIP, seed increase; breeding stack of previously approved PIPs, same crop; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (9) (12)</i>	<i>6</i>	<i>45,737</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)</i> ₍₁₎	<i>Registration Service Fee (\$)</i>
<i>B890</i>	<i>173</i>	<i>Application to amend a seed increase registration; converts registration to commercial registration; no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). (5) (12) (14)</i>	<i>9</i>	<i>91,465</i>
<i>B900</i>	<i>174</i>	<i>Application to amend a registration, including actions such as modifying an IRM plan, or adding an insect to be controlled. (5) (10) (11) (12)</i>	<i>6</i>	<i>18,296</i>
<i>B902</i>	<i>175</i>	<i>PIP Protocol review.</i>	<i>3</i>	<i>9,151</i>
<i>B903</i>	<i>176</i>	<i>Inert ingredient permanent tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD.</i>	<i>12</i>	<i>91,465</i>
<i>B904</i>	<i>177</i>	<i>Import tolerance or tolerance exemption; processed commodities/food only (inert or active ingredient).</i>	<i>12</i>	<i>182,927</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
<i>B905</i>	<i>178</i>	<i>FIFRA Scientific Advisory Panel Review.</i>	<i>6</i>	<i>91,465</i>
<i>B906</i>	<i>179</i>	<i>Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients.</i>	<i>9</i>	<i>45,733</i>
<i>B907</i>	<i>180</i>	<i>Petition to establish a permanent tolerance/tolerance exemption for one or more active ingredients based on an existing temporary tolerance/tolerance exemption.</i>	<i>9</i>	<i>18,296</i>
<i>B909</i>	<i>181 (new)</i>	<i>PIP tolerance exemption determination; applicant-initiated; request to determine if an existing tolerance exemption applies to a PIP.</i>	<i>6</i>	<i>18,296</i>
<i>B910</i>	<i>182 (new)</i>	<i>Biotechnology Notification for small-scale field testing of genetically engineered microbes.</i>	<i>3</i>	<i>9,151</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>B921</i>	<i>183 (new)</i>	<i>Experimental Use Permit application; genetic modifications in animals intended for use as a pesticide (e.g., for pest population control); non-food/feed. This category would cover substances produced and used in animals that are intended for use as a pesticide, such as for pest population control, including the genetic material in such animals. Credit 75% of B921 fee toward registration application for the new active ingredient that follows (B922). (5) (12) (13)</i>	<i>12</i>	<i>182,927</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>B922</i>	<i>184 (new)</i>	<i>Registration application; new active ingredient; genetic modifications in animals intended for use as a pesticide (e.g., for pest population control); non-food/feed. This category would cover substances produced and used in animals that are intended for use as a pesticide, such as for pest population control, including the genetic material in such animals. (5) (12) (13) (14)</i>	<i>16</i>	<i>228,657</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>B923</i>	<i>185 (new)</i>	<i>Experimental Use Permit application; genetic modifications in animals intended for use as a pesticide (e.g., for pest population control); with petition to establish a temporary or permanent tolerance/tolerance exemption of an active ingredient. This category would cover substances produced and used in animals that are intended for use as a pesticide, such as for pest population control, including the genetic material in such animals. Credit 75% of B923 fee toward registration application for the new active ingredient that follows (B924). (5) (12) (13) (14)</i>	<i>15</i>	<i>228,658</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>B924</i>	<i>186 (new)</i>	<i>Registration application; new active ingredient; genetic modifications in animals intended for use as a pesticide (e.g., for pest population control); with petition to establish a permanent tolerance/tolerance exemption of an active ingredient. This category would cover substances produced and used in animals that are intended for use as a pesticide, such as for pest population control, including the genetic material in such animals. (5) (12) (13) (14)</i>	<i>19</i>	<i>292,682</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)</i> ₍₁₎	<i>Registration Service Fee (\$)</i>
<i>B925</i>	<i>187 (new)</i>	<i>Experimental Use Permit application; exogenous applications of RNA to elicit the RNA interference pathway in pests; non-food/feed; credit 75% of B925 fee toward registration application for the new active ingredient that follows (B926). (5) (12)</i>	<i>11</i>	<i>27,452</i>
<i>B926</i>	<i>188 (new)</i>	<i>Registration application; new active ingredient; exogenous applications of RNA to elicit the RNA interference pathway in pests; non-food/feed. (5) (12) (14)</i>	<i>17</i>	<i>82,329</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
<i>B927</i>	<i>189 (new)</i>	<i>Experimental Use Permit application; exogenous applications of RNA to elicit the RNA interference pathway in pests; with petition to establish a temporary or permanent tolerance/tolerance exemption of an active ingredient; credit 75% of B927 fee toward registration application for the new active ingredient that follows (B928). (5) (12)</i>	<i>14</i>	<i>54,889</i>
<i>B928</i>	<i>190 (new)</i>	<i>Registration application; new active ingredient; exogenous applications of RNA to elicit the RNA interference pathway in pests; with petition to establish a permanent tolerance/tolerance exemption of an active ingredient. (5) (12) (14)</i>	<i>22</i>	<i>137,210</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registration Service Fee (\$)</i>
<i>B929</i>	<i>191 (new)</i>	<i>Registration application; new product, registered active ingredient; exogenous applications of RNA to elicit the RNA interference pathway in pests; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (5) (12)</i>	<i>10</i>	<i>7,322</i>
<i>B930</i>	<i>192 (new)</i>	<i>Application to amend or extend a non-PIP Emerging Technologies Experimental Use Permit; no petition since the established tolerance/tolerance exemption for the active ingredient is unaffected. (12)</i>	<i>3</i>	<i>18,296</i>

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“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION (BPPD) — PLANT-INCORPORATED PROTECTANTS (PIP)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
<i>B931</i>	<i>193 (new)</i>	<i>Application to amend or extend a non-PIP Emerging Technologies Experimental Use Permit; with petition to extend a temporary tolerance/tolerance exemption for the active ingredient. (12)</i>	<i>9</i>	<i>45,737</i>
<i>B932</i>	<i>194 (new)</i>	<i>Amendment; application to amend a non-PIP Emerging Technologies registration. (4) (5) (12)</i>	<i>6</i>	<i>18,296</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) ‘New PIP’ means a PIP with an active ingredient that has not been registered.

(3) ‘Registered PIP’ means a PIP with an active ingredient that is currently registered.

(4) Transfer registered PIP through conventional breeding for new food/feed use, such as from field corn to sweet corn.

(5) If, during review of the application, it is determined that review by the FIFRA Scientific Advisory Panel (SAP) is needed, the applicant will submit an application for category B905, which will be processed concurrently, and the decision review time for both applications will be the longer of the two associated applications. The scientific data involved in this category are complex. EPA often seeks technical advice from the SAP on risks that pesticides pose to wildlife, farm workers, pesticide applicators, non-target species, insect resistance, and novel scientific issues surrounding new technologies. The scientists of the SAP neither make nor recommend policy decisions. They provide advice on the science used to make these decisions. Their advice is invaluable to the EPA as it strives to protect humans and the environment from risks posed by pesticides. Due to the time it takes to schedule and prepare for meetings with the SAP, additional time and costs are needed.

(6) Registered PIPs stacked through conventional breeding.

(7) Deployment of a registered PIP with a different Insecticide Resistance Management (IRM) plan (e.g., seed blend).

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(8) *The negotiated acreage cap will depend upon EPA's determination of the potential environmental exposure, risk(s) to non-target organisms, and the risk of targeted pest developing resistance to the pesticidal substance. The uncertainty of these risks may reduce the allowable acreage, based upon the quantity and type of non-target organism data submitted and the lack of insect resistance management data, which is usually not required for seed-increase registrations. Registrants are encouraged to consult with EPA prior to submission of a registration application in this category.*

(9) *Application can be submitted prior to or concurrently with an application for commercial registration.*

(10) *For example, IRM plan modifications that are applicant-initiated.*

(11) (a) *EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under Pesticide Registration (PR) Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.*

(12) *Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.*

(13) *This category does not include genetic modifications in animals not intended for use as a pesticide, e.g., genetic modifications in animals intended for food use or animals intended for use as companion animals.*

(14) *If the Administrator determines that endangered species analysis is required for this action, using guidance finalized according to section 33(c)(3)(B) for this specific type of action, the decision review time can be extended for endangered species assessment one time only for up to 50%, upon written notification to the applicant, prior to completion of the technical screening. To the extent practicable, any reason for renegotiation should be resolved during the same extension.*

“TABLE 18. — INERT INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
I001	195	Approval of new food use inert ingredient. (2) (3)	15	38,698

4041

“TABLE 18. — INERT INGREDIENTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>I002</i>	<i>196</i>	<i>Amend currently approved inert ingredient tolerance or exemption from tolerance; new data. (2)</i>	<i>13</i>	<i>10,750</i>
<i>I003</i>	<i>197</i>	<i>Amend currently approved inert ingredient tolerance or exemption from tolerance; no new data. (2)</i>	<i>11</i>	<i>4,742</i>
<i>I004</i>	<i>198</i>	<i>Approval of new non-food use inert ingredient. (2)</i>	<i>6</i>	<i>15,803</i>
<i>I005</i>	<i>199</i>	<i>Amend currently approved non-food use inert ingredient with new use pattern; new data. (2)</i>	<i>6</i>	<i>7,903</i>
<i>I006</i>	<i>200</i>	<i>Amend currently approved non-food use inert ingredient with new use pattern; no new data. (2)</i>	<i>4</i>	<i>4,742</i>
<i>I007</i>	<i>201</i>	<i>Approval of substantially similar non-food use inert ingredients when original inert is compositionally similar with similar use pattern. (2)</i>	<i>5</i>	<i>2,371</i>

4042

“TABLE 18. — INERT INGREDIENTS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registra- tion Service Fee (\$)</i>
<i>I008</i>	<i>202</i>	<i>Approval of new or amended polymer inert ingredient, food use. (2)</i>	<i>7</i>	<i>5,374</i>
<i>I009</i>	<i>203</i>	<i>Approval of new or amended polymer inert ingredient, non-food use. (2)</i>	<i>4</i>	<i>4,427</i>
<i>I010</i>	<i>204</i>	<i>Petition to amend a single tolerance exemption descriptor, or single non-food use descriptor, to add ≤ 10 CASRNs; no new data. (2)</i>	<i>7</i>	<i>2,371</i>
<i>I011</i>	<i>205</i>	<i>Approval of new food use safener with tolerance or exemption from tolerance. (2)</i>	<i>26</i>	<i>856,631</i>
<i>I012</i>	<i>206</i>	<i>Approval of new non-food use safener. (2)</i>	<i>21</i>	<i>595,147</i>
<i>I013</i>	<i>207</i>	<i>Approval of additional food use for previously approved safener with tolerance or exemption from tolerance. (2)</i>	<i>17</i>	<i>90,260</i>
<i>I014</i>	<i>208</i>	<i>Approval of additional non-food use for previously approved safener. (2)</i>	<i>15</i>	<i>36,074</i>

4043

“TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
<i>I015</i>	<i>209</i>	<i>Approval of new generic data for previously approved food use safener. (2)</i>	<i>26</i>	<i>386,589</i>
<i>I016</i>	<i>210</i>	<i>Approval of amendment(s) to tolerance and label for previously approved safener. (2)</i>	<i>15</i>	<i>79,942</i>
<i>I017</i>	<i>211 (new)</i>	<i>Add new source of previously approved safener.</i>	<i>8</i>	<i>18,958</i>
<i>I018</i>	<i>212 (new)</i>	<i>Petition to add one approved inert ingredient (CASRN) to the Commodity Inert Ingredient List; no data. (4)</i>	<i>3</i>	<i>2,371</i>

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) If another covered application is submitted that depends upon an application to approve an inert ingredient, each application will be subject to its respective registration service fee. The decision review time for both submissions will be the longest of the associated applications. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.

(3) If EPA data rules are amended to newly require clearance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Due to low fee and short time frame this category is not eligible for small business waivers.

4044

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>M001</i>	<i>213</i>	<i>Study protocol re- quiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of a cur- rently registered active ingre- dient.</i>	<i>14</i>	<i>11,378</i>
<i>M002</i>	<i>214</i>	<i>Completed study requiring Human Studies Review Board review as de- fined in 40 CFR Part 26 in sup- port of an active ingredient. (2)</i>	<i>14</i>	<i>11,378</i>

4045

*“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS
ACTIONS—Continued*

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>M003</i>	<i>215</i>	<i>External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision time-frame of less than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (3)</i>	<i>12</i>	<i>91,651</i>

4046

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)₍₁₎</i>	<i>Registra- tion Service Fee (\$)</i>
<i>M004</i>	<i>216</i>	<i>External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision time-frame of greater than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (3)</i>	<i>18</i>	<i>91,651</i>

4047

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)</i> ₍₁₎	<i>Registration Service Fee (\$)</i>
<i>M005</i>	<i>217</i>	<i>New Product: Combination, Contains a combination of active ingredients from a registered and/or unregistered source; conventional, anti-microbial and/or biopesticide. Requires coordination with other regulatory divisions to conduct review of data, label and/or verify the validity of existing data as cited. Only existing uses for each active ingredient in the combination product. (4) (5) (6)</i>	<i>9</i>	<i>31,604</i>
<i>M006</i>	<i>218</i>	<i>Request for up to 5 letters of certification (Gold Seal) for one actively registered product (excludes distributor products). (7)</i>	<i>1</i>	<i>398</i>
<i>M007</i>	<i>219</i>	<i>Request to extend Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(ii).</i>	<i>12</i>	<i>7,903</i>

4048

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

<i>EPA No.</i>	<i>New CR No.</i>	<i>Action</i>	<i>Decision Review Time (Months)⁽¹⁾</i>	<i>Registration Service Fee (\$)</i>
<i>M008</i>	<i>220</i>	<i>Request to grant Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(vi) for a minor use, when a FIFRA Section 2(l)(2) determination is required.</i>	<i>15</i>	<i>2,371</i>
<i>M009</i>	<i>221</i>	<i>Non-FIFRA Regulated Determination; applicant-initiated, per product.</i>	<i>6</i>	<i>3,389</i>
<i>M010</i>	<i>222</i>	<i>Conditional ruling on pre-application, product substantial similarity.</i>	<i>4</i>	<i>3,389</i>
<i>M011</i>	<i>223</i>	<i>Label amendment to add the DfE logo; requires data review; no other label changes. (8)</i>	<i>4</i>	<i>5,230</i>
<i>M012</i>	<i>224 (new)</i>	<i>Request for up to 5 letters of certification (Certificate of Establishment) for one actively registered product or one product produced for export (excludes distributor products). (7)</i>	<i>1</i>	<i>398</i>
<i>M013</i>	<i>225 (new)</i>	<i>Cancer reassessment; applicant-initiated.</i>	<i>18</i>	<i>284,144</i>

† **HR 2617 EAS2**

4049

“TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
<i>M014</i>	<i>227 (new)</i>	<i>Pre-application nano-particle determination.</i>	8	17,424

(1) A decision review time that would otherwise end on a Saturday, Sunday, or Federal holiday, will be extended to end on the next business day.

(2) Any other covered application that is associated with and dependent on the review by the Human Studies Review Board will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.

(3) Any other covered application that is associated with and dependent on the FIFRA Scientific Advisory Panel review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.

(4) If another covered application is submitted that depends upon an application to approve an inert ingredient, each application will be subject to its respective registration service fee. The decision review time for both submissions will be the longest of the associated applications. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.

(5) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(6) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(7) Due to low fee and short time frame this category is not eligible for small business waivers.

(8) This category includes amendments the sole purpose of which is to add 'Design for the Environment' (DfE) (or equivalent terms that do not use 'safe' or derivatives of 'safe') logos to a label. DfE is a voluntary program. A label bearing a DfE logo is not considered an Agency endorsement because the ingredients in the qualifying product must meet objective, scientific criteria established and widely publicized by EPA.”.

4050

1 **SEC. 707. INFORMATION.**

2 *Not later than 180 days after the date of enactment*
3 *of this title, the Administrator of the Environmental Protec-*
4 *tion Agency shall post on a single webpage of the website*
5 *of the Environmental Protection Agency aggregated infor-*
6 *mation on pesticide regulation under the Federal Insecti-*
7 *cide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.),*
8 *including—*

9 *(1) all guidance relating to risk assessment, risk*
10 *mitigation, benefits assessments, and cost-benefit bal-*
11 *ancing;*

12 *(2) hyperlinks to resources, including the De-*
13 *partment of Agriculture’s “national list of allowed*
14 *and prohibited substances” for organic crop and live-*
15 *stock production;*

16 *(3) biopesticides and pesticides exempt pursuant*
17 *to section 25(b) of the Federal Insecticide, Fungicide,*
18 *and Rodenticide Act (7 U.S.C. 136w(b)); and*

19 *(4) integrated pest management principles devel-*
20 *oped under section 28(c) of such Act (7 U.S.C. 136w–*
21 *3(c)), including technical assistance for implementa-*
22 *tion of those principles.*

23 **SEC. 708. IMPLEMENTATION DATES WITH RESPECT TO**
24 **FEES.**

25 *(a) FEE INCREASES.—*

4051

1 (1) *REGISTRATION SERVICE FEES.*—*With respect*
2 *to amendments made by this title to increase registra-*
3 *tion service fees specified in section 33 of the Federal*
4 *Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.*
5 *136w–8), such increases shall not be effective until the*
6 *date that is 60 days after the date of the enactment*
7 *of this title, regardless of whether such section 33*
8 *specifies (as so amended) that such increases are effec-*
9 *tive for fiscal year 2023.*

10 (2) *MAINTENANCE FEES.*—*With respect to*
11 *amendments made by this title to increase the amount*
12 *of maintenance fees to be collected under section 4(i)*
13 *of the Federal Insecticide, Fungicide, and Rodenticide*
14 *Act (7 U.S.C. 136a–1(i)), such increases shall be effec-*
15 *tive beginning on October 1, 2022.*

16 (b) *SET-ASIDES.*—*With respect to any set-asides speci-*
17 *fied in subsection (i) or (k) of section 4 of the Federal Insec-*
18 *ticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1),*
19 *such set-asides shall be effective beginning on October 1,*
20 *2022.*

21 ***Subtitle B—Other Matters Relating***
22 ***to Pesticides***

23 ***SEC. 711. REGISTRATION REVIEW DEADLINE EXTENSION.***

24 (a) *IN GENERAL.*—*Notwithstanding section*
25 *3(g)(1)(A)(iii)(I) of the Federal Insecticide, Fungicide, and*

4052

1 *Rodenticide Act (7 U.S.C. 136a(g)(1)(A)(iii)(I)), the Ad-*
2 *ministrator of the Environmental Protection Agency (re-*
3 *ferred to in this section as the “Administrator”)* shall com-
4 *plete the initial registration review of each pesticide or pes-*
5 *ticide case covered by that section not later than October*
6 *1, 2026.*

7 (b) *INTERIM REGISTRATION REVIEW DECISION RE-*
8 *QUIREMENTS.—*

9 (1) *DEFINITION OF COVERED INTERIM REGISTRA-*
10 *TION REVIEW DECISION.—In this subsection, the term*
11 *“covered interim registration review decision” means*
12 *an interim registration review decision—*

13 (A) *that is associated with an initial reg-*
14 *istration review described in subsection (a);*

15 (B) *that is noticed in the Federal Register*
16 *during the period beginning on the date of enact-*
17 *ment of this Act and ending on October 1, 2026;*
18 *and*

19 (C) *for which the Administrator has not, as*
20 *of the date on which the decision is noticed in*
21 *the Federal Register, made effects determinations*
22 *or completed any necessary consultation under*
23 *section 7(a)(2) of the Endangered Species Act of*
24 *1973 (16 U.S.C. 1536(a)(2)).*

4053

1 (2) *REQUIREMENTS.*—Any covered interim reg-
2 istration review decision shall include, where applica-
3 ble, measures to reduce the effects of the applicable
4 pesticide on—

5 (A) species listed under the Endangered
6 Species Act of 1973 (16 U.S.C. 1531 et seq.); or

7 (B) any designated critical habitat.

8 (3) *CONSULTATION.*—In developing measures de-
9 scribed in paragraph (2), the Administrator shall
10 take into account the input received from the Sec-
11 retary of Agriculture and other members of the inter-
12 agency working group established under section
13 3(c)(11) of the Federal Insecticide, Fungicide, and
14 Rodenticide Act (7 U.S.C. 136a(c)(11)).

15 ***DIVISION II—PREGNANT*** 16 ***WORKERS***

17 ***SEC. 101. SHORT TITLE.***

18 This division may be cited as the “Pregnant Workers
19 Fairness Act”.

20 ***SEC. 102. DEFINITIONS.***

21 As used in this division—

22 (1) the term “Commission” means the Equal
23 Employment Opportunity Commission;

24 (2) the term “covered entity”—

4054

1 (A) *has the meaning given the term “re-*
2 *spondent” in section 701(n) of the Civil Rights*
3 *Act of 1964 (42 U.S.C. 2000e(n)); and*

4 (B) *includes—*

5 (i) *an employer, which means a person*
6 *engaged in industry affecting commerce who*
7 *has 15 or more employees as defined in sec-*
8 *tion 701(b) of title VII of the Civil Rights*
9 *Act of 1964 (42 U.S.C. 2000e(b));*

10 (ii) *an employing office, as defined in*
11 *section 101 of the Congressional Account-*
12 *ability Act of 1995 (2 U.S.C. 1301) and sec-*
13 *tion 411(c) of title 3, United States Code;*

14 (iii) *an entity employing a State em-*
15 *ployee described in section 304(a) of the*
16 *Government Employee Rights Act of 1991*
17 *(42 U.S.C. 2000e–16c(a)); and*

18 (iv) *an entity to which section 717(a)*
19 *of the Civil Rights Act of 1964 (42 U.S.C.*
20 *2000e–16(a)) applies;*

21 (3) *the term “employee” means—*

22 (A) *an employee (including an applicant),*
23 *as defined in section 701(f) of the Civil Rights*
24 *Act of 1964 (42 U.S.C. 2000e(f));*

4055

1 (B) a covered employee (including an appli-
2 cant), as defined in section 101 of the Congres-
3 sional Accountability Act of 1995 (2 U.S.C.
4 1301), and an individual described in section
5 201(d) of that Act (2 U.S.C. 1311(d));

6 (C) a covered employee (including an appli-
7 cant), as defined in section 411(c) of title 3,
8 United States Code;

9 (D) a State employee (including an appli-
10 cant) described in section 304(a) of the Govern-
11 ment Employee Rights Act of 1991 (42 U.S.C.
12 2000e–16c(a)); or

13 (E) an employee (including an applicant)
14 to which section 717(a) of the Civil Rights Act
15 of 1964 (42 U.S.C. 2000e–16(a)) applies;

16 (4) the term “known limitation” means physical
17 or mental condition related to, affected by, or arising
18 out of pregnancy, childbirth, or related medical condi-
19 tions that the employee or employee’s representative
20 has communicated to the employer whether or not
21 such condition meets the definition of disability speci-
22 fied in section 3 of the Americans with Disabilities
23 Act of 1990 (42 U.S.C. 12102);

4056

1 (5) *the term “person” has the meaning given*
2 *such term in section 701(a) of the Civil Rights Act of*
3 *1964 (42 U.S.C. 2000e(a));*

4 (6) *the term “qualified employee” means an em-*
5 *ployee or applicant who, with or without reasonable*
6 *accommodation, can perform the essential functions of*
7 *the employment position, except that an employee or*
8 *applicant shall be considered qualified if—*

9 (A) *any inability to perform an essential*
10 *function is for a temporary period;*

11 (B) *the essential function could be per-*
12 *formed in the near future; and*

13 (C) *the inability to perform the essential*
14 *function can be reasonably accommodated; and*

15 (7) *the terms “reasonable accommodation” and*
16 *“undue hardship” have the meanings given such*
17 *terms in section 101 of the Americans with Disabil-*
18 *ities Act of 1990 (42 U.S.C. 12111) and shall be con-*
19 *strued as such terms are construed under such Act*
20 *and as set forth in the regulations required by this di-*
21 *vision, including with regard to the interactive proc-*
22 *ess that will typically be used to determine an appro-*
23 *priate reasonable accommodation.*

4057

1 **SEC. 103. NONDISCRIMINATION WITH REGARD TO REASON-**
2 **ABLE ACCOMMODATIONS RELATED TO PREG-**
3 **NANCY.**

4 *It shall be an unlawful employment practice for a cov-*
5 *ered entity to—*

6 *(1) not make reasonable accommodations to the*
7 *known limitations related to the pregnancy, child-*
8 *birth, or related medical conditions of a qualified em-*
9 *ployee, unless such covered entity can demonstrate*
10 *that the accommodation would impose an undue*
11 *hardship on the operation of the business of such cov-*
12 *ered entity;*

13 *(2) require a qualified employee affected by preg-*
14 *nancy, childbirth, or related medical conditions to ac-*
15 *cept an accommodation other than any reasonable ac-*
16 *commodation arrived at through the interactive proc-*
17 *ess referred to in section 102(7);*

18 *(3) deny employment opportunities to a quali-*
19 *fied employee if such denial is based on the need of*
20 *the covered entity to make reasonable accommodations*
21 *to the known limitations related to the pregnancy,*
22 *childbirth, or related medical conditions of the quali-*
23 *fied employee;*

24 *(4) require a qualified employee to take leave,*
25 *whether paid or unpaid, if another reasonable accom-*
26 *modation can be provided to the known limitations*

4058

1 *related to the pregnancy, childbirth, or related med-*
2 *ical conditions of the qualified employee; or*

3 *(5) take adverse action in terms, conditions, or*
4 *privileges of employment against a qualified employee*
5 *on account of the employee requesting or using a rea-*
6 *sonable accommodation to the known limitations re-*
7 *lated to the pregnancy, childbirth, or related medical*
8 *conditions of the employee.*

9 **SEC. 104. REMEDIES AND ENFORCEMENT.**

10 *(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL*
11 *RIGHTS ACT OF 1964.—*

12 *(1) IN GENERAL.—The powers, remedies, and*
13 *procedures provided in sections 705, 706, 707, 709,*
14 *710, and 711 of the Civil Rights Act of 1964 (42*
15 *U.S.C. 2000e–4 et seq.) to the Commission, the Attor-*
16 *ney General, or any person alleging a violation of*
17 *title VII of such Act (42 U.S.C. 2000e et seq.) shall*
18 *be the powers, remedies, and procedures this division*
19 *provides to the Commission, the Attorney General, or*
20 *any person, respectively, alleging an unlawful em-*
21 *ployment practice in violation of this division against*
22 *an employee described in section 102(3)(A) except as*
23 *provided in paragraphs (2) and (3) of this subsection.*

24 *(2) COSTS AND FEES.—The powers, remedies,*
25 *and procedures provided in subsections (b) and (c) of*

4059

1 *section 722 of the Revised Statutes (42 U.S.C. 1988)*
2 *shall be the powers, remedies, and procedures this di-*
3 *vision provides to the Commission, the Attorney Gen-*
4 *eral, or any person alleging such practice.*

5 (3) *DAMAGES.—The powers, remedies, and pro-*
6 *cedures provided in section 1977A of the Revised*
7 *Statutes (42 U.S.C. 1981a), including the limitations*
8 *contained in subsection (b)(3) of such section 1977A,*
9 *shall be the powers, remedies, and procedures this di-*
10 *vision provides to the Commission, the Attorney Gen-*
11 *eral, or any person alleging such practice (not an em-*
12 *ployment practice specifically excluded from coverage*
13 *under section 1977A(a)(1) of the Revised Statutes (42*
14 *U.S.C. 1981a(a)(1))).*

15 (b) *EMPLOYEES COVERED BY CONGRESSIONAL AC-*
16 *COUNTABILITY ACT OF 1995.—*

17 (1) *IN GENERAL.—The powers, remedies, and*
18 *procedures provided in the Congressional Account-*
19 *ability Act of 1995 (2 U.S.C. 1301 et seq.) for the*
20 *purposes of addressing allegations of violations of sec-*
21 *tion 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)) shall*
22 *be the powers, remedies, and procedures this division*
23 *provides to address an allegation of an unlawful em-*
24 *ployment practice in violation of this division against*

4060

1 *an employee described in section 102(3)(B), except as*
2 *provided in paragraphs (2) and (3) of this subsection.*

3 (2) *COSTS AND FEES.—The powers, remedies,*
4 *and procedures provided in subsections (b) and (c) of*
5 *section 722 of the Revised Statutes (42 U.S.C. 1988)*
6 *for the purposes of addressing allegations of such a*
7 *violation shall be the powers, remedies, and proce-*
8 *dures this division provides to address allegations of*
9 *such practice.*

10 (3) *DAMAGES.—The powers, remedies, and pro-*
11 *cedures provided in section 1977A of the Revised*
12 *Statutes (42 U.S.C. 1981a), including the limitations*
13 *contained in subsection (b)(3) of such section 1977A,*
14 *for purposes of addressing allegations of such a viola-*
15 *tion, shall be the powers, remedies, and procedures*
16 *this division provides to address any allegation of*
17 *such practice (not an employment practice specifi-*
18 *cally excluded from coverage under section*
19 *1977A(a)(1) of the Revised Statutes (42 U.S.C.*
20 *1981a(a)(1))).*

21 (c) *EMPLOYEES COVERED BY CHAPTER 5 OF TITLE*
22 *3, UNITED STATES CODE.—*

23 (1) *IN GENERAL.—The powers, remedies, and*
24 *procedures provided in chapter 5 of title 3, United*
25 *States Code, to the President, the Commission, the*

4061

1 *Merit Systems Protection Board, or any person alleg-*
2 *ing a violation of section 411(a)(1) of such title shall*
3 *be the powers, remedies, and procedures this division*
4 *provides to the President, the Commission, the Board,*
5 *or any person, respectively, alleging an unlawful em-*
6 *ployment practice in violation of this division against*
7 *an employee described in section 102(3)(C), except as*
8 *provided in paragraphs (2) and (3) of this subsection.*

9 (2) *COSTS AND FEES.—The powers, remedies,*
10 *and procedures provided in subsections (b) and (c) of*
11 *section 722 of the Revised Statutes (42 U.S.C. 1988)*
12 *shall be the powers, remedies, and procedures this di-*
13 *vision provides to the President, the Commission, the*
14 *Board, or any person alleging such practice.*

15 (3) *DAMAGES.—The powers, remedies, and pro-*
16 *cedures provided in section 1977A of the Revised*
17 *Statutes (42 U.S.C. 1981a), including the limitations*
18 *contained in subsection (b)(3) of such section 1977A,*
19 *shall be the powers, remedies, and procedures this di-*
20 *vision provides to the President, the Commission, the*
21 *Board, or any person alleging such practice (not an*
22 *employment practice specifically excluded from cov-*
23 *erage under section 1977A(a)(1) of the Revised Stat-*
24 *utes (42 U.S.C. 1981a(a)(1))).*

4062

1 (d) *EMPLOYEES COVERED BY GOVERNMENT EM-*
2 *PLOYEE RIGHTS ACT OF 1991.*—

3 (1) *IN GENERAL.*—*The powers, remedies, and*
4 *procedures provided in sections 302 and 304 of the*
5 *Government Employee Rights Act of 1991 (42 U.S.C.*
6 *2000e–16b; 2000e–16c) to the Commission or any per-*
7 *son alleging a violation of section 302(a)(1) of such*
8 *Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers,*
9 *remedies, and procedures this division provides to the*
10 *Commission or any person, respectively, alleging an*
11 *unlawful employment practice in violation of this di-*
12 *vision against an employee described in section*
13 *102(3)(D), except as provided in paragraphs (2) and*
14 *(3) of this subsection.*

15 (2) *COSTS AND FEES.*—*The powers, remedies,*
16 *and procedures provided in subsections (b) and (c) of*
17 *section 722 of the Revised Statutes (42 U.S.C. 1988)*
18 *shall be the powers, remedies, and procedures this di-*
19 *vision provides to the Commission or any person al-*
20 *leging such practice.*

21 (3) *DAMAGES.*—*The powers, remedies, and pro-*
22 *cedures provided in section 1977A of the Revised*
23 *Statutes (42 U.S.C. 1981a), including the limitations*
24 *contained in subsection (b)(3) of such section 1977A,*
25 *shall be the powers, remedies, and procedures this di-*

4063

1 *vision provides to the Commission or any person al-*
2 *leging such practice (not an employment practice spe-*
3 *cifically excluded from coverage under section*
4 *1977A(a)(1) of the Revised Statutes (42 U.S.C.*
5 *1981a(a)(1))).*

6 *(e) EMPLOYEES COVERED BY SECTION 717 OF THE*
7 *CIVIL RIGHTS ACT OF 1964.—*

8 *(1) IN GENERAL.—The powers, remedies, and*
9 *procedures provided in section 717 of the Civil Rights*
10 *Act of 1964 (42 U.S.C. 2000e–16) to the Commission,*
11 *the Attorney General, the Librarian of Congress, or*
12 *any person alleging a violation of that section shall*
13 *be the powers, remedies, and procedures this division*
14 *provides to the Commission, the Attorney General, the*
15 *Librarian of Congress, or any person, respectively, al-*
16 *leging an unlawful employment practice in violation*
17 *of this division against an employee described in sec-*
18 *tion 102(3)(E), except as provided in paragraphs (2)*
19 *and (3) of this subsection.*

20 *(2) COSTS AND FEES.—The powers, remedies,*
21 *and procedures provided in subsections (b) and (c) of*
22 *section 722 of the Revised Statutes (42 U.S.C. 1988)*
23 *shall be the powers, remedies, and procedures this di-*
24 *vision provides to the Commission, the Attorney Gen-*

4064

1 *eral, the Librarian of Congress, or any person alleg-*
2 *ing such practice.*

3 (3) *DAMAGES.—The powers, remedies, and pro-*
4 *cedures provided in section 1977A of the Revised*
5 *Statutes (42 U.S.C. 1981a), including the limitations*
6 *contained in subsection (b)(3) of such section 1977A,*
7 *shall be the powers, remedies, and procedures this di-*
8 *vision provides to the Commission, the Attorney Gen-*
9 *eral, the Librarian of Congress, or any person alleg-*
10 *ing such practice (not an employment practice spe-*
11 *cifically excluded from coverage under section*
12 *1977A(a)(1) of the Revised Statutes (42 U.S.C.*
13 *1981a(a)(1))).*

14 (f) *PROHIBITION AGAINST RETALIATION.—*

15 (1) *IN GENERAL.—No person shall discriminate*
16 *against any employee because such employee has op-*
17 *posed any act or practice made unlawful by this divi-*
18 *sion or because such employee made a charge, testi-*
19 *fied, assisted, or participated in any manner in an*
20 *investigation, proceeding, or hearing under this divi-*
21 *sion.*

22 (2) *PROHIBITION AGAINST COERCION.—It shall*
23 *be unlawful to coerce, intimidate, threaten, or inter-*
24 *fere with any individual in the exercise or enjoyment*
25 *of, or on account of such individual having exercised*

4065

1 or enjoyed, or on account of such individual having
2 aided or encouraged any other individual in the exer-
3 cise or enjoyment of, any right granted or protected
4 by this division.

5 (3) *REMEDY.*—The remedies and procedures oth-
6 erwise provided for under this section shall be avail-
7 able to aggrieved individuals with respect to viola-
8 tions of this subsection.

9 (g) *LIMITATION.*—Notwithstanding subsections (a)(3),
10 (b)(3), (c)(3), (d)(3), and (e)(3), if an unlawful employment
11 practice involves the provision of a reasonable accommoda-
12 tion pursuant to this division or regulations implementing
13 this division, damages may not be awarded under section
14 1977A of the Revised Statutes (42 U.S.C. 1981a) if the cov-
15 ered entity demonstrates good faith efforts, in consultation
16 with the employee with known limitations related to preg-
17 nancy, childbirth, or related medical conditions who has in-
18 formed the covered entity that accommodation is needed, to
19 identify and make a reasonable accommodation that would
20 provide such employee with an equally effective opportunity
21 and would not cause an undue hardship on the operation
22 of the covered entity.

23 **SEC. 105. RULEMAKING.**

24 (a) *EEOC RULEMAKING.*—Not later than 1 year after
25 the date of enactment of this Act, the Commission shall issue

4066

1 *regulations in an accessible format in accordance with sub-*
2 *chapter II of chapter 5 of title 5, United States Code, to*
3 *carry out this division. Such regulations shall provide ex-*
4 *amples of reasonable accommodations addressing known*
5 *limitations related to pregnancy, childbirth, or related med-*
6 *ical conditions.*

7 *(b) OCWR RULEMAKING.—*

8 *(1) IN GENERAL.—Not later than 6 months after*
9 *the Commission issues regulations under subsection*
10 *(a), the Board (as defined in section 101 of the Con-*
11 *gressional Accountability Act of 1995 (2 U.S.C.*
12 *1301)) shall (in accordance with section 304 of the*
13 *Congressional Accountability Act of 1995 (2 U.S.C.*
14 *1384)), issue regulations to implement the provisions*
15 *of this division made applicable to employees de-*
16 *scribed in section 102(3)(B), under section 104(b).*

17 *(2) PARALLEL WITH AGENCY REGULATIONS.—*
18 *The regulations issued under paragraph (1) shall be*
19 *the same as substantive regulations issued by the*
20 *Commission under subsection (a) except to the extent*
21 *that the Board may determine, for good cause shown*
22 *and stated together with the regulations issued under*
23 *paragraph (1) that a modification of such substantive*
24 *regulations would be more effective for the implemen-*

4067

1 *tation of the rights and protection under this divi-*
2 *sion.*

3 **SEC. 106. WAIVER OF STATE IMMUNITY.**

4 *A State shall not be immune under the 11th Amend-*
5 *ment to the Constitution from an action in a Federal or*
6 *State court of competent jurisdiction for a violation of this*
7 *division. In any action against a State for a violation of*
8 *this division, remedies (including remedies both at law and*
9 *in equity) are available for such a violation to the same*
10 *extent as such remedies are available for such a violation*
11 *in an action against any public or private entity other than*
12 *a State.*

13 **SEC. 107. RELATIONSHIP TO OTHER LAWS.**

14 *(a) IN GENERAL.—Nothing in this division shall be*
15 *construed—*

16 *(1) to invalidate or limit the powers, remedies,*
17 *and procedures under any Federal law or law of any*
18 *State or political subdivision of any State or jurisdic-*
19 *tion that provides greater or equal protection for indi-*
20 *viduals affected by pregnancy, childbirth, or related*
21 *medical conditions; or*

22 *(2) by regulation or otherwise, to require an em-*
23 *ployer-sponsored health plan to pay for or cover any*
24 *particular item, procedure, or treatment or to affect*
25 *any right or remedy available under any other Fed-*

4068

1 *eral, State, or local law with respect to any such pay-*
2 *ment or coverage requirement.*

3 *(b) RULE OF CONSTRUCTION.—This division is subject*
4 *to the applicability to religious employment set forth in sec-*
5 *tion 702(a) of the Civil Rights Act of 1964 (42 U.S.C.*
6 *2000e–1(a)).*

7 **SEC. 108. SEVERABILITY.**

8 *If any provision of this division or the application of*
9 *that provision to particular persons or circumstances is*
10 *held invalid or found to be unconstitutional, the remainder*
11 *of this division and the application of that provision to*
12 *other persons or circumstances shall not be affected.*

13 **SEC. 109. EFFECTIVE DATE.**

14 *This division shall take effect on the date that is 180*
15 *days after the date of enactment of this Act.*

16 ***DIVISION JJ—NORTH ATLANTIC***
17 ***RIGHT WHALES***
18 ***TITLE I—NORTH ATLANTIC***
19 ***RIGHT WHALES AND REGULA-***
20 ***TIONS***

21 **SEC. 101. NORTH ATLANTIC RIGHT WHALES AND REGULA-**
22 ***TIONS.***

23 *(a) IN GENERAL.—Notwithstanding any other provi-*
24 *sion of law except as provided in subsection (b), for the pe-*
25 *riod beginning on the date of enactment of this Act and*

4069

1 *ending on December 31, 2028, the Final Rule amending*
2 *the regulations implementing the Atlantic Large Whale*
3 *Take Reduction Plan (86 Fed. Reg. 51970) shall be deemed*
4 *sufficient to ensure that the continued Federal and State*
5 *authorizations of the American lobster and Jonah crab fish-*
6 *eries are in full compliance with the Marine Mammal Pro-*
7 *tection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endan-*
8 *gered Species Act of 1973 (16 U.S.C. 1531 et seq.). The Na-*
9 *tional Marine Fisheries Service shall—*

10 *(1) throughout the period described in the pre-*
11 *ceding sentence, in consultation with affected States*
12 *and fishing industry participants, promote the inno-*
13 *vation and adoption of gear technologies in the fish-*
14 *eries described in the preceding sentence, in order to*
15 *implement additional whale protection measures by*
16 *December 31, 2028;*

17 *(2) promulgate new regulations for the American*
18 *lobster and Jonah crab fisheries consistent with the*
19 *Marine Mammal Protection Act of 1972 (16 U.S.C.*
20 *1361 et seq.) and the Endangered Species Act of 1973*
21 *(16 U.S.C. 1531 et seq.) that take effect by December*
22 *31, 2028, utilizing existing and innovative gear tech-*
23 *nologies, as appropriate; and*

24 *(3) in consultation with affected States, submit*
25 *an annual report to Congress on the status of North*

4070

1 *Atlantic Right Whales, the actions taken and plans to*
2 *implement measures expected to not exceed Potential*
3 *Biological Removal by December 31, 2028, the*
4 *amount of serious injury and mortality by fishery*
5 *and country, and the proportion of the American lob-*
6 *ster and Jonah crab fisheries that have transitioned*
7 *to innovative gear technologies that reduce harm to*
8 *the North Atlantic Right Whale.*

9 **(b) EXCEPTION.**—*The provisions of subsection (a) shall*
10 *not apply to an existing emergency rule, or any action*
11 *taken to extend or make final an emergency rule that is*
12 *in place on the date of enactment of this Act, affecting lob-*
13 *ster and Jonah crab.*

14 **TITLE II—GRANT AUTHORITY**

15 **SEC. 201. CONSERVATION AND MITIGATION ASSISTANCE.**

16 **(a) ASSISTANCE.**—

17 **(1) IN GENERAL.**—*Not later than 180 days after*
18 *the date of enactment of this Act, the Secretary of*
19 *Commerce, acting through the Under Secretary of*
20 *Commerce for Oceans and Atmosphere (in this title*
21 *referred to as the “Under Secretary”) shall establish*
22 *a program to provide competitive financial assist-*
23 *ance, on an annual basis, and cooperative agreements*
24 *including multiyear grants and direct payment, to el-*
25 *igible entities for eligible uses, such as projects de-*

4071

1 *signed to reduce the lethal and sub-lethal effects of*
2 *human activities on North Atlantic right whales.*

3 (2) *USE OF EXISTING AUTHORITIES.*—*Assistance*
4 *provided under this section shall be carried out in a*
5 *manner consistent with authorities available to the*
6 *Secretary under the Endangered Species Act of 1973*
7 *(16 U.S.C. 1531 et seq.) and the Marine Mammal*
8 *Protection Act of 1972 (16 U.S.C. 1361 et seq.).*

9 (3) *COOPERATIVE AGREEMENTS.*—*The Under*
10 *Secretary may enter into cooperative agreements with*
11 *the National Fish and Wildlife Foundation estab-*
12 *lished by the National Fish and Wildlife Foundation*
13 *Establishment Act (16 U.S.C. 3701 et seq.) to carry*
14 *out this title.*

15 (b) *ELIGIBLE ENTITIES.*—*An entity is an eligible enti-*
16 *ty for purposes of assistance awarded under subsection (a)*
17 *if the entity is—*

18 (1) *a relevant port authority for a port;*

19 (2) *a relevant State, regional, local, or Tribal*
20 *government;*

21 (3) *any other individual or entity, as determined*
22 *appropriate by the Under Secretary, including—*

23 (A) *an owner or operator of a vessel, as de-*
24 *finied under section 3 of title 1, United States*
25 *Code; and*

4072

1 (B) participants within sectors of the mari-
2 time industry, such as boating, shipping, fishing,
3 fishing gear and rope manufacturing, and other
4 maritime activities;

5 (4) a nonprofit organization or research institu-
6 tion with expertise in commercial fisheries, gear inno-
7 vation, and North Atlantic right whale conservation;
8 or

9 (5) a consortium of entities described in para-
10 graphs (1) through (4).

11 (c) *ELIGIBLE USES*.—Assistance awarded under sub-
12 section (a) may be used to develop, assess, and carry out
13 activities that reduce human induced threats to North At-
14 lantic right whales, including—

15 (1) funding research to identify, deploy, or test
16 innovative gear technologies;

17 (2) subsidizing acquisition of innovative gear
18 technologies to improve adoption of those technologies
19 by fisheries participants, which may include direct
20 payment to fisheries participants;

21 (3) training for fisheries participants to improve
22 deployment, safety, and adoption of innovative gear
23 technologies;

4073

1 (4) *funding for monitoring necessary to support*
2 *dynamic management of fisheries, vessel traffic, or*
3 *other needs; and*

4 (5) *other uses as determined by the Under Sec-*
5 *retary in consultation with relevant eligible entities.*

6 (d) *PRIORITY.—In determining whether to fund*
7 *project proposals under this section, the Under Secretary*
8 *shall prioritize projects—*

9 (1) *with a substantial likelihood of reducing le-*
10 *thal and sub-lethal effects on North Atlantic right*
11 *whales from fishing gear entanglements or vessel colli-*
12 *sions;*

13 (2) *that include cooperation with fishing indus-*
14 *try participants or other private sector stakeholders;*
15 *and*

16 (3) *that demonstrate, or have the potential to*
17 *provide, economic benefits to small businesses based in*
18 *the United States.*

19 (e) *PROHIBITED USES.—*

20 (1) *IN GENERAL.—Except as provided in para-*
21 *graph (2), funds awarded under this section may not*
22 *be used to distribute resources to an entity or indi-*
23 *vidual that is not a United States person (as defined*
24 *in section 7701(a)(3) of the Internal Revenue Code of*
25 *1986).*

4074

1 (2) *EXCEPTION.—Funds awarded under this sec-*
2 *tion may be used to distribute resources to a partner-*
3 *ship that includes an entity or individual that is not*
4 *a United States person (as defined in section*
5 *7701(a)(30) of the Internal Revenue Code of 1986) if*
6 *the resources are distributed directly to a partner in*
7 *the partnership that is a United States person (as so*
8 *defined).*

9 (f) *PROJECT REPORTING.—*

10 (1) *IN GENERAL.—Each individual or entity*
11 *that receives assistance under this section for a project*
12 *shall submit to the Under Secretary periodic reports*
13 *(at such intervals as the Under Secretary may re-*
14 *quire) that include all information that the Under*
15 *Secretary, after consultation with other government*
16 *officials, determines is necessary to evaluate the*
17 *progress and success of the project for the purposes of*
18 *ensuring positive results, assessing problems, and fos-*
19 *tering improvements.*

20 (2) *AVAILABILITY TO THE PUBLIC.—Reports*
21 *under paragraph (1) shall be made available to the*
22 *public in a timely manner.*

23 **SEC. 202. REPORT TO CONGRESS.**

24 *Not later than 2 years after the date of enactment of*
25 *this Act, and every 5 years thereafter, the Under Secretary*

4075

1 *shall submit to the Committee on Commerce, Science, and*
2 *Transportation of the Senate and the Committee on Natural*
3 *Resources of the House of Representatives a report on the*
4 *results and effectiveness of projects receiving assistance pro-*
5 *vided under this title.*

6 **SEC. 203. FUNDING.**

7 (a) *AUTHORIZATION OF APPROPRIATIONS.—*

8 (1) *AUTHORIZATION.—There is authorized to be*
9 *appropriated to the Under Secretary to carry out this*
10 *title \$50,000,000 (of which not less than \$40,000,000*
11 *shall be for innovative gear deployment and tech-*
12 *nology) for each of fiscal years 2023 through 2032.*

13 (2) *ADMINISTRATIVE EXPENSES.—Of the*
14 *amounts authorized to be appropriated under this*
15 *subsection for a fiscal year, the Under Secretary may*
16 *expend not more than 5 percent, or up to \$80,000,*
17 *whichever is greater, to pay the administrative ex-*
18 *penses necessary to carry out this title.*

19 (b) *ACCEPTANCE AND USE OF DONATIONS.—The*
20 *Under Secretary may accept, receive, solicit, hold, admin-*
21 *ister, and use any gift, devise, or bequest, consistent with*
22 *policy of the Department of Commerce in effect on the date*
23 *of enactment of this Act, to provide assistance under section*
24 *201.*

4076

1 ***TITLE III—CONTINUOUS***
2 ***PLANKTON RECORDER***

3 ***SEC. 301. SURVEY.***

4 (a) *IN GENERAL.*—Not later than 180 days after the
5 date of enactment of this Act, and on an ongoing basis
6 thereafter, the Secretary of Commerce shall conduct a Con-
7 tinuous Plankton Recorder survey.

8 (b) *REQUIRED ELEMENTS.*—For the purpose of con-
9 ducting the survey required under subsection (a), the North-
10 east Fisheries Science Center shall—

11 (1) *to the extent possible, utilize the resources of*
12 *and partner with, on a volunteer basis, research insti-*
13 *tutions, nonprofit organizations, commercial vessels,*
14 *and other Federal agencies;*

15 (2) *in as short a time as possible, ensure relevant*
16 *survey samples and results are analyzed, stored,*
17 *archived, and made publicly available;*

18 (3) *prioritize the collection of plankton samples*
19 *and data that inform the conservation of North At-*
20 *lantic right whales; and*

21 (4) *to the extent practicable, coordinate with the*
22 *Government of Canada to develop a transboundary*
23 *understanding of plankton abundance and distribu-*
24 *tion.*

4077

1 (c) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
2 *out this section there is authorized to be appropriated to*
3 *the Secretary of Commerce \$300,000 for each of fiscal years*
4 *2023 through 2032, which shall be derived from existing*
5 *funds otherwise appropriated to the Secretary.*

6 ***DIVISION KK—PUMP FOR***
7 ***NURSING MOTHERS ACT***

8 ***SEC. 101. SHORT TITLE.***

9 *This division may be cited as the “Providing Urgent*
10 *Maternal Protections for Nursing Mothers Act” or the*
11 *“PUMP for Nursing Mothers Act”.*

12 ***SEC. 102. BREASTFEEDING ACCOMMODATIONS IN THE***
13 ***WORKPLACE.***

14 (a) *EXPANDING EMPLOYEE ACCESS TO BREAK TIME*
15 *AND SPACE.—The Fair Labor Standards Act of 1938 (29*
16 *U.S.C. 201 et seq.) is amended—*

17 (1) *in section 7 (29 U.S.C. 207), by striking sub-*
18 *section (r); and*

19 (2) *by inserting after section 18C (29 U.S.C.*
20 *218c) the following:*

21 ***“SEC. 18D. BREASTFEEDING ACCOMMODATIONS IN THE***
22 ***WORKPLACE.***

23 ***“(a) IN GENERAL.—An employer shall provide—***

24 ***“(1) a reasonable break time for an employee to***
25 *express breast milk for such employee’s nursing child*

4078

1 *for 1 year after the child's birth each time such em-*
2 *ployee has need to express the milk; and*

3 *“(2) a place, other than a bathroom, that is*
4 *shielded from view and free from intrusion from co-*
5 *workers and the public, which may be used by an em-*
6 *ployee to express breast milk.*

7 *“(b) COMPENSATION.—*

8 *“(1) IN GENERAL.—Subject to paragraph (2), an*
9 *employer shall not be required to compensate an em-*
10 *ployee receiving reasonable break time under sub-*
11 *section (a)(1) for any time spent during the workday*
12 *for such purpose unless otherwise required by Federal*
13 *or State law or municipal ordinance.*

14 *“(2) RELIEF FROM DUTIES.—Break time pro-*
15 *vided under subsection (a)(1) shall be considered*
16 *hours worked if the employee is not completely re-*
17 *lieved from duty during the entirety of such break.*

18 *“(c) EXEMPTION FOR SMALL EMPLOYERS.—An em-*
19 *ployer that employs less than 50 employees shall not be sub-*
20 *ject to the requirements of this section, if such requirements*
21 *would impose an undue hardship by causing the employer*
22 *significant difficulty or expense when considered in relation*
23 *to the size, financial resources, nature, or structure of the*
24 *employer's business.*

4079

1 “(d) *EXEMPTION FOR CREWMEMBERS OF AIR CAR-*
2 *RIERS.*—

3 “(1) *IN GENERAL.*—*An employer that is an air*
4 *carrier shall not be subject to the requirements of this*
5 *section with respect to an employee of such air carrier*
6 *who is a crewmember*

7 “(2) *DEFINITIONS.*—*In this subsection:*

8 “(A) *AIR CARRIER.*—*The term ‘air carrier’*
9 *has the meaning given such term in section*
10 *40102 of title 49, United States Code.*

11 “(B) *CREWMEMBER.*—*The term ‘crew-*
12 *member’ has the meaning given such term in sec-*
13 *tion 1.1 of title 14, Code of Federal Regulations*
14 *(or successor regulations).*

15 “(e) *APPLICABILITY TO RAIL CARRIERS.*—

16 “(1) *IN GENERAL.*—*Except as provided in para-*
17 *graph (2), an employer that is a rail carrier shall be*
18 *subject to the requirements of this section.*

19 “(2) *CERTAIN EMPLOYEES.*—*An employer that is*
20 *a rail carrier shall be subject to the requirements of*
21 *this section with respect to an employee of such rail*
22 *carrier who is a member of a train crew involved in*
23 *the movement of a locomotive or rolling stock or who*
24 *is an employee who maintains the right of way, pro-*

4080

1 *vided that compliance with the requirements of this*
2 *section does not—*

3 *“(A) require the employer to incur signifi-*
4 *cant expense, such as through the addition of*
5 *such a member of a train crew in response to*
6 *providing a break described in subsection (a)(1)*
7 *to another such member of a train crew, removal*
8 *or retrofitting of seats, or the modification or*
9 *retrofitting of a locomotive or rolling stock; or*

10 *“(B) result in unsafe conditions for an in-*
11 *dividual who is an employee who maintains the*
12 *right of way.*

13 *“(3) SIGNIFICANT EXPENSE.—For purposes of*
14 *paragraph (2)(A), it shall not be considered a signifi-*
15 *cant expense to modify or retrofit a locomotive or roll-*
16 *ing stock by installing a curtain or other screening*
17 *protection.*

18 *“(4) DEFINITIONS.—In this subsection:*

19 *“(A) EMPLOYEE WHO MAINTAINS THE*
20 *RIGHT OF WAY.—The term ‘employee who main-*
21 *tains the right of way’ means an employee who*
22 *is a safety-related railroad employee described in*
23 *section 20102(4)(C) of title 49, United States*
24 *Code.*

4081

1 “(B) *RAIL CARRIER*.—The term ‘rail car-
2 rier’ means an employer described in section
3 13(b)(2).

4 “(C) *TRAIN CREW*.—The term ‘train crew’
5 has the meaning given such term as used in
6 chapter II of subtitle B of title 49, Code of Fed-
7 eral Regulations (or successor regulations).

8 “(f) *APPLICABILITY TO MOTORCOACH SERVICES OP-*
9 *ERATORS*.—

10 “(1) *IN GENERAL*.—Except as provided in para-
11 graph (2), an employer that is a motorcoach services
12 operator shall be subject to the requirements of this
13 section.

14 “(2) *EMPLOYEES WHO ARE INVOLVED IN THE*
15 *MOVEMENT OF A MOTORCOACH*.—An employer that is
16 a motorcoach services operator shall be subject to the
17 requirements of this section with respect to an em-
18 ployee of such motorcoach services operator who is in-
19 volved in the movement of a motorcoach provided that
20 compliance with the requirements of this section does
21 not—

22 “(A) require the employer to incur signifi-
23 cant expense, such as through the removal or ret-
24 rofitting of seats, the modification or retrofitting
25 of a motorcoach, or unscheduled stops; or

4082

1 “(B) result in unsafe conditions for an em-
2 ployee of a motorcoach services operator or a
3 passenger of a motorcoach.

4 “(3) *SIGNIFICANT EXPENSE.*—For purposes of
5 paragraph (2)(A), it shall not be considered a signifi-
6 cant expense—

7 “(A) to modify or retrofit a motorcoach by
8 installing a curtain or other screening protection
9 if an employee requests such a curtain or other
10 screening protection; or

11 “(B) for an employee to use scheduled stop
12 time to express breast milk.

13 “(4) *DEFINITIONS.*—In this subsection:

14 “(A) *MOTORCOACH; MOTORCOACH SERV-*
15 *ICES.*—The terms ‘motorcoach’ and ‘motorcoach
16 services’ have the meanings given the terms in
17 section 32702 of the Motorcoach Enhanced Safety
18 Act of 2012 (49 U.S.C. 31136 note).

19 “(B) *MOTORCOACH SERVICES OPERATOR.*—
20 The term ‘motorcoach services operator’ means
21 an entity that offers motorcoach services.

22 “(g) *NOTIFICATION PRIOR TO COMMENCEMENT OF AC-*
23 *TION.*—

24 “(1) *IN GENERAL.*—Except as provided in para-
25 graph (2), before commencing an action under section

4083

1 16(b) for a violation of subsection (a)(2), an employee
2 shall—

3 “(A) notify the employer of such employee
4 of the failure to provide the place described in
5 such subsection; and

6 “(B) provide the employer with 10 days
7 after such notification to come into compliance
8 with such subsection with respect to the em-
9 ployee.

10 “(2) *EXCEPTIONS.*—Paragraph (1) shall not
11 apply in a case in which—

12 “(A) the employee has been discharged be-
13 cause the employee—

14 “(i) has made a request for the break
15 time or place described in subsection (a); or

16 “(ii) has opposed any employer con-
17 duct related to this section; or

18 “(B) the employer has indicated that the
19 employer has no intention of providing the place
20 described in subsection (a)(2).

21 “(h) *INTERACTION WITH STATE AND FEDERAL*
22 *LAW.*—

23 “(1) *LAWS PROVIDING GREATER PROTECTION.*—
24 Nothing in this section shall preempt a State law or
25 municipal ordinance that provides greater protections

4084

1 to employees than the protections provided for under
2 this section.

3 “(2) NO EFFECT ON TITLE 49 PREEMPTION.—
4 This section shall have no effect on the preemption of
5 a State law or municipal ordinance that is pre-
6 empted under subtitle IV, V, or VII of title 49, United
7 States Code.”.

8 (b) CLARIFYING REMEDIES.—The Fair Labor Stand-
9 ards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

10 (1) in section 15(a) (29 U.S.C. 215(a))—

11 (A) by striking the period at the end of
12 paragraph (5) and inserting “; and”; and

13 (B) by adding at the end the following:

14 “(6) to violate any of the provisions of section
15 18D.”; and

16 (2) in section 16(b) (29 U.S.C. 216(b)), by strik-
17 ing “15(a)(3)” each place the term appears and in-
18 serting “15(a)(3) or 18D”.

19 (c) AUTHORIZING EMPLOYEES TO TEMPORARILY OB-
20 SCURE THE FIELD OF VIEW OF AN IMAGE RECORDING DE-
21 VICE ON A LOCOMOTIVE OR ROLLING STOCK WHILE EX-
22 PRESSING BREAST MILK.—Section 20168(f) of title 49,
23 United States Code, is amended—

24 (1) by striking “A railroad carrier” and insert-
25 ing the following:

4085

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), a railroad carrier*”; and

3 *(2) by adding at the end the following:*

4 “(2) *TEMPORARILY OBSCURING FIELD OF VIEW*
5 *OF AN IMAGE RECORDING DEVICE WHILE EXPRESSING*
6 *BREAST MILK.*—

7 “(A) *IN GENERAL.*—*For purposes of ex-*
8 *pressing breast milk, an employee may tempo-*
9 *rarily obscure the field of view of an image re-*
10 *cording device required under this section if the*
11 *passenger train on which such device is installed*
12 *is not in motion.*

13 “(B) *RESUMING OPERATION.*—*The crew of*
14 *a passenger train on which an image recording*
15 *device has been obscured pursuant to subpara-*
16 *graph (A) shall ensure that such image recording*
17 *device is no longer obscured immediately after*
18 *the employee has finished expressing breast milk*
19 *and before resuming operation of the passenger*
20 *train.*”.

21 **SEC. 103. EFFECTIVE DATE.**

22 *(a) EXPANDING ACCESS.*—*The amendments made by*
23 *section 102(a) shall take effect on the date of enactment of*
24 *this Act.*

4086

1 (b) *REMEDIES AND CLARIFICATION.*—*The amend-*
2 *ments made by section 102(b) shall take effect on the date*
3 *that is 120 days after the date of enactment of this Act.*

4 (c) *AUTHORIZING EMPLOYEES TO TEMPORARILY OB-*
5 *SCURE THE FIELD OF VIEW OF AN IMAGE RECORDING DE-*
6 *VICE ON A LOCOMOTIVE OR ROLLING STOCK WHILE EX-*
7 *PRESSING BREAST MILK.*—*The amendments made by sec-*
8 *tion 102(c) shall take effect on the date of enactment of this*
9 *Act.*

10 (d) *APPLICATION OF LAW TO EMPLOYEES OF RAIL*
11 *CARRIERS.*—

12 (1) *IN GENERAL.*—*Section 18D of the Fair*
13 *Labor Standards Act of 1938 (as added by section*
14 *102(a)) shall not apply to employees who are mem-*
15 *bers of a train crew involved in the movement of a*
16 *locomotive or rolling stock or who are employees who*
17 *maintain the right of way of an employer that is a*
18 *rail carrier until the date that is 3 years after the*
19 *date of enactment of this Act.*

20 (2) *DEFINITIONS.*—*In this subsection:*

21 (A) *EMPLOYEE; EMPLOYER.*—*The terms*
22 *“employee” and “employer” have the meanings*
23 *given such terms in section 3 of the Fair Labor*
24 *Standards Act of 1938 (29 U.S.C. 203).*

4087

1 (B) *EMPLOYEES WHO MAINTAINS THE*
2 *RIGHT OF WAY; RAIL CARRIER; TRAIN CREW.—*
3 *The terms “employee who maintains the right of*
4 *way”, “rail carrier”, and “train crew” have the*
5 *meanings given such terms in section 18D(e)(4)*
6 *of the Fair Labor Standards Act of 1938, as*
7 *added by section 102(a).*

8 (e) *APPLICATION OF LAW TO EMPLOYEES OF MOTOR-*
9 *COACH SERVICES OPERATORS.—*

10 (1) *IN GENERAL.—Section 18D of the Fair*
11 *Labor Standards Act of 1938 (as added by section*
12 *102(a)) shall not apply to employees who are involved*
13 *in the movement of a motorcoach of an employer that*
14 *is a motorcoach services operator until the date that*
15 *is 3 years after the date of enactment of this Act.*

16 (2) *DEFINITIONS.—In this subsection:*

17 (A) *EMPLOYEE; EMPLOYER.—The terms*
18 *“employee” and “employer” have the meanings*
19 *given such terms in section 3 of the Fair Labor*
20 *Standards Act of 1938 (29 U.S.C. 203).*

21 (B) *MOTORCOACH; MOTORCOACH SERVICES*
22 *OPERATOR.—The terms “motorcoach” and “mo-*
23 *torcoach services operator” have the meanings*
24 *given such terms in section 18D(f)(4) of the Fair*

4088

1 *Labor Standards Act of 1938, as added by sec-*
2 *tion 102(a).*

3 ***DIVISION LL—STATE, LOCAL,***
4 ***TRIBAL, AND TERRITORIAL***
5 ***FISCAL RECOVERY, INFRA-***
6 ***STRUCTURE, AND DISASTER***
7 ***RELIEF FLEXIBILITY***

8 ***SEC. 101. SHORT TITLE.***

9 *This division may be cited as the “State, Local, Tribal,*
10 *and Territorial Fiscal Recovery, Infrastructure, and Dis-*
11 *aster Relief Flexibility Act”.*

12 ***SEC. 102. AUTHORITY TO USE CORONAVIRUS RELIEF***
13 ***FUNDS FOR INFRASTRUCTURE PROJECTS.***

14 *(a) IN GENERAL.—Title VI of the Social Security Act*
15 *(42 U.S.C. 801 et seq.), as amended by section 40909 of*
16 *the Infrastructure Investment and Jobs Act, is amended—*

17 *(1) in section 602—*

18 *(A) in subsection (a)(1), by inserting “(ex-*
19 *cept as provided in subsection (c)(5))” after “De-*
20 *cember 31, 2024”;* and

21 *(B) in subsection (c)—*

22 *(i) in paragraph (1)—*

23 *(I) in the matter preceding sub-*
24 *paragraph (A), by striking “paragraph*

4089

1 (3)” and inserting “paragraphs (3),
2 (4), and (5)”;

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

5 “(C) for the provision of government serv-
6 ices up to an amount equal to the greater of—

7 “(i) the amount of the reduction in
8 revenue of such State, territory, or Tribal
9 government due to the COVID–19 public
10 health emergency relative to revenues col-
11 lected in the most recent full fiscal year of
12 the State, territory, or Tribal government
13 prior to the emergency; or

14 “(ii) \$10,000,000;”;

15 (III) in subparagraph (D), by
16 striking the period at the end and in-
17 serting “; or”; and

18 (IV) by adding at the end the fol-
19 lowing new subparagraph:

20 “(E) to provide emergency relief from nat-
21 ural disasters or the negative economic impacts
22 of natural disasters, including temporary emer-
23 gency housing, food assistance, financial assist-
24 ance for lost wages, or other immediate needs.”;
25 and

4090

1 (ii) by adding at the end the following
2 new paragraph:

3 “(5) *AUTHORITY TO USE FUNDS FOR CERTAIN*
4 *INFRASTRUCTURE PROJECTS.*—

5 “(A) *IN GENERAL.*—Subject to subpara-
6 graph (C), notwithstanding any other provision
7 of law, a State, territory, or Tribal government
8 receiving a payment under this section may use
9 funds provided under such payment for projects
10 described in subparagraph (B), including, to the
11 extent consistent with guidance or rules issued
12 by the Secretary or the head of a Federal agency
13 to which the Secretary has delegated authority
14 pursuant to subparagraph (C)(iv)—

15 “(i) in the case of a project eligible
16 under section 117 of title 23, United States
17 Code, or section 5309 or 6701 of title 49,
18 United States Code, to satisfy a non-Federal
19 share requirement applicable to such a
20 project; and

21 “(ii) in the case of a project eligible for
22 credit assistance under the TIFIA program
23 under chapter 6 of title 23, United States
24 Code—

4091

1 “(I) to satisfy a non-Federal share
2 requirement applicable to such a
3 project; and

4 “(II) to repay a loan provided
5 under such program.

6 “(B) *PROJECTS DESCRIBED.*—A project re-
7 ferred to in subparagraph (A) is any of the fol-
8 lowing:

9 “(i) A project eligible under section
10 117 of title 23, United States Code.

11 “(ii) A project eligible under section
12 119 of title 23, United States Code.

13 “(iii) A project eligible under section
14 124 of title 23, United States Code, as
15 added by the Infrastructure Investment and
16 Jobs Act.

17 “(iv) A project eligible under section
18 133 of title 23, United States Code.

19 “(v) An activity to carry out section
20 134 of title 23, United States Code.

21 “(vi) A project eligible under section
22 148 of title 23, United States Code.

23 “(vii) A project eligible under section
24 149 of title 23, United States Code.

4092

1 “(viii) A project eligible under section
2 151(f) of title 23, United States Code, as
3 added by the Infrastructure Investment and
4 Jobs Act.

5 “(ix) A project eligible under section
6 165 of title 23, United States Code.

7 “(x) A project eligible under section
8 167 of title 23, United States Code.

9 “(xi) A project eligible under section
10 173 of title 23, United States Code, as
11 added by the Infrastructure Investment and
12 Jobs Act.

13 “(xii) A project eligible under section
14 175 of title 23, United States Code, as
15 added by the Infrastructure Investment and
16 Jobs Act.

17 “(xiii) A project eligible under section
18 176 of title 23, United States Code, as
19 added by the Infrastructure Investment and
20 Jobs Act.

21 “(xiv) A project eligible under section
22 202 of title 23, United States Code.

23 “(xv) A project eligible under section
24 203 of title 23, United States Code.

4093

1 “(xvi) A project eligible under section
2 204 of title 23, United States Code.

3 “(xvii) A project eligible under the pro-
4 gram for national infrastructure invest-
5 ments (commonly known as the ‘Rebuilding
6 American Infrastructure with Sustain-
7 ability and Equity (RAISE) grant pro-
8 gram’).

9 “(xviii) A project eligible for credit as-
10 sistance under the TIFIA program under
11 chapter 6 of title 23, United States Code.

12 “(xix) A project that furthers the com-
13 pletion of a designated route of the Appa-
14 lachian Development Highway System
15 under section 14501 of title 40, United
16 States Code.

17 “(xx) A project eligible under section
18 5307 of title 49, United States Code.

19 “(xxi) A project eligible under section
20 5309 of title 49, United States Code.

21 “(xxii) A project eligible under section
22 5311 of title 49, United States Code.

23 “(xxiii) A project eligible under section
24 5337 of title 49, United States Code.

4094

1 “(xxiv) *A project eligible under section*
2 *5339 of title 49, United States Code.*

3 “(xxv) *A project eligible under section*
4 *6703 of title 49, United States Code, as*
5 *added by the Infrastructure Investment and*
6 *Jobs Act.*

7 “(xxvi) *A project eligible under title I*
8 *of the Housing and Community Develop-*
9 *ment Act of 1974 (42 U.S.C. 5301 et seq.).*

10 “(xxvii) *A project eligible under the*
11 *bridge replacement, rehabilitation, preserva-*
12 *tion, protection, and construction program*
13 *under paragraph (1) under the heading*
14 *‘HIGHWAY INFRASTRUCTURE PROGRAM’*
15 *under the heading ‘FEDERAL HIGHWAY AD-*
16 *MINISTRATION’ under the heading ‘DE-*
17 *PARTMENT OF TRANSPORTATION’*
18 *under title VIII of division J of the Infra-*
19 *structure Investment and Jobs Act.*

20 “(C) *LIMITATIONS; APPLICATION OF RE-*
21 *QUIREMENTS.—*

22 “(i) *LIMITATION ON AMOUNTS TO BE*
23 *USED FOR INFRASTRUCTURE PROJECTS.—*

24 “(I) *IN GENERAL.—The total*
25 *amount that a State, territory, or*

4095

1 *Tribal government may use from a*
2 *payment made under this section for*
3 *uses described in subparagraph (A)*
4 *shall not exceed the greater of—*

5 “(aa) \$10,000,000; and

6 “(bb) 30 percent of such pay-
7 ment.

8 “(II) *RULE OF APPLICATION.—*

9 *The spending limitation under sub-*
10 *clause (I) shall not apply to any use of*
11 *funds permitted under paragraph (1),*
12 *and any such use of funds shall be dis-*
13 *regarded for purposes of applying such*
14 *spending limitation.*

15 “(ii) *LIMITATION ON OPERATING EX-*
16 *PENSES.—Funds provided under a payment*
17 *made under this section shall not be used*
18 *for operating expenses of a project described*
19 *in clauses (xx) through (xxiv) of subpara-*
20 *graph (B).*

21 “(iii) *APPLICATION OF REQUIRE-*
22 *MENTS.—Except as otherwise determined by*
23 *the Secretary or the head of a Federal agen-*
24 *cy to which the Secretary has delegated au-*

4096

1 *thority pursuant to clause (iv) or provided*
2 *in this section—*

3 *“(I) the requirements of section*
4 *60102 of the Infrastructure Investment*
5 *and Jobs Act shall apply to funds pro-*
6 *vided under a payment made under*
7 *this section that are used pursuant to*
8 *subparagraph (A) for a project de-*
9 *scribed in clause (xxvi) of subpara-*
10 *graph (B) that relates to broadband in-*
11 *frastructure;*

12 *“(II) the requirements of titles 23,*
13 *40, and 49 of the United States Code,*
14 *title I of the Housing and Community*
15 *Development Act of 1974 (42 U.S.C.*
16 *5301 et seq.), and the National Envi-*
17 *ronmental Policy Act of 1969 (42*
18 *U.S.C. 4321 et. seq) shall apply to*
19 *funds provided under a payment made*
20 *under this section that are used for*
21 *projects described in subparagraph (B);*
22 *and*

23 *“(III) a State government receiv-*
24 *ing a payment under this section may*
25 *use funds provided under such pay-*

4097

1 *ment for projects described in clauses*
2 *(i) through (xxvii) of subparagraph*
3 *(B), as applicable, that—*

4 *“(aa) demonstrate progress*
5 *in achieving a state of good repair*
6 *as required by the State’s asset*
7 *management plan under section*
8 *119(e) of title 23, United States*
9 *Code; and*

10 *“(bb) support the achieve-*
11 *ment of 1 or more performance*
12 *targets of the State established*
13 *under section 150 of title 23,*
14 *United States Code.*

15 *“(iv) OVERSIGHT.—The Secretary may*
16 *delegate oversight and administration of the*
17 *requirements described in clause (iii) to the*
18 *appropriate Federal agency.*

19 *“(v) SUPPLEMENT, NOT SUPPLANT.—*
20 *Amounts from a payment made under this*
21 *section that are used by a State, territory,*
22 *or Tribal government for uses described in*
23 *subparagraph (A) shall supplement, and*
24 *not supplant, other Federal, State, terri-*
25 *torial, Tribal, and local government funds*

† HR 2617 EAS2

4098

1 *(as applicable) otherwise available for such*
2 *uses.*

3 “(D) *REPORTS.*—*The Secretary, in con-*
4 *sultation with the Secretary of Transportation,*
5 *shall provide periodic reports on the use of funds*
6 *by States, territories, and Tribal governments*
7 *under subparagraph (A).*

8 “(E) *AVAILABILITY.*—*Funds provided under*
9 *a payment made under this section to a State,*
10 *territory, or Tribal government shall remain*
11 *available for obligation for a use described in*
12 *subparagraph (A) through December 31, 2024,*
13 *except that no amount of such funds may be ex-*
14 *pende*~~*d*~~*d after September 30, 2026.”; and*

15 *(2) in subsection 603—*

16 *(A) in subsection (a), by inserting “(except*
17 *as provided in subsection (c)(6))” after “Decem-*
18 *ber 31, 2024”; and*

19 *(B) in subsection (c)—*

20 *(i) in paragraph (1)—*

21 *(I) in the matter preceding sub-*
22 *paragraph (A), by striking “para-*
23 *graphs (3) and (4)” and inserting*
24 *“paragraphs (3), (4), (5), and (6)”;*

4099

1 (II) by amending subparagraph

2 (C) to read as follows:

3 “(C) for the provision of government serv-
4 ices up to an amount equal to the greater of—

5 “(i) the amount of the reduction in
6 revenue of such metropolitan city, non-
7 entitlement unit of local government, or
8 county due to the COVID–19 public health
9 emergency relative to revenues collected in
10 the most recent full fiscal year of the metro-
11 politan city, nonentitlement unit of local
12 government, or county to the emergency; or

13 “(ii) \$10,000,000;”;

14 (III) in subparagraph (D), by
15 striking the period at the end and in-
16 serting “; or”; and

17 (IV) by adding at the end the fol-
18 lowing new subparagraph:

19 “(E) to provide emergency relief from nat-
20 ural disasters or the negative economic impacts
21 of natural disasters, including temporary emer-
22 gency housing, food assistance, financial assist-
23 ance for lost wages, or other immediate needs.”;
24 and

4100

1 (ii) by adding at the end the following
2 new paragraph:

3 “(6) *AUTHORITY TO USE FUNDS FOR CERTAIN*
4 *INFRASTRUCTURE PROJECTS.*—

5 “(A) *IN GENERAL.*—Subject to subpara-
6 graph (B), notwithstanding any other provision
7 of law, a metropolitan city, nonentitlement unit
8 of local government, or county receiving a pay-
9 ment under this section may use funds provided
10 under such payment for projects described in
11 subparagraph (B) of section 602(c)(5), including,
12 to the extent consistent with guidance or rules
13 issued by the Secretary or the head of a Federal
14 agency to which the Secretary has delegated au-
15 thority pursuant to subparagraph (B)(iv)—

16 “(i) in the case of a project eligible
17 under section 117 of title 23, United States
18 Code, or section 5309 or 6701 of title 49,
19 United States Code, to satisfy a non-Federal
20 share requirement applicable to such a
21 project; and

22 “(ii) in the case of a project eligible for
23 credit assistance under the TIFLA program
24 under chapter 6 of title 23, United States
25 Code—

4101

1 “(I) to satisfy a non-Federal share
2 requirement applicable to such a
3 project; and

4 “(II) to repay a loan provided
5 under such program.

6 “(B) LIMITATIONS; APPLICATION OF RE-
7 QUIREMENTS.—

8 “(i) LIMITATION ON AMOUNTS TO BE
9 USED FOR INFRASTRUCTURE PROJECTS.—

10 “(I) IN GENERAL.—The total
11 amount that a metropolitan city, non-
12 entitlement unit of local government,
13 or county may use from a payment
14 made under this section for uses de-
15 scribed in subparagraph (A) shall not
16 exceed the greater of—

17 “(aa) \$10,000,000; and

18 “(bb) 30 percent of such pay-
19 ment.

20 “(II) RULE OF APPLICATION.—
21 The spending limitation under sub-
22 clause (I) shall not apply to any use of
23 funds permitted under paragraph (1),
24 and any such use of funds shall be dis-

4102

1 *regarded for purposes of applying such*
2 *spending limitation.*

3 “(ii) *LIMITATION ON OPERATING EX-*
4 *PENSES.—Funds provided under a payment*
5 *made under this section shall not be used*
6 *for operating expenses of a project described*
7 *in clauses (xx) through (xxiv) of section*
8 *602(c)(5)(B).*

9 “(iii) *APPLICATION OF REQUIRE-*
10 *MENTS.—Except as otherwise determined by*
11 *the Secretary or the head of a Federal agen-*
12 *cy to which the Secretary has delegated au-*
13 *thority pursuant to clause (iv) or provided*
14 *in this section—*

15 “(I) *the requirements of section*
16 *60102 of the Infrastructure Investment*
17 *and Jobs Act shall apply to funds pro-*
18 *vided under a payment made under*
19 *this section that are used pursuant to*
20 *subparagraph (A) for a project de-*
21 *scribed in clause (xxvi) of section*
22 *602(c)(5)(B) that relates to broadband*
23 *infrastructure; and*

24 “(II) *the requirements of titles 23,*
25 *40, and 49 of the United States Code,*

4103

1 *title I of the Housing and Community*
2 *Development Act of 1974 (42 U.S.C.*
3 *5301 et seq.), and the National Envi-*
4 *ronmental Policy Act of 1969 (42*
5 *U.S.C. 4321 et. seq) shall apply to*
6 *funds provided under a payment made*
7 *under this section that are used for*
8 *projects described in section*
9 *602(c)(5)(B).*

10 “(iv) *OVERSIGHT.*—*The Secretary may*
11 *delegate oversight and administration of the*
12 *requirements described in clause (iii) to the*
13 *appropriate Federal agency.*

14 “(v) *SUPPLEMENT, NOT SUPPLANT.*—
15 *Amounts from a payment made under this*
16 *section that are used by a metropolitan city,*
17 *nonentitlement unit of local government, or*
18 *county for uses described in subparagraph*
19 *(A) shall supplement, and not supplant,*
20 *other Federal, State, territorial, Tribal, and*
21 *local government funds (as applicable) oth-*
22 *erwise available for such uses.*

23 “(C) *REPORTS.*—*The Secretary, in con-*
24 *sultation with the Secretary of Transportation,*
25 *shall provide periodic reports on the use of funds*

4104

1 *by metropolitan cities, nonentitlement units of*
2 *local government, or counties under subpara-*
3 *graph (A).*

4 “(D) *AVAILABILITY.*—*Funds provided under*
5 *a payment made under this section to a metro-*
6 *politan city, nonentitlement unit of local govern-*
7 *ment, or county shall remain available for obli-*
8 *gation for a use described in subparagraph (A)*
9 *through December 31, 2024, except that no*
10 *amount of such funds may be expended after*
11 *September 30, 2026.”.*

12 (b) *TECHNICAL AMENDMENTS.*—*Sections 602(c)(3)*
13 *and 603(c)(3) of title VI of the Social Security Act (42*
14 *U.S.C. 802(c)(3), 803(c)(3)) are each amended by striking*
15 *“paragraph (17) of”.*

16 (c) *GUIDANCE AND EFFECTIVE DATE.*—

17 (1) *GUIDANCE OR RULE.*—*Within 60 days of the*
18 *date of enactment of this Act, the Secretary of the*
19 *Treasury, in consultation with the Secretary of*
20 *Transportation, shall issue guidance or promulgate a*
21 *rule to carry out the amendments made by this sec-*
22 *tion, including updating reporting requirements on*
23 *the use of funds under this section.*

24 (2) *EFFECTIVE DATE.*—*The amendments made*
25 *by this section shall take effect upon the issuance of*

4105

1 *guidance or the promulgation of a rule described in*
2 *paragraph (1).*

3 *(d) DEPARTMENT OF THE TREASURY ADMINISTRATIVE*
4 *EXPENSES.—*

5 *(1) REDUCTION OF FUNDS AVAILABLE FOR AD-*
6 *MINISTRATIVE EXPENSES.—Title IV of division A of*
7 *the Coronavirus Aid, Relief, and Economic Security*
8 *Act (Public Law 116–136) is amended—*

9 *(A) in section 4003(f), by striking*
10 *“\$100,000,000” and inserting “61,000,000”; and*

11 *(B) in section 4112(b), by striking*
12 *“\$100,000,000” and inserting “\$67,000,000”.*

13 *(2) AUTHORITY.—Notwithstanding any other*
14 *provision of law, the unobligated balances from*
15 *amounts made available to the Secretary of the Treas-*
16 *ury (referred to in this subsection as the “Secretary”)*
17 *for administrative expenses pursuant to the provi-*
18 *sions specified in paragraph (3) shall be available to*
19 *the Secretary (in addition to any other appropria-*
20 *tions provided for such purpose) for the purpose de-*
21 *scribed in paragraph (4) (subject to the limitation in*
22 *such paragraph) and for administrative expenses of*
23 *the Department of the Treasury, except for the Inter-*
24 *nal Revenue Service, determined by the Secretary to*
25 *be necessary to respond to the coronavirus emergency,*

4106

1 *including any expenses necessary to implement any*
2 *provision of—*

3 *(A) the Coronavirus Aid, Relief, and Eco-*
4 *nom ic Security Act (Public Law 116–136);*

5 *(B) division N of the Consolidated Appro-*
6 *priations Act, 2021 (Public Law 116–260);*

7 *(C) the American Rescue Plan Act (Public*
8 *Law 117–2); or*

9 *(D) title VI of the Social Security Act (42*
10 *U.S.C. 801 et seq.).*

11 *(3) PROVISIONS SPECIFIED.—The provisions*
12 *specified in this paragraph are the following:*

13 *(A) Amounts made available under section*
14 *4027(a) of the Coronavirus Aid, Relief, and Eco-*
15 *nom ic Security Act (15 U.S.C. 9061(a)) to pay*
16 *costs and administrative expenses under section*
17 *4003(f) of such Act (15 U.S.C. 9042(f))) and*
18 *amounts made available by section 4120(a) of*
19 *the Coronavirus Aid, Relief, and Economic Secu-*
20 *rity Act (15 U.S.C. 9080) to pay costs and ad-*
21 *ministrative expenses under section 4112(b) of*
22 *such Act (15 U.S.C. 9072(b)) (after application*
23 *of the amendments made by paragraph (1) of*
24 *this subsection).*

4107

1 (B) Section 421(f)(2) of division N of the
2 Consolidated Appropriations Act, 2021 (Public
3 Law 116–260).

4 (C) Sections 3201(a)(2)(B), 3206(d)(1)(A),
5 and 7301(b)(5) of the American Rescue Plan Act
6 of 2021 (Public Law 117–2).

7 (D) Section 602(a)(2) of the Social Security
8 Act (42 U.S.C. 802(a)(2)).

9 (4) PAYMENTS TO ELIGIBLE REVENUE SHARING
10 CONSOLIDATED GOVERNMENTS.—Of amounts made
11 available under paragraph (2), up to \$10,600,000
12 shall be available to the Secretary (in addition to any
13 other appropriations provided for such purpose) for
14 making payments to eligible revenue sharing consoli-
15 dated governments under subsection (g) of section 605
16 of the Social Security Act (42 U.S.C. 805), as added
17 by section 103 of this Act.

18 **SEC. 103. ALLOWING PAYMENTS TO ELIGIBLE REVENUE**
19 **SHARING CONSOLIDATED GOVERNMENTS**
20 **FROM LOCAL ASSISTANCE AND TRIBAL CON-**
21 **SISTENCY FUND.**

22 (a) IN GENERAL.—Section 605 of the Social Security
23 Act (42 U.S.C. 805) is amended by adding at the end the
24 following new subsection:

4108

1 “(g) *PAYMENTS TO ELIGIBLE REVENUE SHARING*
2 *CONSOLIDATED GOVERNMENTS.*—

3 “(1) *PAYMENTS TO ELIGIBLE REVENUE SHARING*
4 *CONSOLIDATED GOVERNMENTS FOR FISCAL YEARS 2023*
5 *AND 2024.*—*The Secretary shall allocate and pay to*
6 *each eligible revenue sharing consolidated government*
7 *for each of fiscal years 2023 and 2024 an amount*
8 *equal to the amount that the Secretary would have al-*
9 *located to such eligible revenue sharing consolidated*
10 *government for fiscal year 2022 if all eligible revenue*
11 *sharing consolidated governments had been treated as*
12 *eligible revenue sharing counties for purposes of being*
13 *eligible for payments under subsection (b)(1) for such*
14 *fiscal year using the allocation methodology adopted*
15 *by the Department of the Treasury for such eligible*
16 *revenue sharing counties as of the date of enactment*
17 *of this subsection.*

18 “(2) *FUNDING FOR PAYMENTS.*—

19 “(A) *IN GENERAL.*—*The Secretary shall*
20 *make the allocations and payments described in*
21 *paragraph (1) from the amounts described in*
22 *subparagraph (B), which shall be available to the*
23 *Secretary for such purpose notwithstanding any*
24 *other provision of law.*

4109

1 “(B) *AMOUNTS DESCRIBED.*—*The amounts*
2 *described in this subparagraph are the following:*

3 “(i) *Any amount allocated to an eligi-*
4 *ble revenue sharing county under subsection*
5 *(b)(1) for fiscal year 2022 or 2023 that, as*
6 *of January 31, 2023, has not been requested*
7 *by such county.*

8 “(ii) *Amounts made available to the*
9 *Secretary under section 102(d)(4) of the*
10 *State, Local, Tribal, and Territorial Fiscal*
11 *Recovery, Infrastructure, and Disaster Re-*
12 *lief Flexibility Act.”.*

13 (b) *CONFORMING AMENDMENTS.*—*Section 605 of the*
14 *Social Security Act (42 U.S.C. 805), as amended by sub-*
15 *section (a), is further amended—*

16 (1) *in subsection (a), by inserting “, subject to*
17 *subsection (g),” after “obligated”;*

18 (2) *in subsection (c), by striking “or an eligible*
19 *Tribal government” and inserting “, an eligible Trib-*
20 *al government, or an eligible revenue sharing consoli-*
21 *dated government”;*

22 (3) *in subsections (d) and (e), by inserting “or*
23 *eligible revenue sharing consolidated government”*
24 *after “eligible revenue sharing county” each place it*
25 *appears; and*

4110

1 (4) *in subsection (f)—*

2 (A) *by redesignating paragraphs (1)*
3 *through (4) as paragraphs (2) through (5), re-*
4 *spectively; and*

5 (B) *by inserting before paragraph (2) (as so*
6 *redesignated) the following new paragraph:*

7 “(1) *ELIGIBLE REVENUE SHARING CONSOLI-*
8 *DATED GOVERNMENT.—The term ‘eligible revenue*
9 *sharing consolidated government’ means a county,*
10 *parish, or borough—*

11 “(A) *that has been classified by the Bureau*
12 *of the Census as an active government consoli-*
13 *dated with another government; and*

14 “(B) *for which, as determined by the Sec-*
15 *retary, there is a negative revenue impact due to*
16 *implementation of a Federal program or changes*
17 *to such program.”.*

18 **SEC. 104. EXTENSION OF AVAILABILITY OF CORONAVIRUS**
19 **RELIEF FUND PAYMENTS TO TRIBAL GOVERN-**
20 **MENTS.**

21 *Section 601(d)(3) of the Social Security Act (42 U.S.C.*
22 *801(d)(3)) is amended by inserting “(or, in the case of costs*
23 *incurred by a Tribal government, during the period that*
24 *begins on March 1, 2020, and ends on December 31, 2022)”*
25 *before the period.*

4111

1 **SEC. 105. RESCISSION OF CORONAVIRUS RELIEF AND RE-**
2 **COVERY FUNDS DECLINED BY STATES, TERRI-**
3 **TORIES, OR OTHER GOVERNMENTAL ENTI-**
4 **TIES.**

5 *Title VI of the Social Security Act (42 U.S.C. 801 et*
6 *seq.) is amended by adding at the end the following new*
7 *section:*

8 **“SEC. 606. RESCISSION OF FUNDS DECLINED BY STATES,**
9 **TERRITORIES, OR OTHER GOVERNMENTAL**
10 **ENTITIES.**

11 **“(a) RESCISSION.—**

12 **“(1) IN GENERAL.—***Subject to paragraphs (2)*
13 *and (3), if a State, territory, or other governmental*
14 *entity provides notice to the Secretary of the Treasury*
15 *in the manner provided by the Secretary of the Treas-*
16 *ury that the State, territory, or other governmental*
17 *entity intends to decline all or a portion of the*
18 *amounts that are to be awarded to the State, terri-*
19 *tory, or other governmental entity from funds appro-*
20 *priated under this title, an amount equal to the*
21 *unaccepted amounts or portion of such amounts allo-*
22 *cated by the Secretary of the Treasury as of the date*
23 *of such notice that would have been awarded to the*
24 *State, territory, or other governmental entity shall be*
25 *rescinded from the applicable appropriation account.*

4112

1 “(2) *EXCLUSION.*—Paragraph (1) shall not
2 *apply with respect to funds that are to be paid to a*
3 *State under section 603 for distribution to nonentitle-*
4 *ment units of local government.*

5 “(3) *RULES OF CONSTRUCTION.*—Paragraph (1)
6 *shall not be construed as—*

7 “(A) *preventing a sub-State governmental*
8 *entity, including a nonentitlement unit of local*
9 *government, from notifying the Secretary of the*
10 *Treasury that the sub-State governmental entity*
11 *intends to decline all or a portion of the amounts*
12 *that a State may distribute to the entity from*
13 *funds appropriated under this title; or*

14 “(B) *allowing a State to prohibit or other-*
15 *wise prevent a sub-State governmental entity*
16 *from providing such a notice.*

17 “(b) *USE FOR DEFICIT REDUCTION.*—Amounts re-
18 *scinded under subsection (a) shall be deposited in the gen-*
19 *eral fund of the Treasury for the sole purpose of deficit re-*
20 *duction.*

21 “(c) *STATE OR OTHER GOVERNMENTAL ENTITY DE-*
22 *FINED.*—In this section, the term ‘State, territory, or other
23 *governmental entity’ means any entity to which a payment*
24 *may be made directly to the entity under this title other*
25 *than a Tribal government, as defined in sections 601(g),*

4113

1 602(g), and 604(d), and an eligible Tribal government, as
2 defined in section 605(f).”.

3 ***DIVISION MM—FAIRNESS FOR 9/***
4 ***11 FAMILIES ACT***

5 ***SEC. 101. IMPROVEMENTS TO THE JUSTICE FOR UNITED***
6 ***STATES VICTIMS OF STATE SPONSORED TER-***
7 ***RORISM ACT.***

8 (a) *SHORT TITLE.*—This section may be cited as the
9 “Fairness for 9/11 Families Act”.

10 (b) *IN GENERAL.*—Section 404 of the Justice for
11 United States Victims of State Sponsored Terrorism Act
12 (34 U.S.C. 20144) is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1)(B), in the first sen-
15 tence, by inserting “and during the 1-year pe-
16 riod beginning on the date of enactment of the
17 Fairness for 9/11 Families Act, the Special Mas-
18 ter may utilize an additional 5 full-time equiva-
19 lent Department of Justice personnel” before the
20 period at the end; and

21 (B) in paragraph (2)(A), by inserting “Not
22 later than 30 days after the date of enactment of
23 the Fairness for 9/11 Families Act, the Special
24 Master shall update, as necessary as a result of
25 the enactment of such Act, such procedures and

4114

1 *other guidance previously issued by the Special*
2 *Master.” after the period at the end of the second*
3 *sentence;*

4 *(2) in subsection (c)(3)(A), by striking clause (ii)*
5 *and inserting the following:*

6 *“(ii) Not later than 90 days after the*
7 *date of obtaining a final judgment, with re-*
8 *gard to a final judgment obtained on or*
9 *after the date of that publication, unless—*

10 *“(I) the final judgment was*
11 *awarded to a 9/11 victim, 9/11 spouse,*
12 *or 9/11 dependent before the date of en-*
13 *actment of the United States Victims of*
14 *State Sponsored Terrorism Fund Clar-*
15 *ification Act, in which case such*
16 *United States person shall have 90*
17 *days from the date of enactment of*
18 *such Act to submit an application for*
19 *payment; or*

20 *“(II) the final judgment was*
21 *awarded to a 1983 Beirut barracks*
22 *bombing victim or a 1996 Khobar*
23 *Towers bombing victim before the date*
24 *of enactment of the Fairness for 9/11*
25 *Families Act, in which case such*

† **HR 2617 EAS2**

4115

1 *United States person shall have 180*
2 *days from the date of enactment of*
3 *such Act to submit an application for*
4 *payment.”;*

5 *(3) in subsection (d)—*

6 *(A) in paragraph (3)(B), by adding at the*
7 *end the following:*

8 *“(iii) For the purposes of clause (i),*
9 *the calculation of the total compensatory*
10 *damages received or entitled or scheduled to*
11 *be received by an applicant who is a 1983*
12 *Beirut barracks bombing victim or a 1996*
13 *Khobar Towers bombing victim from any*
14 *source other than the Fund shall include the*
15 *total amount received by the applicant as a*
16 *result of or in connection with the pro-*
17 *ceedings captioned Peterson v. Islamic Re-*
18 *public of Iran, No. 10 Vic. 4518 (S.D.N.Y.),*
19 *or the proceedings captioned In Re 650*
20 *Fifth Avenue & Related Properties, No. 08*
21 *Civ. 10934 (S.D.N.Y. filed Dec. 17, 2008),*
22 *such that any such applicant who has re-*
23 *ceived or is entitled or scheduled to receive*
24 *30 percent or more of such applicant’s com-*
25 *pensatory damages judgment as a result of*

4116

1 *or in connection with such proceedings shall*
2 *not receive any payment from the Fund, ex-*
3 *cept in accordance with the requirements of*
4 *clause (i), or as part of a lump-sum catch-*
5 *up payment in accordance with paragraph*
6 *(4)(D).”; and*
7 *(B) in paragraph (4)—*
8 *(i) in subparagraph (A), by striking*
9 *“(B) and (C)” and inserting “(B), (C), and*
10 *(D)”;*
11 *(ii) in subparagraph (C), by adding at*
12 *the end the following:*
13 *“(iv) AUTHORIZATION.—*
14 *“(I) IN GENERAL.—The Special*
15 *Master shall authorize lump sum*
16 *catch-up payments in amounts equal*
17 *to the amounts described in subclauses*
18 *(I), (II), and (III) of clause (iii).*
19 *“(II) APPROPRIATIONS.—*
20 *“(aa) IN GENERAL.—There*
21 *are authorized to be appropriated*
22 *and there are appropriated to the*
23 *Fund such sums as are necessary*
24 *to carry out this clause, to remain*
25 *available until expended.*

4117

1 “(bb) *LIMITATION.*—Amounts
2 appropriated pursuant to item
3 (aa) may not be used for a pur-
4 pose other than to make lump
5 sum catch-up payments under
6 this clause.”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(D) *LUMP SUM CATCH-UP PAYMENTS FOR*
10 *1983 BEIRUT BARRACKS BOMBING VICTIMS AND*
11 *1996 KHOBAR TOWERS BOMBING VICTIMS.*—

12 “(i) *IN GENERAL.*—Not later than 1
13 year after the date of enactment of the Fair-
14 ness for 9/11 Families Act, and in accord-
15 ance with clauses (i) and (ii) of paragraph
16 (3)(A), the Comptroller General of the
17 United States shall conduct an audit and
18 publish in the Federal Register a notice of
19 proposed lump sum catch-up payments to
20 the 1983 Beirut barracks bombing victims
21 and the 1996 Khobar Towers bombing vic-
22 tims who have submitted applications in
23 accordance with subsection (c)(3)(A)(ii)(II)
24 on or after such date of enactment, in
25 amounts that, after receiving the lump sum

4118

1 *catch-up payments, would result in the per-*
2 *centage of the claims of such victims re-*
3 *ceived from the Fund being equal to the per-*
4 *centage of the claims of non-9/11 victims of*
5 *state sponsored terrorism received from the*
6 *Fund, as of such date of enactment.*

7 “(ii) *PUBLIC COMMENT.*—*The Comp-*
8 *troller General shall provide an opportunity*
9 *for public comment for a 30-day period be-*
10 *ginning on the date on which the notice is*
11 *published under clause (i).*

12 “(iii) *REPORT.*—*Not later than 30*
13 *days after the expiration of the comment pe-*
14 *riod in clause (ii), the Comptroller General*
15 *of the United States shall submit to the*
16 *Committee on the Judiciary and the Com-*
17 *mittee on Appropriations of the Senate, the*
18 *Committee on the Judiciary and the Com-*
19 *mittee on Appropriations of the House of*
20 *Representatives, and the Special Master a*
21 *report that includes the determination of the*
22 *Comptroller General on—*

23 “(I) *the amount of the proposed*
24 *lump sum catch-up payment for each*
25 *1983 Beirut barracks bombing victim;*

4119

1 “(II) the amount of the proposed
2 lump sum catch-up payment for each
3 1996 Khobar Towers bombing victim;
4 and

5 “(III) amount of lump sum catch-
6 up payments described in subclauses
7 (I) and (II).

8 “(iv) LUMP SUM CATCH-UP PAYMENT
9 RESERVE FUND.—

10 “(I) IN GENERAL.—There is estab-
11 lished within the Fund a lump sum
12 catch-up payment reserve fund, to re-
13 main in reserve except in accordance
14 with this subsection.

15 “(II) AUTHORIZATION.—Not ear-
16 lier than 90 days after the date on
17 which the Comptroller General submits
18 the report required under clause (iii),
19 and not later than 1 year after such
20 date, the Special Master shall authorize
21 lump sum catch-up payments from the
22 reserve fund established under sub-
23 clause (I) in amounts equal to the
24 amounts described in subclauses (I)
25 and (II) of clause (iii).

4120

1 “(III) APPROPRIATIONS.—

2 “(aa) IN GENERAL.—There
3 are authorized to be appropriated
4 and there are appropriated to the
5 lump sum catch-up payment re-
6 serve fund \$3,000,000,000 to
7 carry out this clause, to remain
8 available until expended.

9 “(bb) LIMITATION.—Except
10 as provided in subclause (IV),
11 amounts appropriated pursuant
12 to item (aa) may not be used for
13 a purpose other than to make
14 lump sum catch-up payments
15 under this clause.

16 “(IV) EXPIRATION.—

17 “(aa) IN GENERAL.—The
18 lump sum catch-up payment re-
19 serve fund established by this
20 clause shall be terminated not
21 later than 1 year after the Special
22 Master disperses all lump sum
23 catch-up payments pursuant to
24 subclause (II).

4121

1 “(bb) *REMAINING*
2 *AMOUNTS.—All amounts remain-*
3 *ing in the lump sum catch-up*
4 *payment reserve fund in excess of*
5 *the amounts described in sub-*
6 *clauses (I) and (II) of clause (iii)*
7 *shall be deposited into the Fund*
8 *under this section.”;*

9 (4) in subsection (e)(2)(B), by adding at the end
10 *the following:*

11 “(v) *EXCEPTION FOR 1983 BEIRUT BAR-*
12 *RACKS BOMBING VICTIMS AND 1996 KHOBAR*
13 *TOWERS BOMBING VICTIMS.—Nothing in*
14 *this subparagraph shall apply with respect*
15 *to—*

16 “(I) *a 1983 Beirut barracks*
17 *bombing victim or a 1996 Khobar*
18 *Towers bombing victim who submits*
19 *an application under subsection*
20 *(c)(3)(A)(ii)(II) on or after the date of*
21 *enactment of the Fairness for 9/11*
22 *Families Act; or*

23 “(II) *the assets, or the net pro-*
24 *ceeds of the sale of properties or related*

4122

1 *assets, attributable to a person de-*
2 *scribed in subclause (I).”; and*

3 (5) *in subsection (j), by adding at the end the*
4 *following:*

5 “(15) 1983 BEIRUT BARRACKS BOMBING VIC-
6 TIM.—*The term ‘1983 Beirut barracks bombing vic-*
7 *tim’—*

8 “(A) *means a plaintiff, or estate or suc-*
9 *cessor in interest thereof, who has an eligible*
10 *claim under subsection (c) that arises out of the*
11 *October 23, 1983, bombing of the United States*
12 *Marine Corps barracks in Beirut, Lebanon; and*

13 “(B) *includes a plaintiff, estate, or successor*
14 *in interest described in subparagraph (A) who is*
15 *a judgment creditor in the proceedings captioned*
16 *Peterson v. Islamic Republic of Iran, No. 10 Vic.*
17 *4518 (S.D.N.Y.), or a Settling Judgment Cred-*
18 *itor as identified in the order dated May 27,*
19 *2014, in the proceedings captioned In Re 650*
20 *Fifth Avenue & Related Properties, No. 08*
21 *Vic.10934 (S.D.N.Y. filed Dec. 17, 2008).*

22 “(16) 1996 KHOBAR TOWERS BOMBING VICTIM.—
23 *The term ‘1996 Khobar Towers bombing victim’—*

24 “(A) *means a plaintiff, or estate or suc-*
25 *cessor in interest thereof, who has an eligible*

4123

1 *claim under subsection (c) that arises out of the*
2 *June 25, 1996 bombing of the Khobar Tower*
3 *housing complex in Saudi Arabia; and*

4 *“(B) includes a plaintiff, estate, or successor*
5 *in interest described in subparagraph (A) who is*
6 *a judgment creditor in the proceedings captioned*
7 *Peterson v. Islamic Republic of Iran, No. 10 Vic.*
8 *4518 (S.D.N.Y.), or a Settling Judgment Cred-*
9 *itor as identified in the order dated May 27,*
10 *2014, in the proceedings captioned In Re 650*
11 *Fifth Avenue & Related Properties, No. 08*
12 *Vic.10934 (S.D.N.Y. filed Dec. 17, 2008).”.*

13 *(c) GAO REPORT ON FUNDING FOR THE UNITED*
14 *STATES VICTIMS OF STATE SPONSORED TERRORISM*
15 *FUND.—Not later than 180 days after the date of enactment*
16 *of this Act, the Comptroller General of the United States*
17 *shall submit to Congress a report evaluating ways to in-*
18 *crease deposits into the United States Victims of State*
19 *Sponsored Terrorism Fund established under paragraph (1)*
20 *of section 404(e) of the Justice for United States Victims*
21 *of State Sponsored Terrorism Act (34 U.S.C. 20144(e)) (in*
22 *this subsection referred to as the “Fund”), including assess-*
23 *ing the advisability and effect of—*

24 *(1) expanding the scope of the criminal offenses*
25 *for which funds, and the net proceeds from the sale*

4124

1 of property, forfeited or paid to the United States are
2 deposited in the Fund under paragraph (2)(A)(i) of
3 such section;

4 (2) expanding the scope of the civil penalties or
5 fines for which funds, and the net proceeds from the
6 sale of property, forfeited or paid to the United States
7 are deposited in the Fund under paragraph (2)(A)(ii)
8 of such section to include civil penalties or fines im-
9 posed, including as part of a settlement agreement, on
10 an entity for providing material support to an orga-
11 nization designated as a foreign terrorist organization
12 under section 219 of the Immigration and Nation-
13 ality Act (8 U.S.C. 1189); and

14 (3) increasing to 100 percent the percentage of
15 funds, and the net proceeds from the sale of property,
16 forfeited or paid to the United States as a civil pen-
17 alty or fine that are deposited in the Fund under
18 paragraph (2)(A)(ii) of such section.

19 (d) *RESCISSIONS*.—

20 (1) *BUSINESS LOANS PROGRAM ACCOUNT*.—Of
21 the unobligated balances of amounts made available
22 under the heading “Small Business Administration—
23 Business Loans Program Account, CARES Act”, for
24 carrying out paragraphs (36) and (37) of section 7(a)

4125

1 *of the Small Business Act (15 U.S.C. 636(a)),*
2 *\$4,954,772,000 are hereby rescinded.*

3 (2) *SHUTTERED VENUE OPERATORS GRANT.—Of*
4 *the unobligated balances of amounts made available*
5 *under the heading “Small Business Administration—*
6 *Shuttered Venue Operators”, for carrying out section*
7 *324 of division N of the Consolidated Appropriations*
8 *Act, 2021 (15 U.S.C. 9009a), \$459,000,000 are hereby*
9 *rescinded.*

10 (3) *AVIATION MANUFACTURING PAYROLL SUP-*
11 *PORT PROGRAM.—Of the unobligated balances of*
12 *amounts made available under section 7202 of the*
13 *American Rescue Plan Act of 2021 (15 U.S.C. 9132),*
14 *\$568,228,000 are hereby rescinded.*

Attest:

Secretary.

117TH CONGRESS
2^D SESSION

H.R. 2617

**SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE AMENDMENT**